

2025 Regular Session

HOUSE BILL NO. 619

BY REPRESENTATIVE KNOX

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MENTAL HEALTH: Provides relative to public camping

1 AN ACT

2 To enact Part IV of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:581.1 through 582, relative to homelessness; to authorize a
4 local governing authority to allow public camping in designated areas; to prohibit
5 public camping and temporary outdoor habitation; to provide for exceptions; to
6 provide for definitions; to provide notification requirements; to provide minimum
7 standards and procedure; to provide for enforcement; to provide for housing; to
8 establish regulations that promote sanitary conditions; to establish an Encampment
9 Mitigation Reimbursement Fund; and to direct the Louisiana Department of Health
10 to seek waivers; to provide for an effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part IV of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 40:581.1 through 582, is hereby enacted to read as follows:

14 PART IV. HOMELESSNESS

15 §581.1. Public camping; policy; definitions

16 A. To protect the health, safety, and welfare of the people of this state, it is
17 the purpose of this Part to prohibit camping in public areas and rights of way not
18 specifically designated for that purpose.

19 B. As used in this Part, the following terms have the following meanings:

20 (1) "Department" means the Louisiana Department of Health.

1 (2)(a) "Public camping" means either of the following:

2 (i) Lodging or residing overnight in a temporary outdoor habitation used as
3 a dwelling or living space and evidenced by the erection of a tent, or other permanent
4 or semi-permanent dwelling structures, the presence of bedding or pillows, or the
5 storage of personal belongings for the purpose of habitation.

6 (ii) Lodging or residing overnight in an outdoor space without a tent or other
7 temporary shelter.

8 (b) "Public camping" does not mean any of the following:

9 (i) Lodging or residing overnight in a motor vehicle that is located in a place
10 where it is lawful to do so.

11 (ii) Camping for recreational purposes on property designated for such
12 purposes.

13 (iii) Any camping, lodging, or other recreational activity in a state park.

14 §581.2. Prohibition of public camping; exceptions

15 A.(1) Except as provided for in Subsection B of this Section, a political
16 subdivision shall not knowingly authorize or otherwise allow any person to regularly
17 engage in public camping on a public property, on consecutive nights, including but
18 not limited to a public building or its grounds or a public right-of-way under the
19 jurisdiction of the political subdivision.

20 B.(1) A political subdivision may, by majority vote of the political
21 subdivision's governing body, designate property owned by the political subdivision
22 or a municipality within the boundaries of the political subdivision to be used for a
23 continuous period of no longer than one year for the purposes of public camping
24 subject to the following conditions:

25 (a) There are not sufficient open beds in homeless shelters in the political
26 subdivision for the homeless population of the political subdivision.

27 (b) The designated property is not contiguous with property designated for
28 residential use by the political subdivision in the local government comprehensive
29 plan and future land use map.

1 (c) The designated property would not adversely and materially affect the
2 property value or safety and security of other existing residential or commercial
3 property in the political subdivision and would not negatively affect the safety of
4 children.

5 (2) The political subdivision shall notify the department within ten days of
6 designating property for public camping in accordance with procedures established
7 by the department.

8 (3) Prior to clearing any existing encampments, the local governing authority
9 shall present notice in accordance with applicable local laws surrounding the
10 encampment that it will be cleared thirty days before clearing.

11 C.(1) If a political subdivision designates political subdivision or municipal
12 property to be used for public camping, it shall establish and maintain minimum
13 standards and procedures related to the designated property for all of the following
14 purposes:

15 (a) Ensuring the safety and security of the designated property and the
16 persons lodging or residing on the property.

17 (b) Maintaining sanitation, including but not limited to providing access to
18 clean and operable restrooms and running water.

19 (c) Coordinating with federal, state, local, and private entities to provide
20 access to behavioral health services, which shall include substance abuse and mental
21 health treatment resources.

22 (d) Prohibiting illegal substance use on the designated property and
23 enforcing such prohibition.

