

HB0298S02 compared with HB0298S01

~~deleted text~~ shows text that was in HB0298S01 but was deleted in HB0298S02.

inserted text shows text that was not in HB0298S01 but was inserted into HB0298S02.

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Representative Tyler Clancy proposes the following substitute bill:

HOMELESSNESS SERVICES AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: ~~_____~~ Kirk A. Cullimore

Cosponsors:	Katy Hall	Keven J. Stratton
Nelson T. Abbott	Jon Hawkins	Christine F. Watkins
Jefferson S. Burton	Karianne Lisonbee	
Stephanie Gricius	Thomas W. Peterson	

LONG TITLE

General Description:

This bill modifies provisions related to the provision of homeless services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ renames the Utah Homelessness Council to the Utah Homeless Services Board (the board);

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- ▶ changes the size and membership of the board;
- ▶ changes the size and membership of the executive committee of the board;
- ▶ modifies the board's duties;
- ▶ establishes additional data that the Office of Homeless Services shall report to the public and the Legislature;
- ▶ requires the state and local homelessness councils to establish goals for making progress towards exiting individuals from homelessness;
- ▶ establishes the Shelter Cities Advisory Board and provides the advisory board's responsibilities;
- ▶ modifies provisions related to the winter response plan for a county of the first or second class;
- ▶ changes the limitations in effect during a code blue event; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-16-102, as last amended by Laws of Utah 2022, Chapter 403

35A-16-202, as enacted by Laws of Utah 2021, Chapter 281

35A-16-203, as last amended by Laws of Utah 2023, Chapter 302

35A-16-205, as last amended by Laws of Utah 2022, Chapter 403

35A-16-301, as renumbered and amended by Laws of Utah 2021, Chapter 281

35A-16-302, as last amended by Laws of Utah 2023, Chapter 302

35A-16-401, as last amended by Laws of Utah 2023, Chapter 302

35A-16-402, as last amended by Laws of Utah 2023, Chapter 302

35A-16-403, as last amended by Laws of Utah 2023, Chapter 302

35A-16-501.5, as enacted by Laws of Utah 2023, Chapter 302

35A-16-502, as repealed and reenacted by Laws of Utah 2023, Chapter 302

35A-16-602, as last amended by Laws of Utah 2023, Chapter 302

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35A-16-703, as enacted by Laws of Utah 2023, Chapter 302

ENACTS:

35A-16-208, Utah Code Annotated 1953

35A-16-209, Utah Code Annotated 1953

35A-16-210, Utah Code Annotated 1953

REPEALS AND REENACTS:

35A-16-204, as last amended by Laws of Utah 2022, Chapter 403

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **35A-16-102** is amended to read:

35A-16-102. Definitions.

As used in this chapter:

(1) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.

(2) "Client" means an individual who is experiencing homelessness or an individual at risk of becoming homeless.

(3) "Chief executive officer" means the same as that term is defined in Section 11-51-102.

(4) "Collaborative applicant" means the entity designated by a continuum of care to collect and submit data and apply for funds on behalf of the continuum of care, as required by the United States Department of Housing and Urban Development.

~~(2)~~ (5) "Continuum of care" means a regional or local planning body designated by the United States Department of Housing and Urban Development to coordinate services for individuals experiencing homelessness within an area of the state.

~~(3)~~ (6) "Coordinator" means the state homelessness coordinator appointed under Section 63J-4-202.

~~(4)~~ (7) "Executive committee" means the executive committee of the ~~[homelessness council described in Section 35A-16-204]~~ board.

(8) "Exit destination" means:

(a) transitional housing;

(b) permanent supportive housing;

(c) permanent housing;

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(d) correctional facility;

(e) treatment center;

(f) death;

(g) other; or

(h) unknown.

(9) "First-tier eligible municipality" means a municipality that:

(a) is located within a county of the first or second class;

(b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year:

(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and

(d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.

~~[(5)]~~ (10) "Homeless Management Information System" or "HMIS" means an information technology system that:

(a) is used to collect client-level data and data on the provision of housing and services to homeless individuals and individuals at risk of homelessness in the state; and

(b) meets the requirements of the United States Department of Housing and Urban Development.

~~[(6)]~~ (11) "Homeless services budget" means the comprehensive annual budget and overview of all homeless services available in the state described in Subsection 35A-16-203(1)(b).

~~[(7) "Homelessness council" means the Utah Homelessness Council created in Section 35A-16-204.]~~

~~[(8)]~~ (12) "Local homeless council" means a local planning body designated by the steering committee to coordinate services for individuals experiencing homelessness within an area of the state.

~~[(9)]~~ (13) "Office" means the Office of Homeless Services.

(14) "Second-tier eligible municipality" means a municipality that:

(a) is located within a county of the third, fourth, fifth, or sixth class;

(b) as determined by the office, has or is proposed to have an eligible shelter within the

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municipality's geographic boundaries within the following fiscal year:

(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and

(d) is certified as a second-tier eligible municipality in accordance with Section 35A-16-404.

~~[(10)]~~ (15) (a) "Service provider" means a state agency, a local government, or a private organization that provides services to clients.

(b) "Service provider" includes a correctional facility and the Administrative Office of the Courts.

(16) "Steering committee" means the Utah Homeless Network Steering Committee created in Section 35A-16-206.

~~[(11)]~~ (17) "Strategic plan" means the statewide strategic plan to minimize homelessness in the state described in Subsection 35A-16-203(1)(c).

