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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5038

1.1 A bill for an act  
1.2 relating to local government; requiring cities and counties to create policies  
1.3 regarding homeless encampments; proposing coding for new law in Minnesota  
1.4 Statutes, chapter 465.

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

1.6 Section 1. 465.91 LOCAL GOVERNMENT POLICIES REGARDING  
1.7 UNSHELTERED HOMELESS INDIVIDUALS.

1.8 Subdivision 1. Local policies regarding unsheltered homeless individuals. (a) All  
1.9 cities and counties shall:

1.10 (1) develop a policy that recognizes the differing housing, service, and culturally specific  
1.11 needs of homeless individuals; and

1.12 (2) implement the policy as developed to ensure the most humane treatment for removal  
1.13 of homeless individuals from camping sites on public property.

1.14 (b) A policy developed pursuant to this section must conform to but is not limited to the  
1.15 provisions in subdivision 2.

1.16 Subd. 2. Policy requirements. (a) Except as provided in paragraph (d), at least 96 hours  
1.17 before removing homeless individuals from an established camping site, the local law  
1.18 enforcement agency with jurisdiction over the camping site shall post a conspicuous notice,  
1.19 written in English, Spanish, Somali, Hmong, and any other language known to be spoken  
1.20 by a significant number of the individuals living at the camping site at all entrances to the  
1.21 camping site to the extent that the entrances can reasonably be identified. The city or county  
1.22 shall provide language access services if the city or county knows an individual in the site

2.1 has language access needs unlikely to be met through the posting of a written notice. When  
2.2 the decision to clear the site of a homeless encampment is made and prior to posting the  
2.3 notice required under this paragraph, the law enforcement agency shall inform the local  
2.4 community health board and the local or Tribal agency that delivers social services to  
2.5 homeless individuals at the location of the notice. The local or Tribal agency may arrange  
2.6 for social services staff to visit the camping site where a notice is posted to assess the need  
2.7 for social service assistance in arranging shelter and other assistance.

2.8 (b) At a camping site where written notice is required prior to removal pursuant to this  
2.9 section, the written notice shall state:

2.10 (1) where unclaimed personal property will be stored;

2.11 (2) a telephone number that individuals may call to ask questions about the storage of  
2.12 their property, including a telephone number to call to determine where unclaimed personal  
2.13 property will be stored if no location for storage was selected at the time the notice was  
2.14 posted;

2.15 (3) the telephone numbers and locations of shelter facilities with beds available at the  
2.16 time the notice is generated;

2.17 (4) the telephone numbers and locations of social services agencies and local nonprofits  
2.18 that can provide services or housing supports to displaced individuals; and

2.19 (5) the date and time the notice was posted.

2.20 (c) If a funeral service is scheduled with fewer than 96 hours' notice at a cemetery with  
2.21 a camping site or a camping site is established at the cemetery less than 96 hours before the  
2.22 scheduled service, the written notice required under paragraph (a) must be posted 24 hours  
2.23 before removing homeless individuals from the camping site.

2.24 (d) The notice requirement under paragraph (a) shall not apply when the mayor of a city  
2.25 or the administrative head or at-large chair of a county makes the determination in  
2.26 consultation with public health officials that the camp poses a risk of imminent harm or  
2.27 danger to encampment residents or others due to extreme weather events or urgent public  
2.28 health emergencies. After making this determination, the city or county must work with  
2.29 state and local agencies to develop an emergency response plan to extricate encampment  
2.30 residents in a safe and dignified manner.

2.31 (e) Whether or not written notice is required prior to removal under this section, all  
2.32 personal property at the camping site that remains unclaimed after removal shall be given  
2.33 to a law enforcement official, a local or Tribal agency that delivers social services to homeless

3.1 individuals, a social services staff person, a local agency official, or a person authorized to  
3.2 issue a citation described in paragraph (h). The unclaimed personal property must be stored  
3.3 in a facility located in the same community as the camping site from which it was removed.  
3.4 The property must be stored in an orderly fashion, keeping items that belong to an individual  
3.5 together to the extent that ownership can reasonably be determined. The property must be  
3.6 stored for a minimum of 120 days during which it must be available during the normal  
3.7 business hours of the city to any individual claiming ownership. Any personal property that  
3.8 remains unclaimed for 120 days may be disposed of or donated to a nonprofit corporation  
3.9 established under chapter 317A and in compliance with chapter 317A.

3.10 (f) The requirements in paragraph (e) for storage of personal property are subject to the  
3.11 following exceptions:

3.12 (1) items that have no apparent financial, cultural, or sentimental value or utility or are  
3.13 in a condition that might cause harm, injury, or illness to persons transporting, cataloging,  
3.14 or storing the items may be discarded immediately; and

3.15 (2) unlicensed or illegal weapons, controlled substances other than properly labeled  
3.16 prescription medication, and items that appear to be evidence of a crime shall be given to  
3.17 or retained by the local law enforcement agency, subject to the requirements of section  
3.18 626.04.

3.19 (g) Following the removal of homeless individuals from a camping site on public  
3.20 property, the law enforcement officials, local agency officials, social services staff, and any  
3.21 individuals removed from the site who desire to attend must meet within 30 days of the  
3.22 removal to discuss whether the removal occurred in a just and humane manner and if any  
3.23 changes to the removal policies should be considered.

3.24 (h) A person authorized to issue a citation for unlawful camping or loitering on public  
3.25 land under state law, administrative rule, or city or county ordinance may not issue the  
3.26 citation if the citation would be issued within 200 feet of a notice required under this section  
3.27 and within two hours before or after the notice was posted.

3.28 (i) Prior to posting the notice required under paragraph (a), law enforcement agencies  
3.29 must estimate the number of individuals in the camping site and provide the estimate to  
3.30 local nonprofit organizations and social services agencies. Law enforcement agencies must  
3.31 not obstruct the access of nonprofit organizations and social services agencies to the camping  
3.32 site during the notice period.