WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4753

By Delegates Skaff and Pack

[Introduced February 15, 2022; Referred to the Committee on the Judiciary]

A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §8-12-24, relating to prohibiting locating certain homeless facilities near schools and certain daycares; declaring it a public nuisance as a health and safety hazard; and providing a private cause of action for enforcement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIEs.

§8-12-24. Limitation on location of certain homeless facilities near schools and daycares.

The Legislature finds that unregulated establishment of homeless encampments in areas located near where children congregate and attend school creates a public health and safety hazard, therefore, the siting or establishment of a homeless encampment which includes, but not limited to, outdoor encampments, temporary small homes on-site, tiny homes sheltering homeless persons, or care or feeding areas for homeless persons, within one thousand five hundred feet of a public or private school, or licensed child care center is prohibited. Effective January 1, 2022, no municipality shall authorize or permit the establishment of homeless encampment at a prohibited location, and a private right of action exists as a public nuisance for enforcement of the provisions of this section.

NOTE: The purpose of this bill is to limit the locations for homeless encampments, temporary housing or feeding areas within 1,500 feet of a school or certain daycare facilities and provides a private right of action to enforce this prohibition.

`Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.