(18) "Type of homelessness" means:

(a) chronic homelessness;

(b) episodic homelessness; or

(c) situational homelessness.

Section 2. Section **35A-16-202** is amended to read:

35A-16-202. Powers and duties of the office.

(1) The office shall, under the direction of the coordinator:

(a) assist in providing homeless services in the state;

(b) coordinate the provision of homeless services in the state; ~~[and]~~

(c) manage, with the concurrence of ~~[Continuum of Care]~~ continuum of care

organizations approved by the United States Department of Housing and Urban Development, a Homeless Management Information System for the state that:

(i) shares client-level data between ~~[state agencies, local governments, and private organizations that provide services to homeless individuals and families and individuals at risk of homelessness]~~ service providers in the state;

(ii) is effective as a case management system;

(iii) except for individuals receiving services who are victims of domestic violence, includes an effective authorization protocol for encouraging individuals who are provided with

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any homeless services in the state to provide accurate information to providers for inclusion in the HMIS; and

(iv) meets the requirements of the United States Department of Housing and Urban Development and other federal requirements[?]; and

(d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules defining "successful exit," "unsuccessful exit," and "no change in residency."

(2) The office may:

(a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs; and

(b) for any federal program that requires the expenditure of state funds as a condition for participation by the state in a fund, property, or service, with the governor's approval, expend whatever funds are necessary out of the money provided by the Legislature for the use of the office.

Section 3. Section **35A-16-203** is amended to read:

35A-16-203. Powers and duties of the coordinator.

(1) The coordinator shall:

(a) coordinate the provision of homeless services in the state;

(b) in cooperation with the [~~homelessness council~~] board, develop and maintain a comprehensive annual budget and overview of all homeless services available in the state, which homeless services budget shall receive final approval by the [~~homelessness council~~] board;

(c) in cooperation with the [~~homelessness council~~] board, create a statewide strategic plan to minimize homelessness in the state, which strategic plan shall receive final approval by the homelessness council;

(d) in cooperation with the [~~homelessness council~~] board, oversee funding provided for the provision of homeless services, which funding shall receive final approval by the [~~homelessness council~~] board, including funding from the:

(i) Pamela Atkinson Homeless Account created in Section 35A-16-301;

(ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303;

and

(iii) Homeless Shelter Cities Mitigation Restricted Account created in Section

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35A-16-402;

(e) provide administrative support to and serve as a member of the [~~homelessness council~~] board;

(f) at the governor's request, report directly to the governor on issues regarding homelessness in the state and the provision of homeless services in the state; and

(g) report directly to the president of the Senate and the speaker of the House of Representatives at least twice each year on issues regarding homelessness in the state and the provision of homeless services in the state.

(2) The coordinator, in cooperation with the [~~homelessness council~~] board, shall ensure that the homeless services budget described in Subsection (1)(b) includes an overview and coordination plan for all funding sources for homeless services in the state, including from state agencies, [~~Continuum of Care~~] continuum of care organizations, housing authorities, local governments, federal sources, and private organizations.

(3) The coordinator, in cooperation with the [~~homelessness council~~] board and taking into account the metrics established and data reported in accordance with Section 35A-16-208, shall ensure that the strategic plan described in Subsection (1)(c):

(a) outlines specific goals and measurable benchmarks for minimizing homelessness in the state and for coordinating services for individuals experiencing homelessness among all service providers in the state;

(b) identifies best practices and recommends improvements to the provision of services to individuals experiencing homelessness in the state to ensure the services are provided in a safe, cost-effective, and efficient manner;

(c) identifies best practices and recommends improvements in coordinating the delivery of services to the variety of populations experiencing homelessness in the state, including through the use of electronic databases and improved data sharing among all service providers in the state; and

(d) identifies gaps and recommends solutions in the delivery of services to the variety of populations experiencing homelessness in the state.

(4) In overseeing funding for the provision of homeless services as described in Subsection (1)(d), the coordinator:

(a) shall prioritize the funding of programs and providers that have a documented

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history of successfully reducing the number of individuals experiencing homelessness, reducing the time individuals spend experiencing homelessness, moving individuals experiencing homelessness to permanent housing, or reducing the number of individuals who return to experiencing homelessness; and

(b) except for a program or provider providing services to victims of domestic violence, may not approve funding to a program or provider that does not enter into a written agreement with the office to collect and share HMIS data regarding the provision of services to individuals experiencing homelessness so that the provision of services can be coordinated among state agencies, local governments, and private organizations.

(5) In cooperation with the ~~[homelessness council]~~ board, the coordinator shall update the annual statewide budget and the strategic plan described in this section on an annual basis.

(6) (a) On or before October 1, the coordinator shall provide a written report to the department for inclusion in the department's annual written report described in Section 35A-1-109.

(b) The written report shall include:

(i) the homeless services budget;

(ii) the strategic plan;

(iii) recommendations regarding improvements to coordinating and providing services to individuals experiencing homelessness in the state; ~~and~~

(iv) in coordination with the ~~[homelessness council]~~ board, a complete accounting of the office's disbursement of funds during the previous fiscal year from:

(A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;

(B) the Homeless to Housing Reform Restricted Account created in Section 35A-16-303;

(C) the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;

(D) the COVID-19 Homeless Housing and Services Grant Program created in Section 35A-16-602; and

(E) any other grant program created in statute that is administered by the office~~[-];~~ and

(v) the data described in Section 35A-16-208.

