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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1356

02/22/2021 Authored by Gomez
The bill was read for the first time and referred to the Committee on Human Services Finance and Policy

1.1 A bill for an act
1.2 relating to homelessness; establishing a shelter resident bill of rights; directing the
1.3 commissioner of human services to develop recommendations for establishing
1.4 shelter registration and oversight; appropriating money; proposing coding for new
1.5 law in Minnesota Statutes, chapter 256K.

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

1.7 Section 1. [256K.50] CITATION.

1.8 Sections 256K.50 to 256K.59 may be cited as the "Shelter Resident Bill of Rights."

1.9 EFFECTIVE DATE. This section is effective August 1, 2021.

1.10 Sec. 2. [256K.51] POLICY.

1.11 Individuals and families experiencing homelessness and residing in shelter have the
1.12 right to an equal opportunity to live and be treated with human dignity, as well as the right
1.13 to a decent, welcoming, safe, and sanitary housing environment in public and private shelter
1.14 facilities.

1.15 EFFECTIVE DATE. This section is effective August 1, 2021.

1.16 Sec. 3. [256K.52] DEFINITIONS.

1.17 Subdivision 1. Application. For purposes of sections 256K.50 to 256K.59, the terms in
1.18 this section have the meanings given.

1.19 Subd. 2. Assault. "Assault" means the intentional infliction of bodily harm upon another.

2.1 Subd. 3. **Bodily harm.** "Bodily harm" has the meaning given in section 609.02,
2.2 subdivision 7.

2.3 Subd. 4. **Business day.** "Business day" has the meaning given in section 325G.06,
2.4 subdivision 6.

2.5 Subd. 5. **Commissioner.** "Commissioner" means the commissioner of human services.

2.6 Subd. 6. **Criminal sexual conduct.** "Criminal sexual conduct" has the meaning given
2.7 in sections 609.342 to 609.3451.

2.8 Subd. 7. **Dangerous weapon.** "Dangerous weapon" has the meaning given in section
2.9 609.02, subdivision 6.

2.10 Subd. 8. **Disability.** "Disability" has the meaning given in section 363A.03, subdivision
2.11 12.

2.12 Subd. 9. **Extenuating circumstances.** "Extenuating circumstances" means any
2.13 circumstance that may excuse, explain, provide context for, or reduce the culpability of a
2.14 resident's conduct.

2.15 Subd. 10. **Family.** "Family" has the meaning given in Code of Federal Regulations, title
2.16 24, section 5.403.

2.17 Subd. 11. **Harm reduction shelter.** "Harm reduction shelter" means an approach to
2.18 provide shelter for individuals and families experiencing homelessness that focuses on
2.19 strategies to reduce harm from high-risk substance use, rather than insisting on abstinence,
2.20 and seeking to provide access to services to as many people as possible.

2.21 Subd. 12. **Hazardous weather conditions.** "Hazardous weather conditions" means a
2.22 weather condition where, in the county where the shelter is located, the National Weather
2.23 Service has issued a tornado warning; a severe thunderstorm warning; a flood or flash flood
2.24 warning; a winter storm, heavy snow, blizzard, or ice storm warning; a wind chill warning
2.25 or advisory; a high wind warning; or an excessive heat advisory or warning.

2.26 Subd. 13. **Health care professional.** "Health care professional" means a health care
2.27 provider who is:

2.28 (1) a licensed health care professional, as defined in section 148.6402, subdivision 13;

2.29 or

2.30 (2) an individual providing clinical services in the treatment of mental illness who is
2.31 qualified in at least one of the ways specified in section 245.462, subdivision 18.

3.1 Subd. 14. **Homeless or homelessness.** "Homeless" or "homelessness" means lacking a
 3.2 fixed, regular, and adequate nighttime residence.

3.3 Subd. 15. **Low barrier shelter.** "Low barrier shelter" means removing as many restrictive
 3.4 rules, requirements, and policies as possible to enable as many in need of shelter as possible
 3.5 to obtain shelter.

3.6 Subd. 16. **Premises.** "Premises" means shelter property or its curtilage.

3.7 Subd. 17. **Resident.** "Resident" means a person residing in a shelter, including all
 3.8 members of a family unit.

