

# **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]

1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a  
 2 new section, designated §8-12-24, relating to prohibiting locating certain homeless  
 3 facilities near schools and certain daycares; declaring it a public nuisance as a health and  
 4 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.**

1 The Legislature finds that unregulated establishment of homeless encampments in areas  
 2 located near where children congregate and attend school creates a public health and safety  
 3 hazard, therefore, the siting or establishment of a homeless encampment which includes, but not  
 4 limited to, outdoor encampments, temporary small homes on-site, tiny homes sheltering homeless  
 5 persons, or care or feeding areas for homeless persons, within one thousand five hundred feet of  
 6 a public or private school, or licensed child care center is prohibited. Effective January 1, 2022,  
 7 no municipality shall authorize or permit the establishment of homeless encampment at a  
 8 prohibited location, and a private right of action exists as a public nuisance for enforcement of the  
 9 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.