Section 4. Section **35A-16-204** is repealed and reenacted to read:

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35A-16-204. Utah Homeless Services Board.

(1) There is created within the office the Utah Homeless Services Board.

(2) (a) The board shall consist of the following members:

(i) a representative, appointed jointly by the speaker of the House of Representatives and the president of the Senate;

(ii) a statewide philanthropic leader, appointed by the governor;

(iii) a representative, appointed by the governor;

(iv) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the partnership's successor organization;

(v) the mayor of Salt Lake City;

(vi) the chief executive officer appointed by the Shelter Cities Advisory Council in accordance with Section 35A-16-210;

(vii) an elected official appointed by the Utah Association of Counties or the association's successor organization;

(viii) a county employee who oversees behavioral health, appointed by the Utah Association of Counties or the association's successor organization;

(ix) an individual who represents the Utah Homeless Network; and

(x) the coordinator.

(b) The governor shall select a board member to serve as chair of the board.

(c) The member described in Subsection (2)(a)(ix) is a nonvoting board member.

(3) The following four members of the board shall serve as the executive committee:

(a) the coordinator; and

(b) three board members chosen by the board chair, which shall include one of the members described in Subsection 35A-16-204(2)(a)(v) or (2)(a)(vi).

(4) (a) The board shall meet at least once per calendar quarter.

(b) The chair, the coordinator, or three of the board members may call a board meeting.

(c) The individual calling the meeting shall provide notice of the meeting to the board members at least three calendar days in advance of the meeting.

(5) ~~{Six}~~ A majority of the voting members of the board ~~{constitute}~~ constitutes a quorum of the board at any meeting, and the action of the majority of voting members present constitutes the action of the board.

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(6) A majority of members of the executive committee constitutes a quorum of the executive committee at any meeting, and the action of the majority of members present constitutes the action of the executive committee.

(7) (a) Except as required by Subsection (7)(c):

(i) each appointed member of the board, other than a board member described in Subsection (2)(a)(vi), shall serve a four-year term; and

(ii) the board member appointed in accordance with Subsection (2)(a)(vi) shall serve a two-year term.

(b) A board member may serve more than one term.

(c) The appointing authority, at the time of appointment or reappointment, may adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the appointed board members are appointed every two years.

(8) When a vacancy occurs in the appointed membership for any reason, the replacement is appointed for the unexpired term.

(9) (a) Except as described in Subsection (9)(b), a member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a ~~commissioner~~board member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(10) The office shall provide staff and administrative support to the board.

Section 5. Section **35A-16-205** is amended to read:

35A-16-205. Duties of the board.

The [~~homelessness council~~] board:

(1) shall provide final approval for:

(a) the homeless services budget;

(b) the strategic plan; and

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(c) the awarding of funding for the provision of homeless services as described in Subsection 35A-16-203(1)(d);

(2) in cooperation with the coordinator, shall:

(a) develop and maintain the homeless services budget;

(b) develop and maintain the strategic plan; and

(c) review applications and approve funding for the provision of homeless services in the state as described in Subsection 35A-16-203(1)(d);

(3) shall review local and regional plans for providing services to individuals experiencing homelessness;

(4) shall cooperate with local homeless councils to:

(a) develop a common agenda and vision for reducing homelessness in each local oversight body's respective region;

(b) as part of the homeless services budget, develop a spending plan that coordinates the funding supplied to local stakeholders; and

(c) align local funding to projects that improve outcomes and target specific needs in each community;

(5) shall coordinate gap funding with private entities for providing services to individuals experiencing homelessness;

(6) shall recommend performance and accountability measures for service providers, including the support of collecting consistent and transparent data; [~~and~~]

(7) when reviewing and giving final approval for requests as described in Subsection 35A-16-203(1)(d):

(a) may only recommend funding if the proposed recipient has a policy to share client-level service information with other entities in accordance with state and federal law to enhance the coordination of services for individuals who are experiencing homelessness; and

(b) shall identify specific targets and benchmarks that align with the strategic plan for each recommended award[.];

(8) shall regularly update the state strategic plan on homelessness to reflect proven strategies to reduce homelessness among:

(a) the unsheltered;

(b) the chronically or episodically homeless; and

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(c) the situationally homeless;

(9) shall develop annual state and local goals for reducing homelessness among the target subpopulations identified by the board;

(10) shall work with the local homelessness councils to carry out the requirements of Subsection 35A-16-208(3);

(11) shall develop metrics for measuring the effectiveness of providers in assisting clients to successfully progress through the services coordinated by a continuum of care;

(12) shall create best practices for a service provider to administer services to an individual experiencing homelessness, including promotion of:

(a) a recognition of the human dignity of clients served;

(b) a need to develop self-reliance;

(c) the value of work;

(d) personal accountability; and

(e) personal progress toward greater personal independence;

(13) shall make recommendations for uniform standards for enforcing pedestrian safety and camping laws and ordinances;

(14) shall identify best practices for responding to unsheltered individuals experiencing mental illness and substance use disorder;

(15) shall make recommendations for strategies to reduce illegal drug use within homeless shelters, transitional housing, and permanent supportive housing;

(16) shall facilitate client connection to alternative support systems, including behavioral health services, addiction recovery, and residential services;

(17) shall facilitate data sharing arrangements and participation in HMIS among all participants in a client support network, including homeless services, mental health systems, and the criminal justice system;

(18) shall make recommendations to the office for defining "successful exit," "unsuccessful exit," and "no change in residency";

(19) shall evaluate additional opportunities for the office to become a collaborative applicant;

(20) shall coordinate with the continuums of care to provide for cooperative distribution of available funding; and

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(21) shall work in conjunction with the executive directors of the Department of Workforce Services, the Department of Health and Human Services, and the Department of Corrections to create best practices for helping individuals exiting from incarceration or an institution to avoid homelessness.