3.9 Subd. 18. **Shelter.** "Shelter" means an indoor sleeping and sanitary dwelling, whether
 3.10 in a fixed or rotating location, intended for individuals and families experiencing
 3.11 homelessness, provided by a unit of government, a nonprofit organization, or a place of
 3.12 worship. Shelter includes rooms in hotels or motels paid for by a unit of government or
 3.13 nonprofit organization and daytime accommodations for individuals or families for whom
 3.14 shelter is provided only overnight.

3.15 Subd. 19. **Theft.** "Theft" means intentionally damaging or, without claim of right or
 3.16 consent, taking, using, transferring, concealing, or retaining possession of tangible property
 3.17 of a resident or the shelter.

3.18 Subd. 20. **Willful.** "Willful" means an act committed with a specific intent to cause a
 3.19 result.

3.20 **EFFECTIVE DATE.** This section is effective August 1, 2021.

3.21 Sec. 4. **[256K.53] RIGHTS OF SHELTER RESIDENTS.**

3.22 (a) Residents of shelter have the right to:

3.23 (1) be treated with dignity and respect by trained and compassionate staff who create a
 3.24 safe and welcoming atmosphere;

3.25 (2) have all members of their families stay together while in the shelter;

3.26 (3) be granted access to shelter and, while in shelter, be treated without discrimination
 3.27 based on race, color, creed, ethnicity, national origin, citizenship, gender, gender identity,
 3.28 sexual orientation, familial status, marital status, veteran status, immigration status, status
 3.29 with regard to public assistance, disability, religion, or age;

3.30 (4) personal safety, which shall include protection from violence while in shelter;

3.31 (5) be free from warrantless seizure of their person or property by law enforcement;

- 4.1 (6) be treated as victims, not perpetrators, when calling for police assistance;
- 4.2 (7) the same reasonable expectation of privacy in the resident's personal property while
4.3 residing in temporary shelter as an individual residing in a permanent residence;
- 4.4 (8) the protection and safeguarding of personal property and personal information;
- 4.5 (9) reasonable and enforced quiet hours;
- 4.6 (10) the return of any money paid and due after eviction or separation from shelter;
- 4.7 (11) locks for storage spaces, including lockers, to which staff does not have a key or
4.8 access code;
- 4.9 (12) access to necessary hygiene and sanitary products;
- 4.10 (13) access to emergency and nonemergency medical and dental care;
- 4.11 (14) accommodations for a resident's work and child care hours and schedules,
4.12 circumstances involving obligations to relatives or other individuals who do not reside in
4.13 the shelter, and other life circumstances;
- 4.14 (15) be clearly informed of the shelter's policies, procedures, rules, and any restrictions,
4.15 including but not limited to grievance policies and procedures;
- 4.16 (16) file grievances with shelter staff and management and receive a written determination
4.17 including the rationale for the decision; and
- 4.18 (17) referrals to resources and services relating to housing and supportive housing,
4.19 mental health, physical health, substance abuse, sources of financial assistance, employment,
4.20 and other basic needs.
- 4.21 (b) Nothing in this section prevents shelters from offering services to a discrete category
4.22 of individuals experiencing homelessness.

4.23 **EFFECTIVE DATE.** This section is effective August 1, 2021.

4.24 **Sec. 5. [256K.54] OBLIGATIONS OF SHELTER PROVIDERS.**

4.25 At a minimum, shelter providers must:

- 4.26 (1) not place time limits on residency;
- 4.27 (2) maintain an appropriate ratio of overnight staff to number of residents;
- 4.28 (3) establish policies and train on-site staff about policies and best practices regarding
4.29 conflict resolution, cultural sensitivity, engaging people with a mental illness, crisis response,
4.30 providing trauma-informed services, and the requirements of this section;

5.1 (4) establish procedures and acquire technologies to accommodate, communicate with,
5.2 and translate written materials for residents whose primary language is not English, who
5.3 are blind or deaf, or who have a communication impairment;

5.4 (5) ensure shelters have tables, bathroom facilities, and shower stalls adequate to
5.5 accommodate the maximum number of residents the shelter may legally house;

5.6 (6) comply with all applicable food safety laws and regulations in shelters where food
5.7 is served;

