



# SENATE BILL No. 26

January 13, 1993, Introduced by Senators EHLERS and BOUCHARD and referred to the Committee on State Affairs and Military/Veteran Affairs.

A bill to prescribe duties of certain state agencies with regard to assistance for homeless persons; to provide for the promulgation of rules; and to repeal this act on a specific date.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "Michigan homeless assistance act".

3       Sec. 2. As used in this act:

4       (a) "Department" means the department of management and  
5 budget.

6       (b) "Homeless" or "homeless individual" means any of the  
7 following:

8       (i) An individual who lacks a fixed, regular, and adequate  
9 nighttime residence.

SENATE BILL No. 26

1 (ii) An individual, other than an individual who is  
2 imprisoned or detained pursuant to law, who has a primary  
3 nighttime residence that is 1 of the following:

4 (A) A supervised publicly or privately operated shelter  
5 designed to provide temporary living accommodations.

6 (B) An institution that provides a temporary residence for  
7 individuals intended to be institutionalized.

8 (C) A public or private place not designed for, or ordina-  
9 rily used as, a regular sleeping accommodation for human beings.

10 Sec. 3. (1) The department shall identify buildings that  
11 are owned or leased by the state that would be appropriate for  
12 use as temporary warming shelters for the homeless from  
13 November 1 through March 31 during the hours of 9:30 p.m. to 6  
14 a.m. or as provided in section 5.

15 (2) The department shall make buildings identified under  
16 subsection (1) available for use as temporary warming shelters  
17 for the homeless no later than November 1, 1993.

18 Sec. 4. (1) In identifying buildings for use as temporary  
19 warming shelters, the department shall do all of the following:

20 (a) Develop criteria for determining which buildings or por-  
21 tions of buildings are to be made available under this act. The  
22 criteria shall not be unreasonably restrictive and shall be  
23 designed to provide the maximum assistance to the homeless with-  
24 out compromising state interests. The criteria shall include, at  
25 a minimum, all of the following:

26 (i) A building shall be safe and sanitary and shall meet all  
27 applicable state and local building codes and licensing

1 requirements in the jurisdiction in which the building is  
2 located.

3 (ii) A building shall not be a secured facility to which the  
4 general public is denied access.

5 (iii) If a building is leased by the state, either as lessor  
6 or lessee, the use of the building as a temporary warming shelter  
7 for homeless persons shall not be inconsistent with the terms of  
8 the lease.

9 (b) Provide for the security of state buildings, including  
10 methods for limiting access to portions of buildings not intended  
11 to be used for the purposes of this act.

12 (c) Develop standards for the number and type of staff  
13 required to operate buildings as temporary warming shelters.

14 (d) In staffing buildings used as warming shelters, make  
15 maximum use of public assistance recipients including, but not  
16 limited to, participants in the Michigan opportunity skills and  
17 training program and volunteers.

18 (2) A volunteer who assists in staffing warming shelters  
19 under this act has the immunity from tort liability provided by  
20 section 7 of Act No. 170 of the Public Acts of 1964, being  
21 section 691.1407 of the Michigan Compiled Laws.

22 (3) This act does not alter the liability of governmental  
23 agencies for bodily injuries or property damage outlined in sec-  
24 tion 6 of Act No. 170 of the Public Acts of 1964, being section  
25 691.1406 of the Michigan Compiled Laws.

26 Sec. 5. During an emergency, as determined by the governor,  
27 notwithstanding a prior determination that a state building is

1 not appropriate for use as a warming shelter under this act, the  
2 governor may, by executive order, declare that a state building  
3 shall be used as a temporary warming shelter at any time, under  
4 the emergency conditions articulated in the order.

5       Sec. 6. (1) On or before October 1, 1993, the department  
6 shall submit to the legislature a report identifying buildings  
7 scheduled to be made available as warming shelters under this  
8 act.

9       (2) On or before February 1, 1994, the department shall  
10 submit to the legislature a report identifying the rate at which  
11 the buildings identified by the department for use as warming  
12 shelters by homeless persons under this act are being used for  
13 that purpose.

14       (3) On or before May 1, 1994, the department shall submit to  
15 the legislature a report identifying the total number of build-  
16 ings used and homeless persons served pursuant to this act from  
17 November 1, 1993 to March 31, 1994.

18       Sec. 7. By July 1, 1994, in consultation with appropriate  
19 agencies, the department shall submit to the legislature a report  
20 describing the feasibility of making underused state buildings  
21 available to private nonprofit organizations and units of local  
22 government for use as facilities to assist the homeless, based on  
23 provisions substantially similar to those in section 501 of title  
24 V of the Stewart B. McKinney homeless assistance act, Public Law  
25 100-77, 42 U.S.C. 11411.

26       Sec. 8. In consultation with appropriate agencies, the  
27 department may promulgate rules pursuant to the administrative

1 procedures act of 1969, Act No. 306 of the Public Acts of 1969,  
2 being sections 24.201 to 24.328 of the Michigan Compiled Laws, to  
3 effectuate this act.

4       Sec. 9. This act is repealed effective June 1, 1995.