Section 6. Section 35A-16-208 is enacted to read:

35A-16-208. Reporting requirements -- ~~{Goals and outcomes}~~ Outcome measures.

(1) (a) The office shall report ~~{, for}~~:

(i) the ~~{state and for each local homelessness council}~~:

~~— (a) {state's} year-to-date progress toward reaching a functional zero level of homelessness { for each type of homelessness and subpopulation, including:};~~

~~(ii) the total number of unique individuals who are {homeless for the first time;~~

~~— (ii) {currently experiencing homelessness and the number of {individuals who returned to homelessness after having exited homelessness within the two previous years} instances of homelessness for each individual;~~

~~(iii) the number of individuals who {remained homeless during the reporting period;~~

~~— (iv) {are currently experiencing homelessness by familial status;~~

(iv) the percentage of individuals experiencing homelessness who:

(A) have a mental illness;

(B) have a drug addiction;

(C) have a chronic health condition;

(D) have a physical disability;

(E) have a developmental disability;

(F) have HIV/AIDS;

(G) are a survivor of domestic violence;

(H) are a veteran;

(I) are an unaccompanied youth under 25 years old; and

(J) are a parent of a youth under 25 years old;

(v) the number of individuals who exited { by exit destination; and

~~— (v) the number of individuals who are experiencing homelessness for the first time plus the number of individuals who are returning to homelessness minus the number of individuals who are exiting} homeless services since the last report by:~~

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(A) type of homelessness;

~~(b) the actual performance reported in accordance with Subsections (1)(a)(iii) and (1)(a)(iv) compared to the goal established in accordance with Subsection (3); and~~

~~(c) the number of individuals receiving homeless services during:~~

~~(i) the most recent completed fiscal year;~~

~~(ii) each of the previous three calendar years; and~~

~~(iii) each of the previous five calendar years}~~ B) subpopulation; and

(C) exit destination;

(vi) the cost per bed at a new shelter, transitional housing, or permanent supportive housing compared to historic average cost of a similar facility;

(vii) the annual operating cost of a homeless resource center, including utilities, staff, and maintenance; and

(viii) the state's progress, by service provider type, on each outcome measure identified in Subsection (3).

(b) The report shall contain aggregated, de-identified information.

(2) The office shall report the data described in Subsection (1)(a):

(a) in the annual report required by Section 35A-16-203;

(b) on or before October 1 of each year, through an oral presentation to the Economic Development and Workforce Services Interim Committee; and

(c) monthly on the office's public webpage on homelessness.

(3) For each service provider, the board and the local homelessness councils shall jointly establish goals and make monthly and annual progress reports identifying the number of clients with:

(a) a successful exit;

(b) an unsuccessful exit; and

(c) no changes in residency.

Section 7. Section **35A-16-209** is enacted to read:

35A-16-209. Cost measures.

The office shall report annually for each local homelessness council the following:

(1) the cost of construction per bed for each new shelter, transitional housing, or permanent supportive housing compared to the average cost of a similar facility during the past

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three years; and

(2) annual operating cost per bed of a homeless resource center, including utilities, staff, and maintenance.

Section 8. Section **35A-16-210** is enacted to read:

35A-16-210. Shelter Cities Advisory Board.

(1) There is established the Shelter Cities Advisory Board.

(2) The Shelter Cities Advisory Board shall consist of the following members:

(a) the chief executive officer of each first-tier eligible municipality, or the chief executive officer's designee; and

(b) the chief executive officer of each second-tier eligible municipality, or the chief executive officer's designee.

(3) (a) The Shelter Cities Advisory Board shall appoint, in accordance with this section, one chief executive officer representing a municipality as a member to the board.

(b) The members of the Shelter Cities Advisory Board shall make an appointment, or fill a vacancy, by a majority vote of all members of the Shelter Cities Advisory Board who are present at the meeting during which an appointment is made.

(c) The Shelter Cities Advisory Board may not appoint the chief executive officer described in Subsection 35A-16-204(1)(a)(v).

(d) Section 35A-16-204 governs other terms of appointment.

(4) The Shelter Cities Advisory Board may make recommendations to the board regarding improvements to coordinating and providing services to individuals experiencing homelessness in the state.

(5) The office and an association representing at least two municipalities in the state shall jointly provide staff and administrative support to the Shelter Cities Advisory Board.

Section 9. Section **35A-16-301** is amended to read:

35A-16-301. Creation of Pamela Atkinson Homeless Account.

(1) There is created a restricted account within the General Fund known as the "Pamela Atkinson Homeless Account."

(2) Private contributions received under this section and Section 59-10-1306 shall be deposited into the restricted account to be used only for programs described in this chapter.

(3) Money shall be appropriated from the restricted account to the [homelessness

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~~council~~] board in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.

(4) The [~~homelessness council~~] board may accept transfers, grants, gifts, bequests, or money made available from any source to implement this part.

Section 10. Section **35A-16-302** is amended to read:

35A-16-302. Uses of Homeless to Housing Reform Restricted Account.

(1) The [~~homelessness council~~] board may award ongoing or one-time grants or contracts funded from the Homeless to Housing Reform Restricted Account created in Section 35A-16-303.

