

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 542

As Amended by Senate Committee on Ways
and Means

Brief*

SB 542, as amended, would appropriate \$20.0 million, all from the State General Fund (SGF), over two years for grants to build or improve homeless shelters. The bill would require all cities and counties to adopt an ordinance or resolution prohibiting unauthorized public camping, sleeping, or obstruction of sidewalks, and would prohibit cities or counties from dropping off homeless individuals outside such city or county's jurisdiction without consent of the receiving entity.

Definitions

The bill would define:

- “Shelter” to mean any facility that has a primary purpose of providing temporary or transitional shelter for the general population or a specific population of homeless individuals or families;
- “Wraparound services” to mean any program that serves the underlying vocational, behavioral, or physical health needs of the general population or a specific population of homeless individuals or families;
- “Drop off” to mean the act of transporting a homeless individual to a location within the state of

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Kansas different from the location where the party transporting such individual assumed custody, control, or care of or provided treatment to such individual, including, but not limited to, directly providing or funding the transportation of such individual to such different location; and

- “Homeless individual” to mean a person who has no access to or reasonably can be expected not to have access to either traditional or permanent housing that is considered safe, sanitary, decent, and affordable.

Homeless Shelter Infrastructure Grants

The bill would establish the Homeless Shelter Infrastructure Grant fund in the Kansas Department for Aging and Disability Services (KDADS) and appropriate \$15.0 million, all from the SGF, in FY 2025 and \$5.0 million, all SGF, for FY 2026 to the fund for the purpose of making grants to local units of government to build or improve shelters for homeless individuals. The bill would require approval of the State Finance Council prior to KDADS awarding a grant.

The bill would require that at least 20.0 percent of the total appropriation would be awarded to counties with a population of less than 90,000. The bill would prohibit grants from being awarded to build or improve a homeless shelter located within the boundaries of Sedgwick County precinct 606. The bill would require that each grantee receive 75.0 percent of its determined award amount in FY 2025 and the remaining 25.0 percent in FY 2026.

The bill would require that grantees:

- Propose a building or improvement plan for a congregate or non-congregate shelter that provides services for homeless individuals and families and persons at risk of homelessness;

- Provide wraparound services to homeless individuals and families and persons at risk of homelessness;
- Collect data required by the U.S. Department of Housing and Urban Development;
- Prioritize wraparound services for individuals who have been Kansas residents for eight consecutive months;
- Enforce local ordinances regarding camping and vagrancy, including complying with the requirements of this bill;
- Limit shelter space and wraparound services to persons with U.S. citizenship or lawful immigration status; and
- Implement and enforce a policy that individuals staying overnight at such shelter shall not be under the influence of drugs or alcohol.

The bill would require that grantees provide a dollar-for-dollar match to the state funding using local funding or private moneys. The bill would also require a report by the grantee before the commencement of the 2025 Legislative Session to KDADS, the House Committee on Social Services Budget, House Committee on Appropriations, Senate Committee on Ways and Means, and any relevant subcommittee of the Senate Committee on Ways and Means.

In the event a grantee has misused or failed to use funds, failed to enforce local ordinances regarding camping and vagrancy, or failed to provide the required wraparound services, the bill would require the grantee to refund the award amount to KDADS or allow KDADS to file a lien to be attached on the real property of the grantee for the award amount.

City and County Requirements

Required Ordinance or Resolution

The bill would require all cities and counties to adopt an ordinance or resolution prohibiting unauthorized camping, sleeping, or obstructions of sidewalks without exceptions other than authorization of a temporary permit.

The bill would prohibit cities or counties from refusing to enforce such ordinance or resolution, including prohibiting a city or county from adopting a written policy prohibiting law enforcement officers from enforcing the ordinance or resolution. This would not preclude the local governments from adopting policies to encourage or offer services. The bill would allow any person to bring a writ of mandamus for a violation of these provisions on behalf of the person and the state.

Drop-Off Prohibition

The bill would further prohibit cities and counties from dropping off a homeless individual outside such city or county's jurisdiction within the state of Kansas, unless the individual was previously a resident of such location prior to receiving health care services or treatment, or a person or entity has agreed to accept such individual at the drop-off location. The bill would make any city or county violating these provisions liable to any state agency, city, or county within the state of Kansas for costs incurred as a result of such violation.

Background

The bill was introduced by the Senate Committee on Ways and Means at the request of Senator Claeys.

Senate Committee on Ways and Means

In the Senate Committee hearing, **proponent** testimony was provided by Representative Howell and representatives of the City of Wichita; the Unified Government of Wyandotte County and Kansas City, Kansas; the City of Liberal; and KDADS. Proponents discussed local efforts to address homelessness and how this bill would be instrumental in supporting such efforts. Some proponents also encouraged consideration of amendments to ensure funding distribution to smaller communities and to permit local governments to match using private moneys.

Written-only proponent testimony was provided by representatives of Community Health Center of Southeast Kansas, Johnson County, Kansas Mental Health Coalition, Mental Health America of South Central Kansas and Mental Health America of the Heartland, Sedgwick County Board of County Commissioners, and Wichita Regional Chamber of Commerce.

Neutral testimony was provided by representatives of the Kansas Statewide Homeless Coalition, Kansas Balance of State Continuum of Care, Cicero Action, and United Community Services of Johnson County.

Written-only neutral testimony was provided by representatives of Coalition to End Homelessness in Wichita/Sedgwick County, Cross-Lines Community Outreach, Inc., Kansas Action for Children, and Kansas Statewide Homeless Coalition.

No other testimony was provided.

The Senate Committee amended the bill to:

- Change the appropriation from \$40.0 million SGF to \$15.0 million SGF in FY 2025 and appropriate \$5.0 million SGF in FY 2026;

- Prohibit a grant award for the purpose of building or improving a homeless shelter in Sedgwick County precinct 606;
- Change the requirements that local units of government must satisfy to receive a grant;
- Allow grantees to utilize private moneys to meet the matching requirement;
- Define the terms “shelter,” “wraparound services,” “drop off,” and “homeless individual”;
- Require a report from the grantee to KDADS, the House Committee on Social Services Budget, the House Committee on Appropriations, the Senate Committee on Ways and Means, and any appropriate subcommittee of the Senate Committee on Ways and Means;
- Require funds be returned to the state in certain circumstances;
- Require all cities and counties to adopt an ordinance or resolution to prohibit unauthorized public camping, sleeping, or obstruction of sidewalks without a temporary permit; and
- Prohibit a city or county from dropping off a homeless individual outside such city or county’s jurisdiction unless certain requirements are met, and assigning liability for violating the prohibition.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDADS indicates enactment of the bill would have a fiscal effect on the agency of \$40.0 million SGF. The FY 2025 Governor’s recommendation for KDADS included a \$40.0 million one-

time appropriation for the homeless shelter infrastructure awards. Any fiscal effect associated with the bill, as introduced, is reflected in *The FY 2025 Governor's Budget Report*.

Kansas Department for Aging and Disability Services; homeless; homeless shelter; infrastructure; grant; ordinance