24 (2) Within thirty days after designating property for public camping, the
25 political subdivision shall publish the minimum standards and procedures on the
26 political subdivision's website. The political subdivision and municipality shall
27 continue to make policies and procedures publicly available for as long as any
28 political subdivision property remains designated for public camping.

1 D. The department may inspect a designated property at any time, and the
2 secretary may provide notice to the political subdivision recommending closure of
3 the designated property if he determines that the requirements of this Section are no
4 longer satisfied or if the surgeon general determines that there is a public health
5 threat or emergency. A political subdivision shall publish any notice issued by the
6 department on the political subdivision's website within five business days after
7 receipt of the notice.

8 §581.3. Enforcement

9 A.(1) The following parties may bring a civil action in any court of
10 competent jurisdiction against the political subdivision or applicable municipality to
11 enjoin a violation of this Part:

12 (a) A resident of the political subdivision residing within one thousand feet
13 of a public encampment not in a designated area as provided by this Part.

14 (b) An owner of a business located within one thousand feet of a public
15 encampment not in a designated area as provided by this Part.

16 (c) A nonprofit organization located within one thousand feet of a public
17 encampment not in a designated area as provided by this Part.

18 (d) The district attorney.

19 (2) To the extent practicable allowed by law, civil actions brought pursuant
20 to this Part shall be cumulated per site.

21 (3) If an encampment is cleared within ninety days of a filed civil action and
22 a new encampment is built within three days thereafter, this will constitute a new
23 violation and requires a new complaint to be filed to trigger a new cause of action.

24 B. If the resident, business owner, nonprofit organization, or district attorney
25 prevails in a civil action brought in accordance with this Section, the court may
26 award reasonable expenses incurred in bringing the civil action, including court
27 costs, reasonable attorney fees, investigative costs, witness fees, and deposition
28 costs.

1 C. An application for injunction filed pursuant to this Section shall be
2 accompanied by an affidavit attesting to all of the following:

3 (1) The applicant has provided written notice of the alleged violation of this
4 Part to the governing authority of the political subdivision or applicable
5 municipality.

6 (2) The applicant has provided the political subdivision or applicable
7 municipality or the state with ninety business days to cure the alleged violation.

8 (3) The political subdivision has failed to take all reasonable actions within
9 the limits of its governmental authority to cure the alleged violation within ninety
10 business days after receiving written notice of the alleged violation.

11 D. The provisions of this Section shall not apply to a political subdivision
12 during any time period in which either of the following occurs:

13 §581.4 Encampment Mitigation Reimbursement Fund

14 A. There is hereby established in the state treasury, as a special fund, the
15 Encampment Mitigation Reimbursement Fund, hereinafter referred to as the "fund".

16 B.(1) After allocation of money to the Bond Security and Redemption Fund
17 as provided in Article VII, Section (9)(B) of the Constitution of Louisiana, the
18 treasurer shall deposit into the fund any money transferred or appropriated by the
19 legislature. The treasurer shall also deposit into the fund any grants, donations, gifts,
20 or other monies which may become available.

21 (2) Monies in the fund shall be invested in the same manner as monies in the
22 state general fund. Interest earned on investment of monies in the fund shall be
23 deposited into the state general fund. Unexpended and unencumbered monies in the
24 fund at the end of the fiscal year shall remain in the fund.

25 C.(1) Subject to appropriation by the legislature to the Louisiana Housing
26 Corporation, monies in the fund shall be used solely for reimbursement grants to a
27 political subdivision or municipality for compliance with the provisions of R.S.
28 40:581.2.

1 (2) In accordance with the Administrative Procedure Act, the Louisiana
2 Housing Corporation shall adopt and promulgate rules necessary for implementation
3 and administration of the provisions of Paragraph (1) of this Subsection.
4 Notwithstanding any law to the contrary, such rules may be promulgated by
5 emergency rule.

6 §581.5 Oversight of publicly funded homeless service providers

7 A. Any continuum of care organization or homeless services provider that
8 receives state or local public funds shall, upon request of the legislative auditor or
9 a municipality providing such funds, submit to a legislative audit pursuant to R.S.
10 24:513 and provide the requesting municipality with detailed documentation
11 regarding:

12 (1) Program performance metrics, including housing outcomes and service
13 delivery statistics.