5.8 (7) inquire upon entry whether the resident has a food or other allergy, or any dietary
5.9 or religious restrictions and, to the extent feasible, provide accommodations for the resident's
5.10 allergy or restriction;

5.11 (8) maintain a dedicated cleaning staff and maintain cleanliness in the shelter;

5.12 (9) maintain all beds in good repair;

5.13 (10) immediately replace beds where an infestation is found as well as beds in immediate
5.14 proximity to beds where an infestation is found;

5.15 (11) keep bags and other personal property of residents safe;

5.16 (12) remove drugs, alcohol, guns, or other dangerous weapons;

5.17 (13) return any legal property checked or confiscated;

5.18 (14) arrange a meeting between a case manager and a new resident as soon as possible
5.19 during an initial stay;

5.20 (15) attempt to connect a resident with appropriate resources and services when the
5.21 resident is in imminent danger of self-harm;

5.22 (16) keep personal possessions left by residents at a shelter at least 30 days;

5.23 (17) where conduct is alleged that could lead to eviction, conduct a reasonable
5.24 investigation of the facts, allegations, and extenuating circumstances, which must include,
5.25 at a minimum, obtaining statements from the resident subject to eviction and any witnesses,
5.26 and examining any documentary or electronic evidence presented or reasonably available;

5.27 (18) establish a grievance process and clearly and conspicuously communicate to residents
5.28 how and to whom initial grievances should be made, and how and to whom appeals should
5.29 be made if the resident is dissatisfied with the response to the initial grievance;

5.30 (19) inform new residents of the availability of reasonable accommodations, inquire
5.31 whether accommodations are necessary, assist residents in obtaining any necessary

6.1 documentation of disabilities, provide reasonable accommodations if needed, and provide
6.2 equal access to programs and services; and

6.3 (20) develop, in consultation with residents and former residents, a printed handbook
6.4 in plain language to be provided to each incoming resident that clearly states all rules,
6.5 expectations, costs, policies, and all other relevant information, including but not limited
6.6 to quiet hours, grievance policies, and temporary absences.

6.7 **EFFECTIVE DATE.** This section is effective August 1, 2021.

6.8 Sec. 6. **[256K.545] DUTIES OF THE COMMISSIONER.**

6.9 In order to ensure that all residents are receiving adequate service in a shelter, the
6.10 commissioner shall develop and provide ongoing support for a statewide call line for shelter
6.11 residents to submit complaints about their experience at a shelter.

6.12 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2021, and
6.13 the call line must be operational by August 1, 2022.

6.14 Sec. 7. **[256K.55] TERMINATION FROM SHELTER RESIDENCY.**

6.15 Subdivision 1. **Termination of residency with same-day notice.** A shelter may, on the
6.16 same day the notice required under subdivision 5 is given, terminate a shelter residency on
6.17 the same day if the resident, on shelter premises:

6.18 (1) commits an assault;

6.19 (2) possesses a firearm in a shelter that has posted a sign banning guns;

6.20 (3) possesses an illegal firearm or stolen property; or

6.21 (4) commits criminal sexual conduct.

6.22 Subd. 2. **Termination of residency with one business day notice.** A shelter, no sooner
6.23 than one business day after providing the notice required under subdivision 5, may terminate
6.24 a shelter residency if the resident, on shelter premises:

6.25 (1) commits theft;

6.26 (2) willfully damages the property of a person or the shelter; or

6.27 (3) engages in conduct that seriously and imminently endangers another resident, a
6.28 volunteer, or a staff member.

7.1 Subd. 3. Termination of residency with ten-day notice. A shelter, no sooner than ten
7.2 days after providing the notice required under subdivision 5, may terminate a shelter
7.3 residency if the resident:

7.4 (1) willfully commits a rule violation that is not reasonably justified considering all
7.5 extenuating circumstances, including but not limited to whether the shelter has issued a
7.6 warning that such a rule violation is grounds for eviction;

7.7 (2) has failed to pay amounts due to the shelter which are the resident's responsibility;

7.8 or

7.9 (3) no longer meets the applicable eligibility requirements for the shelter.