(2) As a condition of receiving money, including any ongoing money, from the restricted account, an entity awarded a grant or contract under this section shall provide detailed and accurate reporting on at least an annual basis to the [~~homelessness council~~] board and the coordinator that describes:

(a) how money provided from the restricted account has been spent by the entity; and
(b) the progress towards measurable outcome-based benchmarks agreed to between the entity and the [~~homelessness council~~] board before the awarding of the grant or contract.

(3) In determining the awarding of a grant or contract under this section, the [~~homelessness council~~] board and the coordinator shall:

(a) ensure that the services to be provided through the grant or contract will be provided in a cost-effective manner;
(b) give priority to a project or contract that will include significant additional or matching funds from a private organization, nonprofit organization, or local government entity;
(c) ensure that the project or contract will target the distinct housing needs of one or more at-risk or homeless subpopulations, which may include:

(i) families with children;
(ii) transitional-aged youth;
(iii) single men or single women;
(iv) veterans;
(v) victims of domestic violence;
(vi) individuals with behavioral health disorders, including mental health or substance use disorders;
(vii) individuals who are medically frail or terminally ill;

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- (viii) individuals exiting prison or jail; or
- (ix) individuals who are homeless without shelter;
- (d) consider whether the project will address one or more of the following goals:
 - (i) diverting homeless or imminently homeless individuals and families from emergency shelters by providing better housing-based solutions;
 - (ii) meeting the basic needs of homeless individuals and families in crisis;
 - (iii) providing homeless individuals and families with needed stabilization services;
 - (iv) decreasing the state's homeless rate;
 - (v) implementing a coordinated entry system with consistent assessment tools to provide appropriate and timely access to services for homeless individuals and families;
 - (vi) providing access to caseworkers or other individualized support for homeless individuals and families;
 - (vii) encouraging employment and increased financial stability for individuals and families being diverted from or exiting homelessness;
 - (viii) creating additional affordable housing for state residents;
 - (ix) providing services and support to prevent homelessness among at-risk individuals and adults;
 - (x) providing services and support to prevent homelessness among at-risk children, adolescents, and young adults;
 - (xi) preventing the reoccurrence of homelessness among individuals and families exiting homelessness; and
 - (xii) providing medical respite care for homeless individuals where the homeless individuals can access medical care and other supportive services; and
- (e) address the needs identified in the strategic plan described in Section 35A-16-203 for inclusion in the annual written report described in Section 35A-1-109.
- (4) In addition to the other provisions of this section, in determining the awarding of a grant or contract under this section to design, build, create, or renovate a facility that will provide shelter or other resources for the homeless, ~~[of] the [homelessness council] board,~~ with the concurrence of the coordinator, may consider whether the facility will be:
 - (a) located near mass transit services;
 - (b) located in an area that meets or will meet all zoning regulations before a final

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dispersal of funds;

(c) safe and welcoming both for individuals using the facility and for members of the surrounding community; and

(d) located in an area with access to employment, job training, and positive activities.

(5) In accordance with Subsection (4), and subject to the approval of the [~~homelessness council~~] board, with the concurrence of the coordinator, the following may recommend a site location, acquire a site location, and hold title to real property, buildings, fixtures, and appurtenances of a facility that provides or will provide shelter or other resources for the homeless:

(a) the county executive of a county of the first class on behalf of the county of the first class, if the facility is or will be located in the county of the first class in a location other than Salt Lake City;

(b) the state;

(c) a nonprofit entity approved by the [~~homelessness council~~] board, with the concurrence of the coordinator; and

(d) a mayor of a municipality on behalf of the municipality where a facility is or will be located.

(6) (a) If a homeless shelter commits to provide matching funds under this Subsection (6), the [~~homelessness council~~] board, with the concurrence of the coordinator, may award a grant for the ongoing operations of the homeless shelter.

(b) In awarding a grant under this Subsection (6), the [~~homelessness council~~] board, with the concurrence of the coordinator, shall consider the number of beds available at the homeless shelter and the number and quality of the homeless services provided by the homeless shelter.

(7) The office may expend money from the restricted account to offset actual office and [~~homelessness council~~] board expenses related to administering this section.

Section 11. Section **35A-16-401** is amended to read:

35A-16-401. Definitions.

As used in this part:

(1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

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(2) "Authorized provider" means a nonprofit provider of homeless services that is authorized by a third-tier eligible municipality to operate a temporary winter response shelter within the municipality in accordance with Part 5, Winter Response Plan Requirements.

(3) "Eligible municipality" means:

- (a) a first-tier eligible municipality;
- (b) a second-tier eligible municipality; or
- (c) a third-tier eligible municipality.

(4) "Eligible services" means any activities or services that mitigate the impacts of the location of an eligible shelter, including direct services, public safety services, and emergency services, as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) "Eligible shelter" means:

(a) for a first-tier eligible municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the office;

(ii) operates year-round; and

(iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;

(b) for a second-tier municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by the office;

(ii) operates year-round; and

(iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation; and

(c) for a third-tier eligible municipality, a homeless shelter that:

(i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and

(B) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year; or

(ii) (A) meets the definition of a homeless shelter under Section 35A-16-501; and

(B) increases capacity during a winter response period, as defined in Section

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35A-16-501, in accordance with Subsection 35A-16-502(6)(a).

