

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2396

03/02/2023 Authored by Keeler, Kozlowski and Frazier
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to human services; establishing an ombudsperson for shelter residents;
1.3 modifying the Government Data Practices Act; appropriating money; proposing
1.4 coding for new law in Minnesota Statutes, chapters 13; 256K.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [13.469] OMBUDSPERSON FOR SHELTER RESIDENTS; DATA.

1.7 All data on individuals pertaining to contacts made by residents seeking the assistance
1.8 of the ombudsperson for shelter residents are classified as private data, pursuant to section
1.9 13.02, subdivision 12.

1.10 Sec. 2. [256K.70] OMBUDSPERSON FOR SHELTER RESIDENTS.

1.11 Subdivision 1. Definitions. (a) The terms defined in this subdivision have the meanings
1.12 given them.

1.13 (b) "Homeless" or "homelessness" means lacking a fixed, regular, and adequate nighttime
1.14 residence.

1.15 (c) "Ombudsperson" means the ombudsperson for shelter residents and includes staff
1.16 of the Office of Ombudsperson for Shelter Residents.

1.17 (d) "Provider" means a provider of shelter.

1.18 (e) "Resident" means a person residing in a homeless shelter in Minnesota.

1.19 (f) "Shelter" means any facility, regardless of the nature of ownership or operation or
1.20 source of funding, intended for temporary or emergency indoor sleeping accommodations

2.1 for single adults, families, youth, or survivors of domestic violence or sexual assault.

2.2 "Shelter" does not include a Tribal shelter or a shelter on Tribal land.

2.3 Subd. 2. **Creation.** (a) The Office of the Ombudsperson for Shelter Residents is
2.4 established. The governor shall appoint an ombudsperson for shelter residents. The
2.5 ombudsperson shall serve in an unclassified position for a term of four years, which may
2.6 be renewed. The ombudsperson shall be a member of the Minnesota Interagency Council
2.7 on Homelessness.

2.8 (b) No person may serve as ombudsperson while holding any other public office.

2.9 Subd. 3. **Qualifications.** At a minimum, the ombudsperson must be an individual who:

2.10 (1) has had personal experience with homelessness and the shelter system or who has
2.11 advocated for or represented persons residing in homeless shelters;

2.12 (2) has experience or skills in dispute resolution; and

2.13 (3) is versed in Minnesota law governing shelters, agency programs for Minnesotans
2.14 who are homeless, and the manner in which shelter in Minnesota is funded and administered.

2.15 Subd. 4. **Initial appointment; organization of the office.** (a) The ombudsperson must
2.16 be appointed no later than February 15, 2024. The appointed ombudsperson may hire one
2.17 assistant.

2.18 (b) After January 1, 2025, the ombudsman may request and must document the need for
2.19 funding for additional staff.

2.20 Subd. 5. **Duties.** (a) The ombudsperson shall:

2.21 (1) accept and collect complaints from residents and attempt to mediate disputes between
2.22 residents and providers;

2.23 (2) issue reports and recommendations as deemed necessary or upon request of the
2.24 governor or the legislature;

2.25 (3) convene the advisory council described in subdivision 7; and

2.26 (4) educate and provide referrals and resources to residents and shelter providers about
2.27 laws governing the provision of shelter in Minnesota, including but not limited to the rights
2.28 of residents and obligations of providers under the Americans with Disabilities Act, the Fair
2.29 Housing Act, section 504 of the Rehabilitation Act, the Civil Rights Act, and the Minnesota
2.30 Human Rights Act.

2.31 (b) As capacity permits, the ombudsperson must:

3.1 (1) analyze data relating to complaints, concerns, shelter conditions, and shelter services,
 3.2 and review laws and policies in other states regarding homelessness and shelter;

3.3 (2) identify and make recommendations to residents, providers, state and local agencies,
 3.4 and policymakers to resolve issues of concern affecting some or all residents or providers,
 3.5 or both, whether in specific shelters, regions, or statewide;

3.6 (3) conduct training, or direct shelters to resources where they may obtain training, for
 3.7 shelter staff in:

3.8 (i) the provision of person-centered and trauma-informed services;

3.9 (ii) conflict resolution, de-escalation, and harm reduction techniques;

3.10 (iii) cultural awareness and responsiveness; and

3.11 (iv) crisis response;

3.12 (4) develop model best practices for the provision of shelter and the delivery of shelter
 3.13 services to shelter residents; and

3.14 (5) at the request of a Tribe, provide the services of the ombudsperson.

3.15 Subd. 6. **Ombudsperson independent; administrative support.** The ombudsperson
 3.16 for shelter residents shall be an independent office within the Department of Human Services.
 3.17 The Department of Human Services shall provide administrative support for the
 3.18 ombudsperson.

3.19 Subd. 7. **Advisory council; other advice.** (a) The ombudsperson must establish and
 3.20 convene, at least semiannually, an advisory council consisting of ten individuals with lived
 3.21 experience of homelessness. The advisory council shall, among other things, advise the
 3.22 ombudsperson on policy matters related to the provision of shelter, make recommendations
 3.23 for the improvement of the shelter system in Minnesota, and perform other tasks of an
 3.24 advisory nature as requested by the ombudsperson or as determined to be appropriate by
 3.25 the council. The terms, compensation, and removal of members of the advisory council are
 3.26 governed by section 15.059.

3.27 (b) The ombudsperson shall periodically consult with affected stakeholders, including
 3.28 but not limited to residents, resident groups, shelter providers, resident advocates, state
 3.29 agencies, local units of government, and other stakeholders identified by the ombudsperson.

3.30 **EFFECTIVE DATE.** This section is effective July 1, 2023.

4.1 Sec. 3. **APPROPRIATION; OMBUDSPERSON FOR SHELTER RESIDENTS.**

4.2 \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general
4.3 fund to the commissioner of human services to establish and fund the ongoing operations
4.4 of the Office of the Ombudsperson for Shelter Residents under Minnesota Statutes, section
4.5 256K.70.