

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

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MEMORANDUM

To: House Committee on Welfare Reform
From: Office of Revisor of Statutes
Date: March 2, 2023
Subject: HB 2430: Providing for requirements for use of funds allocated to agencies for the purpose of supporting unhoused individuals.

House Bill 2430 proposes a new section that addresses use of political subdivisions policies and funds for homelessness and penalties for unauthorized camping.

Subsection (a) titles the section as “The Safe Cities Act.” Subsection (b) prohibits political subdivisions from adopting or enforcing policies which the political subdivision directly or indirectly prohibits or discourages current orders or ordinances that prohibit camping, sleeping or obstructing public rights-of-way. Political subdivisions shall not prohibit or discourage law enforcement or prosecutors from enforcing current orders or ordinances that prohibit camping, sleeping or obstructing public rights-of-way.

The section gives the attorney general the power to bring a suit against a political subdivision to enjoin the subdivision from violating provisions of the section that pertain to the subdivision. Subsection (e) states that the section is severable and that one invalid provision shall not invalidate the remaining provisions. If a state department determines that certain political subdivisions are not compliant with the section, then the subdivisions shall not receive state funding that is designated for the purpose of addressing homelessness.

Subsection (g) establishes a crime to “use state or local government-owned lands for unauthorized sleeping, camping or long-term shelters,” unless otherwise already authorized by existing law. The penalty for a violation of subsection (g) is a fine not to exceed \$1, and the penalty for a second violation is the same as a class C nonperson misdemeanor, as determined in K.S.A. 21-6602 and 21-6611.