~~[(6) (f)]~~ "First-tier eligible municipality" means a municipality that:

~~[(a) is located within a county of the first or second class;~~

~~[(b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;~~

~~[(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and]~~

~~[(d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.]~~

~~[(7)]~~ 1(6) "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to individuals experiencing homelessness.

~~[(8)]~~ 1(7) "Municipality" means a city, town, or metro township.

~~[(9)]~~ 1(8) "Public safety services" means law enforcement, emergency medical services, or fire protection.

~~[(10) "Second-tier eligible municipality" means a municipality that:]~~

~~[(a) is located within a county of the third, fourth, fifth, or sixth class;~~

~~[(b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;~~

~~[(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and]~~

~~[(d) is certified as a second-tier eligible municipality in accordance with Section 35A-16-404.]~~

~~[(11)]~~ ~~(10)~~ 9 "Third-tier eligible municipality" means a municipality that:

(a) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year; and

(b) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services.

Section 12. Section **35A-16-402** is amended to read:

35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula for disbursing account funds to eligible municipalities.

(1) There is created a restricted account within the General Fund known as the

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Homeless Shelter Cities Mitigation Restricted Account.

(2) The account shall be funded by:

(a) local sales and use tax revenue deposited into the account in accordance with Section 59-12-205;

(b) interest earned on the account; and

(c) appropriations made to the account by the Legislature.

(3) The office shall administer the account.

(4) (a) Subject to appropriations, the office shall annually disburse funds from the account as follows:

(i) 87.5% shall be disbursed to first-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:

(A) 70% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as determined by the office;

(B) 20% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as determined by the office; and

(C) 10% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office;

(ii) 2.5% shall be disbursed to second-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:

(A) 70% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as determined by the office;

(B) 20% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the

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total population of the municipality, as determined by the office; and

(C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office; and

(iii) 10% shall be disbursed to third-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, in accordance with a formula established by the office and approved by the [~~homelessness council~~] board.

(b) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the maximum amount of funds that the office may disburse each year to a single second-tier municipality may not exceed 50% of the total amount of funds disbursed under Subsection (4)(a)(ii).

(c) The office may disburse funds under Subsection (4)(a)(iii) to an authorized provider of a third-tier eligible municipality.

(d) The office may disburse funds to a third-tier municipality or an authorized provider under Subsection (4)(a)(iii) regardless of whether the municipality receives funds under Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection (4)(a)(ii) as a second-tier municipality.

(e) If any account funds are available to the office for disbursement under this section after making the disbursements required in Subsection (4)(a), the office may disburse the available account funds to third-tier municipalities that have been approved to receive account funds under Section 35A-16-403.

(5) The office may use up to 2.75% of any appropriations made to the account by the Legislature to offset the office's administrative expenses under this part.

Section 13. Section **35A-16-403** is amended to read:

35A-16-403. Eligible municipality application process for Homeless Shelter Cities Mitigation Restricted Account funds.

(1) An eligible municipality may apply for account funds to mitigate the impacts of the location of an eligible shelter through the provision of eligible services within the eligible municipality's boundaries.

(2) (a) The [~~homelessness council~~] board shall set aside time on the agenda of a [~~homelessness council~~] board meeting that occurs before the beginning of the next fiscal year

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to allow an eligible municipality to present a request for account funds for that next fiscal year.

(b) An eligible municipality may present a request for account funds by:

(i) sending an electronic copy of the request to the [~~homelessness council~~] board before the meeting; and

(ii) appearing at the meeting to present the request.

(c) The request described in Subsection (2)(b)(ii) shall contain:

(i) a proposal outlining the need for eligible services, including a description of each eligible service for which the eligible municipality requests account funds;

(ii) a description of the eligible municipality's proposed use of account funds;

(iii) a description of the outcomes that the funding would be used to achieve, including indicators that would be used to measure progress toward the specified outcomes; and

(iv) the amount of account funds requested.

(d) (i) On or before September 30, an eligible municipality that received account funds during the previous fiscal year shall file electronically with the [~~homelessness council~~] board a report that includes:

(A) a summary of the amount of account funds that the eligible municipality expended and the eligible municipality's specific use of those funds;

(B) an evaluation of the eligible municipality's effectiveness in using the account funds to address the eligible municipality's needs due to the location of an eligible shelter;

(C) an evaluation of the eligible municipality's progress regarding the outcomes and indicators described in Subsection (2)(c)(iii); and

(D) any proposals for improving the eligible municipality's effectiveness in using account funds that the eligible municipality may receive in future fiscal years.

(ii) The [~~homelessness council~~] board may request additional information as needed to make the evaluation described in Subsection (2)(e).

(e) The [~~homelessness council~~] board shall evaluate a request made in accordance with this Subsection (2) and may take the following factors into consideration in determining whether to approve or deny the request:

(i) the strength of the proposal that the eligible municipality provided to support the request;

(ii) if the eligible municipality received account funds during the previous fiscal year,

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the efficiency with which the eligible municipality used any account funds during the previous fiscal year;

(iii) the availability of funding for the eligible municipality under Subsection 35A-16-402(4);

(iv) the availability of alternative funding for the eligible municipality to address the eligible municipality's needs due to the location of an eligible shelter; and

(v) any other considerations identified by the [~~homelessness council~~] board.

(f) After making the evaluation described in Subsection (2)(e), and subject to Subsection (2)(g), the [~~homelessness council~~] board shall vote to either approve or deny an eligible municipality's request for account funds.

(g) (i) Except as provided in Subsection (2)(g)(ii), an eligible municipality may not receive account funds under this section unless the eligible municipality enforces an ordinance that prohibits camping.

