

Amendment No. 1 to HB0197

Howell
Signature of Sponsor

AMEND Senate Bill No. 217

House Bill No. 197*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 54, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) The department of transportation shall develop and implement a policy regarding the removal of personal property used for camping, as defined in § 55-8-212, from:

(1) The shoulder, berm, or right-of-way of highways under its jurisdiction;

or

(2) Under a bridge or overpass, or within an underpass of highways under its jurisdiction.

(b) The department shall develop and implement the policy pursuant to this section through partnerships with municipal and county governments, local law enforcement agencies, the department of safety, local homeless coalitions, local and state housing authorities, other local and state agencies, and nonprofit organizations and other entities that provide transitional housing and related services to persons experiencing homelessness.

(c) Notwithstanding another law, the policy developed by the department pursuant to this section must require:

(1) If requested by the department, that a municipal or county government whose geographic boundaries include a camping removal site, enter

into a memorandum of understanding with the department to outline roles and responsibilities when addressing a camping removal site; and

(2) That a memorandum of understanding entered into between the department and the municipal or county government pursuant to subdivision (c)(1) outline, at a minimum, the following responsibilities:

(A) For the department:

(i) Whenever feasible, performing a site assessment in advance of camping removal operations;

(ii) Posting of a notice to vacate at the camping removal site at least ten (10) calendar days prior to initiating camping removal operations that includes notification that any personal property remaining at the site past the noticed date of removal will be determined to be trash, garbage, or other debris, and will be disposed of accordingly;

(iii) Completion of initial clean-up operations initiated as a result of a citizen complaint or the identification of a site as a safety hazard by the department within thirty (30) calendar days of:

(a) A citizen complaint or such identification by the department, if a current memorandum of understanding required by subdivision (c)(1) has been previously agreed to with the municipal or county government whose geographic boundaries the camping removal site is located within; or

(b) A memorandum of understanding, if required by subdivision (c)(1), with the municipal or county government whose geographic boundaries the camping

removal site is located within being agreed upon, if a current memorandum of understanding has not been previously agreed to with the municipal or county government;

(iv) If necessary, completion of vegetation removal within thirty (30) calendar days after the completion of initial camping clean-up operations;

(v) If necessary, completion of any fencing or other measures to secure the site within ninety (90) calendar days after the completion of initial camping clean-up operations;

(vi) If necessary, contracting for the removal of certain items and materials, including human waste and other biohazards; and

(vii) If necessary, securing the assistance of the department of safety; and

(B) For the municipal or county government:

(i) Providing outreach services for persons experiencing homelessness at the camping removal site;

(ii) Connecting persons experiencing homelessness at the camping removal site with temporary or long-term housing resources;

(iii) If necessary, contracting with local homeless coalitions, local and state housing authorities, other local and state agencies, and nonprofit organizations and other entities that provide transitional housing and related services to persons experiencing homelessness;

(iv) Ensuring that the camping removal site is not occupied by any persons by the noticed date of removal; and

(v) Securing the assistance of local law enforcement to assist in removal and clean-up operations, including, but not limited to, the disposal of illicit drugs, drug paraphernalia, and firearms.

(d) Notwithstanding another law, the department shall not commence initial clean-up activities, vegetation removal, or site securing activities until the municipal or county government whose geographic boundaries include the camping removal site has ensured that no persons are occupying the camping removal site.

(e) If a municipal or county government fails to agree to a memorandum of understanding required by subdivision (c)(1) within sixty (60) calendar days upon receiving the department's request, or if a municipal or county government fails to comply with the terms of a memorandum of understanding, then the department shall provide written notice of such inaction to the chair of the committee of the house of representatives having jurisdiction over transportation matters, the chair of the transportation and safety committee of the senate, and the state representatives and state senators who represent the county where the camping removal site is located.

(f) The department may establish agency policies or promulgate rules in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to implement this section.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.