7.10 Subd. 4. Restrictions on termination of residency. (a) A shelter may not terminate a
7.11 shelter residency because:

7.12 (1) the resident complains or threatens to complain about shelter conditions or the conduct
7.13 of staff to:

7.14 (i) shelter staff or management;

7.15 (ii) a government agency or nonprofit organization;

7.16 (iii) the media; or

7.17 (iv) other residents or persons;

7.18 (2) the resident seeks legal assistance or takes legal action against the shelter; or

7.19 (3) the resident asserts rights granted under this section or section 256K.53.

7.20 (b) A shelter may not terminate a shelter residency if:

7.21 (1) the loss of shelter would jeopardize the ability of the individual or family to enter
7.22 supportive housing; or

7.23 (2) a resident provides documentation from a health care professional or other reasonable
7.24 documentation that a family member has a medical condition that places the person at
7.25 elevated risk of harm if the resident is evicted from shelter.

7.26 (c) When hazardous weather conditions are in effect at the time the termination of shelter
7.27 residency is to become effective, the resident may not be terminated from shelter residency
7.28 sooner than the next business day after the hazardous weather conditions have abated.

7.29 (d) When a resident has requested a reasonable accommodation to respond to the
7.30 circumstances alleged as the basis for an eviction, the resident may not be terminated from
7.31 shelter residency until the shelter and any relevant state or local government agency or

8.1 agencies have investigated and found that a reasonable accommodation may be legally
8.2 denied.

8.3 (e) When the person who engages in conduct that is subject to termination of shelter
8.4 residency under this section is not the only parent or the only child in the household, the
8.5 shelter must give the remaining parent or children the option to remain in the shelter.

8.6 (f) The actions of a child age 12 or younger may not be a basis for termination of shelter
8.7 residency. For children aged 13 or older, the child's age shall be considered as an extenuating
8.8 circumstance.

8.9 (g) Retaliation for the conduct protected by sections 256K.50 to 256K.59 shall be a
8.10 defense to termination of shelter residency.

8.11 (h) Terminations of shelter residency, other than those conducted under subdivision 1,
8.12 may take place only between the hours of 9:00 a.m. and 5:00 p.m. on a business day.

8.13 Subd. 5. **Notice.** A shelter must provide to the resident written notice of a shelter
8.14 residency termination. The notice must contain in clear and understandable language:

8.15 (1) the effective date and time of the termination;

8.16 (2) the reason or reasons for the termination;

8.17 (3) how the resident may initiate a grievance with the shelter;

8.18 (4) a statement that the resident has the right to appeal;

8.19 (5) contact information for the government agency to which an appeal may be filed, and
8.20 the procedure and deadline to file the appeal, if applicable; and

8.21 (6) contact information for the local legal aid office.

8.22 Subd. 6. **Exception.** This section does not apply to the transfer of a resident from one
8.23 shelter to another shelter.

8.24 Subd. 7. **Interpretation.** (a) This section shall be liberally construed in favor of
8.25 maintaining families in emergency shelter.

8.26 (b) Nothing in this section shall be construed to affect or impede the provision of low
8.27 barrier and harm reduction shelter.

8.28 **EFFECTIVE DATE.** This section is effective August 1, 2021.

9.1 Sec. 8. [256K.56] APPEALS.

9.2 Subdivision 1. Right to appeal. A resident has the right to appeal any termination of
9.3 shelter residency and is entitled to a hearing under sections 256.045 and 256.0451. A resident
9.4 need not exhaust any internal grievance process prior to filing an appeal.

9.5 Subd. 2. Time to appeal. An appeal must be filed within 30 days after the date that
9.6 notice of termination under section 256K.55, subdivision 5, is received by the resident, or
9.7 within 90 days if the resident shows good cause for not having filed an appeal within 30
9.8 days. If an appeal is timely filed, the resident is entitled to continuing shelter pending the
9.9 final decision of the commissioner, either at the shelter which is subject to the dispute or at
9.10 another shelter that provides access to the resident on a 24-hour basis.

9.11 Subd. 3. Burden of proof. At a hearing conducted under section 256.0451, the shelter
9.12 has the burden of proving that the termination of shelter residency is lawful and supported
9.13 by the evidence.

9.14 Subd. 4. Decision on appeal. (a) If the resident prevails in the appeal, the commissioner
9.15 shall, as applicable:

9.16 (1) order the shelter not to terminate the residency;

9.17 (2) order the shelter to readmit the resident at the first available opening; or

9.18 (3) order that the resident be placed in other shelter to which the resident has 24-hour
9.19 access, either on an ongoing basis or until an opening occurs at the shelter which is the
9.20 subject of the dispute.