14 (2) Effectiveness in achieving stated goals and objectives.

15 (3) A breakdown of the use and allocation of public funds.

16 B. Failure to comply with the provisions of this Section may result in the
17 suspension or termination of public funding, subject to applicable laws and contract
18 provisions.

19 §582. Housing and services for individuals experiencing homelessness

20 A.(1) The Louisiana Department of Health, in consultation with the office of
21 state fire marshal, may promulgate rules to establish minimum housing standards for
22 emergency shelters, community facilities, group homes, and halfway houses.

23 (2) The minimum housing standards shall consider critical aspects such as
24 safety, sanitation, privacy, and habitability.

25 B. The state fire marshal shall assist in the implementation of the provisions
26 of this Section by conducting annual inspections of emergency shelters, community
27 facilities, group homes, and halfway houses to verify that the housing options
28 available to individuals experiencing homelessness are safe and sanitary.

1 C. The Louisiana Department of Health may promulgate rules in accordance
2 with the Administrative Procedure Act to implement the provisions of this Section.

3 D. The Louisiana Department of Health shall submit waivers from the
4 Centers for Medicare and Medicaid Services to obtain funding to provide healthcare
5 and housing services to individuals who are experiencing homelessness.

6 Section 2. This Act shall become effective on June 1, 2026. The provisions of this
7 Act shall be inapplicable, inoperative, and of no effect after June 1, 2029.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 619 Engrossed

2025 Regular Session

Knox

Abstract: Allows public camping and temporary outdoor habitation under certain circumstances.

Proposed law defines "department" and "public camping".

Proposed law provides that a political subdivision shall not knowingly authorize or otherwise allow any person to regularly engage in public camping on public property on consecutive nights, including but not limited to a public building or its grounds or a public right-of-way under the jurisdiction of the political subdivision.

Proposed law allows a political subdivision to, by majority vote of the political subdivision's governing body, designate property owned by the political subdivision or a municipality within the boundaries of the political subdivision to be used for a continuous period of no longer than one year for the purposes of public camping subject to the following conditions:

- (1) There are not sufficient open beds in homeless shelters in the political subdivision for the homeless population of the political subdivision.
- (2) The designated property is not contiguous with property designated for residential use by the political subdivision in the local government comprehensive plan and future land use map.
- (3) The designated property would not adversely and materially affect the property value or safety and security of other existing residential or commercial property in the political subdivision and would not negatively affect the safety of children.

Proposed law requires a political subdivision to notify the La. Dept. of Health (LDH) within 10 days of designating property for public camping in accordance with procedures established by LDH.

Proposed law requires that prior to clearing any existing encampments, the local governing authority shall present notice in accordance with applicable local laws surrounding the encampment that it will be cleared 30 days before clearing.

Proposed law provides that if a political subdivision designates political subdivision or municipal property to be used for public camping, it shall establish and maintain minimum standards and procedures related to the designated property for all of the following purposes:

- (1) Ensuring the safety and security of the designated property and the persons lodging or residing on the property.
- (2) Maintaining sanitation, including but not limited to providing access to clean and operable restrooms and running water.
- (3) Coordinating with federal, state, local, and private entities to provide access to behavioral health services, which shall include substance abuse and mental health treatment resources.
- (4) Prohibiting illegal substance use on the designated property and enforcing such prohibition.

Proposed law requires the political subdivision, within 30 days after designating property for public camping, to publish the minimum standards and procedures on the political subdivision's website. Proposed law further requires the political subdivision and municipality to continue to make policies and procedures publicly available for as long as any political subdivision property remains designated for public camping.

Proposed law allows LDH to inspect a designated property at any time and that the secretary may provide notice to the political subdivision recommending closure of the designated property if he determines that the requirements are no longer satisfied or if the surgeon general determines that there is a public health threat or emergency department on the political subdivision's website within five days after receipt of the notice.

