

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H

5

HOUSE BILL 437
Committee Substitute Favorable 4/8/25
Senate Judiciary Committee Substitute Adopted 6/10/26
Senate Health Care Committee Substitute Adopted 6/11/26
Fifth Edition Engrossed 6/24/26

Short Title: Drug-Free Zones/Unauthorized Public Camping. (Public)

Sponsors:

Referred to:

March 19, 2025

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH DRUG-FREE HOMELESS SERVICE ZONES AND INCREASE THE PUNISHMENT IMPOSED FOR COMMITTING CERTAIN DRUG OFFENSES IN A DRUG-FREE HOMELESS SERVICE ZONE AND TO BAN UNAUTHORIZED PUBLIC CAMPING OR SLEEPING IN THE STATE AND LOCAL GOVERNMENT UNITS OF THE STATE.

The General Assembly of North Carolina enacts:

DRUG-FREE HOMELESS SERVICE ZONES

SECTION 1.(a) This section shall be known as "The Drug-Free Homeless Service Zones Act."

SECTION 1.(b) G.S. 90-95(e) reads as rewritten:

"(e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:

...

(8) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property used for a child care center, or for an elementary or secondary school or within 1,000 feet of the boundary of real property used for a child care center, or for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90-95(a)(1). For purposes of this subdivision, a child care center is as defined in G.S. 110-86(3)a., and that is licensed by the Secretary of the Department of Health and Human Services.

(8a) Any person who commits an offense under G.S. 90-95(a)(1) in a drug-free homeless service zone is guilty of a Class E felony if the person knows or reasonably should know that it is a drug-free homeless service zone. Any operator of a facility-based service who intentionally allows a person to commit an offense under G.S. 90-95(a)(1) in a drug-free homeless service zone is guilty of a Class H felony. For purposes of this subdivision, the transfer of less than five grams of marijuana for no remuneration shall not constitute a



* H 4 3 7 - V - 5 *

1 delivery in violation of G.S. 90-95(a)(1). The following definitions apply in
 2 this subdivision:

3 a. Drug-free homeless service zone. – The following areas related to a
 4 facility-based service:

5 1. If the facility-based service does not provide the services
 6 described in sub-sub-subdivision 2. of this sub-subdivision, the
 7 exterior and interior of any building and any accompanying
 8 grounds used by a facility-based service and the area within
 9 100 feet of that building or its accompanying grounds, if at
 10 least one sign is permanently affixed in a visible manner at the
 11 exterior of the main entrance of the facility that identifies the
 12 building and its accompanying grounds as a drug-free
 13 homeless service zone. The presence of this sign shall raise a
 14 presumption that the person committing the offense knows or
 15 reasonably should know that it is a drug-free homeless service
 16 zone.

17 2. If the facility-based service provides shelter or housing for
 18 victims of domestic violence that may be endangered if the
 19 purpose or location of the facility were to become known, the
 20 interior of any building and any outdoor area that may only be
 21 accessed by entering through the building used by a
 22 facility-based service, if at least one sign is permanently
 23 affixed in a visible manner inside the building and within 5 feet
 24 of the main entrance of the facility that identifies the building
 25 as a drug-free homeless service zone. The presence of this sign
 26 shall raise a presumption that the person committing the
 27 offense knows or reasonably should know that it is a drug-free
 28 homeless service zone.

29 b. Facility-based service. – Any emergency or temporary shelter or
 30 transitional housing provider that receives local, State, or federal funds
 31 for the purpose of providing shelter to homeless persons.

32 c. Operator. – A sole proprietorship, corporation, partnership, joint
 33 venture, limited partnership, limited liability partnership, limited
 34 liability company, or any other entity or business association, or
 35 contractor or subcontractor of the same, that is the recipient of local,
 36 State, or federal funds to use for the provision of a facility-based
 37 service.

38"

39 **SECTION 1.(c)** This section becomes effective December 1, 2026, and applies to
 40 offenses committed on or after that date.

41
 42 **UNAUTHORIZED PUBLIC CAMPING AND SLEEPING**

43 **SECTION 2.(a)** Article 9 of Chapter 160D of the General Statutes is amended by
 44 adding a new section to read:

45 **"§ 160D-917. Camping in public spaces.**

46 (a) For purposes of this section, the following definitions shall apply:

47 (1) Department. – The North Carolina Department of Labor.