9.21 (b) If a circumstance occurs that is alleged to be a new basis for termination while a
9.22 resident is receiving continuing shelter pending appeal, the shelter must follow the
9.23 requirements set forth under section 256K.55. If the new termination is appealed, the
9.24 commissioner may consolidate the appeals.

9.25 (c) Nothing in this section affects the right of a resident to judicial review under section
9.26 256.045, subdivision 7.

9.27 EFFECTIVE DATE. This section is effective August 1, 2021.

9.28 Sec. 9. [256K.57] ENFORCEMENT.

9.29 A violation of sections 256K.50 to 256K.59 is a violation of section 363A.12, subdivision
9.30 1, and a resident has the right to file a grievance under section 363A.28.

9.31 EFFECTIVE DATE. This section is effective August 1, 2021.

10.1 Sec. 10. **[256K.58] OTHER LAWS.**

10.2 Nothing in sections 256K.50 to 256K.58 shall be construed to prevent the ability of
 10.3 shelter residents to assert the rights and remedies under:

10.4 (1) the Minnesota Human Rights Act, chapter 363A;

10.5 (2) chapter 504B;

10.6 (3) the Violence Against Women Act, United States Code, title 42, section 13931, et
 10.7 seq., as amended;

10.8 (4) the Fair Housing Act, United States Code, title 42, section 3601, et seq., as amended;

10.9 (5) the Americans with Disabilities Act of 1990, United States Code, title 42, section
 10.10 12101, et seq, as amended; and

10.11 (6) section 504 of the Rehabilitation Act of 1973, United States Code, title 29, section
 10.12 701, et seq., as amended.

10.13 **EFFECTIVE DATE.** This section is effective August 1, 2021.

10.14 Sec. 11. **[256K.59] NO WAIVER.**

10.15 The provisions of sections 256K.50 to 256K.58 cannot be waived.

10.16 **EFFECTIVE DATE.** This section is effective August 1, 2021.

10.17 Sec. 12. **DIRECTION TO COMMISSIONER; SHELTER REGISTRATION AND**
 10.18 **OVERSIGHT.**

10.19 (a) The commissioner of human services shall, in consultation with the commissioner
 10.20 of the Minnesota Housing Finance Agency, the commissioner of human rights, shelter
 10.21 residents and organizations representing shelter residents, and shelter providers, develop
 10.22 recommendations for establishing registration, oversight, and enforcement of the provision
 10.23 of shelter for individuals and families experiencing homelessness in Minnesota. In developing
 10.24 the recommendations, the commissioner, at a minimum, must consider the type of shelter
 10.25 provided, the different categories of providers, shelter funding sources, and the various
 10.26 populations served by shelters.

10.27 (b) The commissioner shall report to the chairs and ranking minority members of the
 10.28 legislative committees with jurisdiction over housing and homelessness on the
 10.29 recommendations under paragraph (a) by February 15, 2022.

10.30 **EFFECTIVE DATE.** This section is effective August 1, 2021.

11.1 Sec. 13. **APPROPRIATIONS.**

11.2 **Subd. 1. Commissioner of human services.** (a) \$..... in fiscal year 2022 and \$..... in
11.3 fiscal year 2023 are appropriated from the general fund to the commissioner of human
11.4 services to support shelters in complying with Minnesota Statutes, sections 256K.50 to
11.5 256K.59.

11.6 (b) \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the
11.7 general fund to the commissioner of human services to establish and provide ongoing support
11.8 for the statewide shelter call line under Minnesota Statutes, section 256K.545.

11.9 (c) \$..... in fiscal year 2022 and \$..... in fiscal year 2023 are appropriated from the
11.10 general fund to the commissioner of human services to develop recommendations for
11.11 establishing shelter registration and oversight of the provision of shelter for individuals and
11.12 families experiencing homelessness in Minnesota.

11.13 **Subd. 2. Commissioner of human rights.** \$..... in fiscal year 2022 and \$..... in fiscal
11.14 year 2023 are appropriated from the general fund to the commissioner of human rights to
11.15 implement Minnesota Statutes, section 256K.57.