(ii) Subsection (2)(g)(i) does not apply if each homeless shelter located within the county in which the eligible municipality is located is at full capacity, as defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(h) If the [~~homelessness council~~] board approves an eligible municipality's request to receive account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the amount of funds for disbursement to the eligible municipality under Subsection 35A-16-402(4).

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules governing the process for calculating the amount of funds that an eligible municipality may receive under Subsection 35A-16-402(4).

Section 14. Section **35A-16-501.5** is amended to read:

35A-16-501.5. County winter response task force.

(1) Subject to the requirements of Section 35A-16-502, the council of governments of each applicable county shall annually convene a county winter response task force.

(2) (a) The task force for Salt Lake County shall consist of the following 14 voting members:

(i) the chief executive officer of Salt Lake County, or the chief executive officer's designee;

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(ii) the chief executive officer, or the chief executive officer's designee, of each of the following 11 municipalities:

- (A) Draper;
- (B) Midvale;
- (C) Millcreek;
- (D) Murray;
- (E) Salt Lake City;
- (F) Sandy;
- (G) South Jordan;
- (H) South Salt Lake;
- (I) Taylorsville;
- (J) West Jordan; and
- (K) West Valley City; and

(iii) the chief executive officer, or the chief executive officer's designee, of any two municipalities located in Salt Lake County that are not described in Subsection (2)(a)(ii), appointed by the conference of mayors of Salt Lake County.

(b) A task force for an applicable county not described in Subsection (2)(a) shall consist of the following voting members:

(i) the chief executive officer of the applicable county, or the chief executive officer's designee; and

(ii) the chief executive officer, or the chief executive officer's designee, of a number of municipalities located in the applicable county that the conference of mayors of the applicable county considers to be appropriate, appointed by the conference of mayors of the applicable county.

(3) In addition to the voting members required in Subsection (2), a task force shall include the following nonvoting members:

(a) the coordinator, or the coordinator's designee;

(b) one representative of the Utah League of Cities and Towns, appointed by the Utah League of Cities and Towns, or the representative's designee;

(c) one representative of the Utah Association of Counties, appointed by the Utah Association of Counties, or the representative's designee;

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(d) two individuals experiencing homelessness or having previously experienced homelessness, appointed by the applicable local [~~homelessness~~] homeless council;

(e) three representatives of the applicable local homeless council, appointed by the applicable local homeless council, or the representative's designee; and

(f) any other individual appointed by the council of governments of the applicable county.

(4) (a) Any vacancy on a task force shall be filled in the same manner as the appointment of the member whose vacancy is being filled.

(b) Each member of a task force shall serve until a successor is appointed.

(5) A majority of the voting members of a task force constitutes a quorum and may act on behalf of the task force.

(6) A task force shall:

(a) select officers from the task force's members as the task force finds necessary; and

(b) meet as necessary to effectively conduct the task force's business and duties as prescribed by statute.

(7) A task force may establish one or more working groups as is deemed appropriate to assist on specific issues related to the task force's duties, including a working group for site selection of temporary winter response shelters.

(8) (a) A task force member may not receive compensation or benefits for the task force member's service.

(b) A task force member may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.

(9) The applicable county for which a task force is convened shall provide administrative support to the task force.

(10) Meetings of the task force are not subject to Title 52, Chapter 4, Open and Public Meetings Act.

Section 15. Section **35A-16-502** is amended to read:

35A-16-502. Winter response plan required -- Contents -- Review --

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Consequences after determination of noncompliance.

(1) (a) The task force for an applicable county that is a county of the first class shall annually prepare and submit to the office a winter response plan on or before August 1 in calendar years 2023, 2024, and 2025.

(b) The task force for an applicable county not described in Subsection (1)(a) shall annually prepare and submit to the office a winter response plan on or before August 1 in calendar years 2024 and 2025.

(2) The winter response plan shall:

(a) provide assurances to the office that the applicable county will meet the applicable county's targeted winter response ~~[bed count]~~ plan or other accommodations during the subsequent winter response period by establishing plans for the requisite need during the subsequent winter response period;

(b) ensure that any temporary winter response shelter planned for operation within the applicable county will meet all local zoning requirements;

(c) include a detailed transportation plan, budget, revenue sources, including in-kind sources, and any other component specified by the office under Subsection (3) as a requirement for the applicable county to achieve compliance with this section;

(d) include a detailed county plan for a code blue event as defined in Section 35A-16-701, including the number and location of available beds for individuals experiencing homelessness for the duration of the code blue event; and

(e) be approved by the chief executive officer of:

(i) any municipality located within the applicable county in which a temporary winter response shelter is planned for operation during the subsequent winter response period; and

(ii) the applicable county, if a temporary winter response shelter is planned for operation within an unincorporated area of the county.

(3) To assist a task force in preparing a winter response plan, by no later than March 30 of the year in which the winter response plan is due, the applicable local homeless council, in coordination with the office, shall provide the following information to the task force:

(a) the targeted winter response bed count;

(b) the requirements for the plan described in Subsection (2)(d);

(c) the availability of funds that can be used to mitigate the winter response plan; and

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(d) any component required for the winter response plan to achieve compliance that is not described in Subsection (2).

(4) In preparing the winter response plan, the task force shall coordinate with:

(a) the office;

(b) the applicable local homeless council;

(c) for Salt Lake County, the conference of mayors for Salt Lake County; and

(d) for an applicable county not described in Subsection (4)(c), the council of governments for the applicable county.

