

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4403

By Delegates Heckert, Amos, and Hillenbrand

[Introduced January 16, 2026; referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §16-5AA-1, §16-5AA-2, §16-5AA-3, §16-5AA-4, §16-5AA-5, §16-5AA-6, §16-
3 5AA-7, and §16-5AA-8, relating to homeless shelters; providing legislative findings and
4 title; authorizing rule making authority; providing definitions; establishing uniform
5 oversight, registration, and enforcement standards for all homeless shelters operating in
6 the State of West Virginia; providing an effective date; and creating civil penalties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5AA. HOMELESS SHELTER OVERSIGHT AND SAFETY ACT.

§16-5AA-1. Legislative findings and title.

1 (a) The Legislature finds that:

2 (1) Homeless shelters provide essential emergency housing and services for vulnerable
3 residents of the state;

4 (2) Unlike other congregate living facilities, homeless shelters currently operate with
5 inconsistent regulation, safety requirements, and enforcement mechanisms;

6 (3) Ensuring uniform safety, health, and operational standards protects residents, staff,
7 and surrounding communities; and

8 (4) Oversight must be tailored to preserve the mission of shelters while ensuring basic
9 accountability, transparency, and protection from abuse or neglect.

10 (b) This act shall be known and cited as the "Homeless Shelter Oversight and Safety Act."

§16-5AA-2. Definitions.

1 As used in this article:

2 "Bureau" means the Bureau for Public Health within the Department of Health.

3 "Congregate residential facility" means any residential setting regulated under §16-1-1 et
4 seq. of this code, including group homes, recovery residences, shelters for domestic violence, and
5 community residential care facilities.

6 "Homeless shelter" means any facility that provides temporary emergency housing or

7 supportive lodging for individuals experiencing homelessness, regardless of funding source.

8 "Operator" means any organization, nonprofit, church, or entity responsible for managing
9 the shelter.

§16-5AA-3. Registration and certification of homeless shelters.

1 (a) Every homeless shelter operating in West Virginia shall register annually with the
2 Bureau for Public Health.

3 (b) No shelter may operate unless it obtains a Homeless Shelter Certificate of Operation,
4 issued upon compliance with:

5 (1) Minimum health and sanitation standards;

6 (2) Fire and life safety standards equivalent to those required for other regulated residential
7 facilities;

8 (3) Policies for intake, discharge, and emergency response;

9 (4) Criminal background checks for staff and volunteers with resident contact; and

10 (5) Proof of liability insurance.

11 (c) Shelters operated by churches or faith-based organizations remain eligible for religious
12 protections under federal law but must comply with health and safety components of this article.

§16-5AA-4. Minimum standards and enforcement.

1 (a) The bureau shall adopt legislative rules establishing:

2 (1) Cleaning and sanitation standards;

3 (2) Staffing ratios appropriate to facility size;

4 (3) Infection control and medical response protocols;

5 (4) Resident rights, including grievance procedures; and

6 (5) Incident reporting requirements, including overdoses, violence, or abuse allegations.

7 (b) The bureau may conduct announced or unannounced inspections, similar to those
8 required of other congregate living facilities.

9 (c) Violations may result in:

- 10 (1) Written corrective action plans;
11 (2) Civil penalties not to exceed \$5,000 per violation;
12 (3) Temporary suspension of operations for severe hazards; or
13 (4) Revocation of the Certificate of Operation.

§16-5AA-5. Coordination with local governments.

- 1 (a) Local governments may adopt additional safety or zoning requirements consistent with
2 state law.
3 (b) Nothing in this article prohibits counties or municipalities from entering agreements with
4 shelters to coordinate:
5 (1) Public safety response;
6 (2) Transportation; or
7 (3) Community impact management.

§16-5AA-6. Resident rights.

- 1 Every resident of a homeless shelter has the right to:
2 (1) A safe, clean, and humane environment;
3 (2) Freedom from discrimination, harassment, or abuse;
4 (3) Access to grievance procedures without retaliation; and
5 (4) Confidential handling of personal information.

§16-5AA-7. Rulemaking authority.

- 1 The Bureau for Public Health shall propose rules for legislative approval pursuant to §29A-
2 3-1 et seq. of this code to implement this article.

§16-5AA-8. Effective date.

- 1 This article becomes effective July 1, 2026, to allow operators adequate time to comply
2 with the registration and standards requirements.

NOTE: The purpose of this bill is to place homeless shelters under the same enforcement,

inspection, and safety requirements as other regulated residential facilities.

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