48 (2) Public camping or sleeping. – Lodging or residing overnight in a temporary
 49 outdoor habitation used as a dwelling or living space and evidenced by the
 50 erection of a tent or other temporary shelter, the presence of bedding or
 51 pillows, or the storage of personal belongings or lodging or residing overnight

1 in an outdoor space without a tent or other temporary shelter. The term does
2 not include (i) lodging or residing overnight in a motor vehicle that is
3 registered, insured, and located in a place where it may be lawfully used or
4 (ii) camping for recreational purposes on property designated for those
5 purposes.

6 (b) Except as provided in subsection (c) of this section, a local government may not
7 authorize or otherwise allow any person to regularly engage in public camping or sleeping on
8 any public property, including any public building or its grounds and any public right-of-way
9 under the jurisdiction of the local government.

10 (c) The governing board of a local government may, by majority vote, designate property
11 owned by the local government within its jurisdictional boundaries to be used for a continuous
12 period of no longer than one year for the purposes of public camping or sleeping. Except for a
13 local government on the Unit Assistance List prepared by the Local Government Commission,
14 the local government shall, in making the property designation, establish and maintain minimum
15 standards and procedures related to the designated property for the purposes of:

16 (1) Ensuring the safety and security of the designated property and the persons
17 lodging or residing on the designated property.

18 (2) Maintaining sanitation, which must, at a minimum, include providing access
19 to clean and operable restrooms and running water.

20 (3) Coordinating with the appropriate department, agency, or entity to provide
21 access to behavioral health services, which must include substance abuse and
22 mental health treatment resources.

23 (4) Prohibiting illegal substance use and alcohol use on the designated property
24 and enforcing the prohibition against such use.

25 (d) The local government's designation of property under subsection (c) of this section
26 shall not become effective until the designated property is certified by the Department. To obtain
27 the certification, the local government shall submit a request to the Commissioner of Labor which
28 shall include documentation proving all of the following:

29 (1) There are not sufficient open beds in homeless shelters in the local
30 government for the homeless population of the local government.

31 (2) The designated property is not contiguous to property zoned for residential
32 use by the local government.

33 (3) The designated property would not adversely and materially affect the
34 property value or safety and security of other existing residential or
35 commercial property in the local government and would not negatively affect
36 the safety of children.

37 (4) The local government has developed a plan to satisfy the minimum standards
38 and procedures prescribed in subsection (c) of this section.

39 (e) Within 10 days after receipt of a request to certify a designated property, the
40 Department shall notify the local government of the date the request was received and of any
41 omissions or errors in the request. The Department shall certify the designated property within
42 45 days after receipt of a complete submission from the local government, and the designated
43 property shall be deemed certified on the forty-fifth day if the Department takes no action.

44 (f) Within 30 days after certification of a designated property by the Department, the
45 local government shall publish the minimum standards and procedures required by subsection
46 (c) of this section on the local government's website. The local government shall continue to
47 make the standards and procedures publicly available for as long as any local government
48 property remains designated under subsection (d) of this section.

49 (g) The Department may inspect any designated property at any time, and the Department
50 shall provide notice to the local government recommending closure of the designated property if
51 the requirements of this section are no longer satisfied. A local government shall publish any

1 notice recommending closure on the local government's website not later than five business days
2 after receipt of the notice.

3 (h) Any resident of the local government, any owner of a business located in the local
4 government, or the Attorney General may bring a civil action in any court of competent
5 jurisdiction against the local government to enjoin a violation of subsection (b) of this section. If
6 the resident or business owner prevails in a civil action, the court may award reasonable expenses
7 incurred in bringing the civil action, including court costs, reasonable attorneys' fees,
8 investigative costs, witness fees, and deposition costs. An application for an injunction under this
9 subsection shall be accompanied by an affidavit attesting to all of the following:

10 (1) The applicant has provided written notice of the alleged violation to the
11 governing board of the local government via United States mail or electronic
12 mail addressed to the manager or administrator of the local government.

13 (2) The applicant has provided the local government with fifteen business days,
14 from the date the written notice was sent by the applicant, to cure the alleged
15 violation.

16 (3) The local government has failed to take all reasonable actions within its
17 governmental powers to cure the alleged violation within fifteen business days
18 from the date the written notice of the alleged violation was sent by the
19 applicant.

20 (i) This section does not apply during any time period in which:

21 (1) The Governor has declared a state of emergency pursuant to G.S. 166A-19.20.

22 (2) A local government has declared a state of emergency pursuant to
23 G.S. 166A-19.22."

24 **SECTION 2.(b)** No later than June 30, 2027, the Department of Labor shall adopt
25 the rules necessary to implement the provisions of this section.

26 **SECTION 2.(c)** Subsection (a) of this section becomes effective June 30, 2027. The
27 remainder of this section is effective when it becomes law.

28
29 **EFFECTIVE DATE**

30 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
31 law.