(5) In conducting site selection for a temporary winter response shelter under a winter response plan, the task force shall prioritize:

(a) a site located more than one mile from any homeless shelter;

(b) a site located more than one mile from any permanent supportive housing, as verified by the office; and

(c) a site located in a municipality or unincorporated area of the applicable county that does not have a homeless shelter.

(6) (a) On or before August 15 of the year in which a winter response plan is submitted, the office shall:

(i) conduct a review of the winter response plan for compliance with this section; and

(ii) send a written notice of the office's determination regarding compliance to:

(A) the task force for the applicable county;

(B) the council of governments for the applicable county;

(C) the applicable local homeless council; and

(D) the legislative body of each municipality located within the applicable county.

(b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance with this section if:

(i) the applicable county's task force fails to submit a timely winter response plan under this section; or

(ii) the office determines that the winter response plan prepared for the applicable county does not comply with this section.

(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules establishing requirements for an applicable county's compliance with

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this section.

Section 16. Section **35A-16-602** is amended to read:

35A-16-602. COVID-19 Homeless Housing and Services Grant Program.

(1) There is established the COVID-19 Homeless Housing and Services Grant Program, a competitive grant program administered by the office and funded in accordance with 42 U.S.C. Sec. 802.

(2) The office shall distribute money to fund one or more projects that:

(a) include affordable housing units for households:

(i) whose income is no more than 30% of the area median income for households of the same size in the county or municipality where the project is located;

(ii) at rental rates no greater than 30% of the income described in Subsection (2)(a)(i) for a household of:

(A) one person if the unit is an efficiency unit;

(B) two people if the unit is a one-bedroom unit;

(C) four people if the unit is a two-bedroom unit;

(D) five people if the unit is a three-bedroom unit;

(E) six people if the unit is a four-bedroom unit; or

(F) eight people if the unit is a five-bedroom or larger unit; and

(iii) that have been impacted by the COVID-19 emergency in accordance with 42 U.S.C. Sec. 802; and

(b) have been approved by the [~~homelessness council~~] board.

(3) The office shall:

(a) administer the grant program, including:

(i) reviewing grant applications and making recommendations to the [~~homelessness council~~] board; and

(ii) distributing grant money to approved grant recipients; and

(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer the program, including:

(i) grant application requirements;

(ii) procedures to approve a grant; and

(iii) procedures for distributing money to grant recipients.

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(4) When reviewing an application for approval, the [~~homelessness council~~] board shall consider:

- (a) an applicant's rental income plan;
 - (b) proposed case management and service plans for households;
 - (c) any matching funds proposed by an applicant;
 - (d) proposed restrictions, including deed restrictions, and the duration of restrictions on housing units to facilitate long-term assistance to households;
 - (e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802; and
 - (f) any other considerations as adopted by the [~~council~~] board.
- (5) A grant award under this section shall comply with the requirements of 42 U.S.C. Sec. 802.

Section 17. Section **35A-16-703** is amended to read:

35A-16-703. Provisions in effect for duration of code blue alert.

Subject to rules made by the Department of Health and Human Services under Subsection 35A-16-702(4), the following provisions take effect within an affected county for the duration of a code blue alert:

(1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to provide temporary shelter to any number of individuals experiencing homelessness, so long as the homeless shelter is in compliance with the applicable building code and fire code;

(2) a homeless shelter, in coordination with the applicable local homeless council, shall implement expedited intake procedures for individuals experiencing homelessness who request access to the homeless shelter;

(3) a homeless shelter may not deny temporary shelter to any individual experiencing homelessness who requests access to the homeless shelter for temporary shelter unless the homeless shelter is at the capacity limit described in Subsection (1) or if a reasonable individual would conclude that the individual presents a danger to [~~the homeless shelter's staff or guests~~] public safety;

(4) any indoor facility owned by a private organization, nonprofit organization, state government entity, or local government entity may be used to provide temporary shelter to individuals experiencing homelessness and is exempt from the licensure requirements of [~~Title~~

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~~62A, Chapter 2, Licensure of Programs and Facilities]~~ Title 26B, Chapter 2, Licensing and Certifications, for the duration of the code blue alert and seven days following the day on which the code blue alert ends, so long as the facility is in compliance with the applicable building code and fire code and the governing body of the organization or the legislative body of the government entity that owns the facility approves the use;

(5) homeless shelters, state and local government entities, and other organizations that provide services to individuals experiencing homelessness shall coordinate street outreach efforts to distribute to individuals experiencing homelessness any available resources for survival in cold weather, including clothing items and blankets;

~~[(6) if no beds or other accommodations are available at any homeless shelters located within the affected county, a municipality may not enforce an ordinance that prohibits or abates camping for the duration of the code blue alert and the two days following the day on which the code blue alert ends;]~~

~~[(7) (6) a state or local government entity, including a municipality, law enforcement agency, and local health department, may enforce a camping ordinance but may not [enforce an ordinance or policy to] seize from individuals experiencing homelessness any personal items for survival in cold weather, including clothing, blankets, tents, and sleeping bags[, heaters, stoves, and generators]; and~~

~~[(8) (7) a municipality or other local government entity may not enforce any ordinance or policy that limits or restricts the ability for the provisions described in Subsections (1) through [(7) (5) to take effect, including local zoning ordinances.~~

Section 18. **Effective date.**

This bill takes effect on May 1, 2024.