

ACT No. 805

HOUSE BILL NO. 457

BY REPRESENTATIVES KNOX, ADAMS, BERAULT, BOUDREAUX, BOYD, BRAUD, CARLSON, CARPENTER, CARRIER, CHASSION, COATES, DEWITT, EGAN, FREEMAN, FREIBERG, GREEN, DANA HENRY, JACKSON, JORDAN, LAFLEUR, TERRY LANDRY, LARVADAIN, LYONS, MARCELLE, MARTINEZ, MILLER, MOORE, MURRAY, NEWELL, PHELPS, AND WALTERS AND SENATORS BOUDREAUX, JACKSON-ANDREWS, LUNEAU, AND OWEN

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, relative to housing standards for organizations providing
4 services to individuals experiencing homelessness; to provide for duties of the
5 Louisiana Department of Health; to provide for the duties of the office of the fire
6 marshal; to provide for the promulgation of rules; to provide for definitions; to
7 provide for exceptions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part IV of Chapter 3 of Title 40 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 40:581, is hereby enacted to read as follows:

11 PART IV. SERVICES FOR INDIVIDUALS EXPERIENCING HOMELESSNESS

12 §581. Housing and services for individuals experiencing homelessness

13 A.(1) The Louisiana Department of Health, in consultation with the office of
14 state fire marshal, shall promulgate rules to establish minimum housing standards for
15 homeless facilities such as emergency shelters, community facilities, unlicensed
16 group homes, and halfway houses that receive state or local money to provide
17 housing or shelter to individuals experiencing homelessness for use by local and
18 parish governing authorities for permitting or approval purposes.

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

21 (3) A rule promulgated in accordance with this Section shall not conflict
22 with federal law requirements for an entity described in Paragraph (1) of this
23 Subsection.

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

5 C. The Louisiana Department of Health shall examine the feasibility of
6 submitting waivers to the Centers for Medicare and Medicaid Services to obtain
7 funding to provide healthcare and housing services to individuals who are
8 experiencing homelessness.

9 D. For purposes of this Section, the following definitions shall apply:

10 (1) "Homelessness" means the condition of an individual who lacks a fixed,
11 regular, and adequate nighttime residence and who is primarily living or sleeping in
12 a place not ordinarily used for human habitation, including public streets, sidewalks,
13 parks, vehicles, abandoned buildings, encampments, or other outdoor locations.

14 (2)(a) "Homeless facility" means any building or structure that is established,
15 operated, maintained, or used for the primary purpose of providing overnight
16 lodging, sleeping accommodations, temporary habitation, or residential services to
17 persons experiencing homelessness, including emergency shelters, community
18 facilities, group homes, and halfway houses that provide housing or shelter to
19 individuals experiencing homelessness.

20 (b) "Homeless facility" shall not mean any of the following:

21 (i) A private residence, including but not limited to a sober living house that
22 is not operated as a homeless facility.

23 (ii) A church or other place of worship that is operated exclusively for
24 charitable purposes and does not charge residents a fee, rent, or require any other
25 compensation to be paid by the homeless individual for occupancy and which exists
26 solely to provide free emergency or transitional housing.

27 (iii) A charitable substance abuse recovery program that is a nonprofit,
28 faith-based, or charitable residential program operated exclusively for the purpose
29 of providing counseling, rehabilitation, recovery support, vocational assistance,

1 life-skills training, or supervised residential services to individuals recovering from
2 substance abuse, addiction, alcoholism, or related behavioral health conditions.

3 (iv) A facility that is used temporarily to house persons who are displaced
4 by a hurricane or other gubernatorial declared emergency.

5 (v) A work-release facility, community reentry center, transitional work
6 program, or other correctional or rehabilitative facility operated by, under contract
7 with, or authorized by the state, a political subdivision, or a court for the purpose of
8 housing or supervising individuals participating in a work release, workforce reentry,
9 probation, parole, or similar criminal justice program.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____