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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5105

03/21/2024 Authored by Sencer-Mura, Gomez, Curran and Kozlowski
The bill was read for the first time and referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to transportation; establishing requirements on encampments in trunk
1.3 highway rights-of-way; proposing coding for new law in Minnesota Statutes,
1.4 chapter 161.

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

1.6 Section 1. 161.436 ENCAMPMENTS.

1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
1.8 the meanings given.

1.9 (b) "Encampment policies" means the policies and procedures established under this
1.10 section.

1.11 (c) "Usable personal property" means tangible personal property, excluding an item that
1.12 has no apparent value or utility or is in an unsanitary condition.

1.13 Subd. 2. Encampment policies and procedures. (a) In conformance with this section,
1.14 the commissioner must establish policies and associated procedures on unauthorized
1.15 encampments of homeless individuals within trunk highway rights-of-way.

1.16 (b) The encampment policies must:

1.17 (1) recognize and maintain the inherent dignity of homeless individuals;

1.18 (2) ensure humane treatment of individuals in the course of activities related to
1.19 encampments and encampment removal; and

1.20 (3) provide for respectful, safe, effective, and environmentally sound actions.

1.21 Subd. 3. General requirements. The encampment policies must include:

- 2.1 (1) requirements on training topics for department staff and any contractors;
- 2.2 (2) methods to perform site assessments and identify site conditions;
- 2.3 (3) procedures for notice to and coordination with (i) local units of government with
- 2.4 jurisdiction, and (ii) relevant organizations that provide referrals and delivery of social
- 2.5 services;
- 2.6 (4) strategies on outreach that provide for referrals and on-site social services engagement,
- 2.7 including but not limited to short-term housing support and services for individuals with
- 2.8 substance use disorders or mental or behavioral health disorders;
- 2.9 (5) requirements on site maintenance, including as provided under subdivision 6;
- 2.10 (6) subject to subdivision 4, a process for notification to encampment occupants prior
- 2.11 to any encampment removal;
- 2.12 (7) subject to subdivision 5, procedures on management, storage, and retrieval of usable
- 2.13 personal property and disposal of unclaimed personal property;
- 2.14 (8) requirements on use of contractors;
- 2.15 (9) documentation of actions;
- 2.16 (10) data collection on locations and circumstances of encampments; and
- 2.17 (11) a process for after-action review following an encampment removal.
- 2.18 Subd. 4. **Notice.** Notification to encampment occupants provided prior to encampment
- 2.19 removal must:
- 2.20 (1) be provided at least 72 hours in advance of removing any individuals or usable
- 2.21 personal property;
- 2.22 (2) be posted in a conspicuous manner at the site entrances;
- 2.23 (3) be written using plain language in English, Spanish, and any other language known
- 2.24 to be spoken by a significant number of the encampment occupants; and
- 2.25 (4) specify the location where usable personal property will be stored or, if the location
- 2.26 has not been determined, contact information for an agency or organization that can direct
- 2.27 individuals to the location once the location has been determined.
- 2.28 Subd. 5. **Management of personal property.** (a) Usable personal property removed
- 2.29 from an encampment must be:

3.1 (1) stored for at least 30 days in a facility located in the same community as the
3.2 encampment site;

3.3 (2) organized in a manner that keeps each individual's possessions together, to the extent
3.4 that ownership can be reasonably identified or anticipated; and

3.5 (3) reasonably made accessible and provided to an individual who claims ownership.

3.6 (b) The requirements under paragraph (a) do not apply to weapons, items that appear to
3.7 be stolen or evidence of a crime, or controlled substances other than properly labeled
3.8 prescription medication.

3.9 Subd. 6. **Health and welfare response.** (a) The encampment policies must establish
3.10 criteria that initiate a health and welfare response for an encampment as provided in this
3.11 subdivision. The criteria must specify a response initiation threshold based on at least one
3.12 of the following: length of time since encampment establishment; the estimated population
3.13 residing at the site; level of activity at the site; the geographic area of the encampment; or
3.14 other relevant factors identified by the commissioner.

3.15 (b) If the criteria under paragraph (a) are met for an encampment, the commissioner
3.16 must commence health and welfare response activities that promote public health and general
3.17 welfare of individuals at the encampment site. At a minimum, the activities must include:

3.18 (1) establishment and maintenance of portable toilets;

3.19 (2) establishment and maintenance of hand washing stations; and

3.20 (3) waste management for garbage, refuse, and other solid waste.

3.21 **EFFECTIVE DATE.** This section is effective November 1, 2024.