Proposed law allows a resident of the political subdivision residing within 1,000 feet of a public encampment not in a designated area, an owner of a business located in the political subdivision located within 1,000 feet of a public encampment not in a designated area, a nonprofit organization located within 1,000 feet of a public encampment not in a designated area or the district attorney to bring a civil action in any court of competent jurisdiction against the political subdivision or applicable municipality for violation of proposed law.

Proposed law allows civil actions brought pursuant to proposed law to be cumulated per site. Proposed law also allows a new cause of action to be triggered if an encampment is cleared within 90 days of a filed civil action and a new encampment is built within three days thereafter.

Proposed law provides that an application for injunction filed pursuant to proposed law shall be accompanied by an affidavit attesting to all of the following:

- (1) The applicant has provided written notice of the alleged violation of proposed law to the governing authority of the political subdivision or applicable municipality.
- (2) The applicant has provided the political subdivision or applicable municipality with 90 business days to cure the alleged violation.
- (3) The political subdivision has failed to take all reasonable actions within the limits of its governmental authority to cure the alleged violation within 90 business days after receiving written notice of the alleged violation.

Proposed law provides that LDH shall promulgate rules to establish minimum housing standards for emergency shelters, community facilities, group homes, and halfway houses.

Proposed law states that the minimum housing standards shall consider critical aspects such as safety, sanitation, privacy, and habitability.

Proposed law directs the state fire marshal to assist in the implementation proposed law by conducting inspections of emergency shelters, community facilities, group homes, and halfway houses to verify that the housing options available to individuals experiencing homelessness are safe and sanitary.

Proposed law creates the Encampment Mitigation Reimbursement Fund in which funds will be used solely for reimbursement grants to a political subdivision or municipality for compliance with the provisions of present law.

Proposed law establishes the oversight of publicly funded homeless service providers and requires that any continuum of care organization or homeless services provider that receives state or local public funds shall upon request submit to the legislative auditor pursuant to present law (R.S. 24:513) and provide the requesting municipality with documentation regarding:

- (1) Program performance metrics, including housing outcomes and service delivery statistics
- (2) Effectiveness in achieving stated goals and objectives
- (3) A breakdown of the use and allocation of public funds

Proposed law states that failure to comply with the provisions of proposed law may result in the suspension or termination of public funding, subject to applicable laws and contract provisions.

Proposed law allows LDH in consultation with the office of state fire marshal to promulgate rules to establish minimum housing standards for emergency shelters, community facilities, group homes, and halfway houses.

Proposed law establishes that the fire marshal shall assist in the implementation of the provisions of proposed law by conducting annual inspections of emergency shelters, community facilities, group homes, and halfway houses to verify that the housing options available to individuals experiencing homelessness are safe and sanitary.

Proposed law directs LDH to submit waivers to the Centers for Medicare and Medicaid Services to obtain funding to provide healthcare and housing services to individuals who are experiencing homelessness.

The provisions of proposed law shall be inapplicable, inoperative, and of no effect after June 1, 2029.

Effective June 1, 2026.

(Adds R.S. 40:581.1-582)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Require political subdivisions to notify LDH within 10 days of designating property for public camping in accordance with procedures established by LDH.

2. Require that within 30 days after designating property for public camping, the political subdivision shall publish the minimum standards and procedures on the political subdivision's website.
3. Provide that a resident of the political subdivision residing within 1,000 feet of a public encampment not in a designated area, an owner of a business located in the political subdivision located within 1,000 feet of a public encampment not in a designated area, a nonprofit organization located within one thousand feet of a public encampment not in a designated area or the district attorney to bring a civil action in any court of competent jurisdiction against the political subdivision or applicable municipality for violation.
4. Change the 10-day requirement to a 90-day requirement to cure a violation.
5. Create the Encampment Mitigation Reimbursement Fund which establishes how monies in the fund shall be used and how monies are invested in the fund.
6. Establish the oversight of publicly-funded homeless service providers and require that any continuum of care organization or homeless service provider that receives state or local public funds shall provide certain information.