
OLR Bill Analysis

sHB 5235

AN ACT CONCERNING NOTICE REQUIREMENTS AND STANDARDS FOR THE REMOVAL OF ENCAMPMENTS ON PROPERTY UNDER THE CONTROL OF THE DEPARTMENT OF TRANSPORTATION.

SUMMARY

This bill establishes a notice requirement applicable to the Department of Transportation's (DOT) (or their agents' or contractors') removal of certain encampments. A "removal" is the full or partial clearing of these sites, including requiring people to leave the property and collecting, relocating, discarding, or disposing of habitation-related structures or materials and personal property.

The bill generally requires DOT, before removing an encampment located on any state road right-of-way or state-owned, DOT-controlled property, to give at least 14 days' written notice stating (1) the removal's date and time and (2) that no person or personal property can remain on the right-of-way or property after the removal date. DOT must at least post this notice, printed in English and Spanish, at the encampment's apparent entry, exit, and common areas. When doing so, the department may also give oral or written notice to anyone present.

The bill (1) exempts DOT from this notice requirement if the commissioner determines the removal is needed due to a transportation operations, infrastructure, or public safety emergency and (2) requires him to document the reasons for the determination in writing.

The bill also requires the DOT and Department of Mental Health and Addiction Services (DMHAS) commissioners to jointly study and make recommendations on best practices and standards to use when responding to, managing, or removing the encampments described above.

Under the bill, an “encampment” is any outdoor location where at least one person sleeps, lives, or stores personal property (items that can reasonably be identified as personal belongings, have apparent value or utility, and are not hazardous) using tents, tarps, bedding, or other temporary shelter or structures for habitation. It does not include a campground or other location authorized for recreational camping by a federal, state, or municipal agency or a private property owner.

EFFECTIVE DATE: Upon passage

DOT AND DMHAS ENCAMPMENT STUDY

The bill requires the DOT and DMHAS commissioners’ encampment study to at least identify:

1. best practices from other states or municipalities on (a) providing advance removal notices to someone living at an encampment, including methods and reasonable timeframes for giving these notices and their frequency and (b) personal property treatment during an encampment removal;
2. outreach and engagement procedures for trained personnel that ensure respect for the personal dignity and property of those living at an encampment;
3. appropriate state and local agencies to offer immediate assistance and support to these individuals, both before and during an encampment removal, for emergency shelters, transitional or permanent housing, social services, or other interventions;
4. guidance, training, or technical assistance for state and local agencies and municipalities on humane and effective practices for responding to, managing, and removing encampments; and
5. ways to coordinate, before an encampment removal and as appropriate, with the municipality, community-based organizations serving people experiencing homelessness, housing authorities, other local service providers, and local law enforcement.

The bill requires the commissioners, by January 15, 2027, to jointly submit the study results and any recommendations to the Transportation Committee.

BACKGROUND

DOT Homeless Encampment Policy

In September 2022, DOT formally adopted an internal homeless encampment policy under which individuals experiencing homelessness are given at least 72 hours' notice before an encampment site cleanup (including reasonable protection to retain and relocate personal property). These individuals are also connected with DOT's Transit Homeless Outreach Program (T-HOP), implemented in partnership with DMHAS and the Department of Housing (DOH), to facilitate access to shelter, warming centers, substance use treatment, and mental health facilities.

Interagency Council on Homelessness

PA 25-52 established in statute the interagency council on homelessness, which is charged with advising and assisting the DOH commissioner to improve homelessness prevention and response efforts. The DMHAS commissioner is a regular member of the council and the DOT commissioner is authorized to participate as an ad hoc member, as determined by the DOH commissioner.

Related Bill

HB 5260 (File 161), reported favorably by the Housing Committee, generally prohibits municipalities from adopting or enforcing ordinances that prohibit a homeless person from using municipally controlled, publicly accessible outdoor areas for certain activities. The bill's restriction on ordinances generally does not apply to state-owned property in DOT's custody.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 34 Nay 2 (03/16/2026)