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**HOMELESSNESS SERVICES AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tyler Clancy**

Senate Sponsor: Kirk A. Cullimore

Cosponsor: Paul A. Cutler Trevor Lee  
Cheryl K. Acton Colin W. Jack

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**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);
- changes the size and membership of the board;
- changes the size, membership, and duties of the executive committee of the board;
- exempts the executive committee from the Open and Public Meetings Act;
- expands 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 homeless 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:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **35A-16-102**, as last amended by Laws of Utah 2022, Chapter 403
- 32 **35A-16-202**, as enacted by Laws of Utah 2021, Chapter 281
- 33 **35A-16-203**, as last amended by Laws of Utah 2023, Chapter 302
- 34 **35A-16-205**, as last amended by Laws of Utah 2022, Chapter 403
- 35 **35A-16-301**, as renumbered and amended by Laws of Utah 2021, Chapter 281
- 36 **35A-16-302**, as last amended by Laws of Utah 2023, Chapter 302
- 37 **35A-16-401**, as last amended by Laws of Utah 2023, Chapter 302
- 38 **35A-16-402**, as last amended by Laws of Utah 2023, Chapter 302
- 39 **35A-16-403**, as last amended by Laws of Utah 2023, Chapter 302
- 40 **35A-16-501.5**, as enacted by Laws of Utah 2023, Chapter 302
- 41 **35A-16-502**, as repealed and reenacted by Laws of Utah 2023, Chapter 302
- 42 **35A-16-602**, as last amended by Laws of Utah 2023, Chapter 302
- 43 **35A-16-703**, as enacted by Laws of Utah 2023, Chapter 302

44 ENACTS:

- 45 **35A-16-208**, as Utah Code Annotated 1953
- 46 **35A-16-209**, as Utah Code Annotated 1953
- 47 **35A-16-210**, as Utah Code Annotated 1953

48 REPEALS AND REENACTS:

- 49 **35A-16-204**, as last amended by Laws of Utah 2022, Chapter 403



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

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

53 **35A-16-102 . Definitions.**

54 As used in this chapter:

- 55 (1) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.
- 56 (2) "Client" means an individual who is experiencing homelessness or an individual at risk  
57 of becoming homeless.
- 58 (3) "Chief executive officer" means the same as that term is defined in Section 11-51-102.
- 59 (4) "Collaborative applicant" means the entity designated by a continuum of care to collect

- 60 and submit data and apply for funds on behalf of the continuum of care, as required by  
61 the United States Department of Housing and Urban Development.
- 62 [(2)] (5) "Continuum of care" means a regional or local planning body designated by the  
63 United States Department of Housing and Urban Development to coordinate services for  
64 individuals experiencing homelessness within an area of the state.
- 65 [(3)] (6) "Coordinator" means the state homelessness coordinator appointed under Section  
66 63J-4-202.
- 67 [(4)] (7) "Executive committee" means the executive committee of the [~~homelessness~~  
68 ~~council described in Section 35A-16-204~~] board.
- 69 (8) "Exit destination" means:
- 70 (a) a homeless situation;
- 71 (b) an institutional situation;
- 72 (c) a temporary housing situation;
- 73 (d) a permanent housing situation; or
- 74 (e) other.
- 75 (9) "First-tier eligible municipality" means a municipality that:
- 76 (a) is located within a county of the first or second class;
- 77 (b) as determined by the office, has or is proposed to have an eligible shelter within the  
78 municipality's geographic boundaries within the following fiscal year;
- 79 (c) due to the location of an eligible shelter within the municipality's geographic  
80 boundaries, requires eligible services; and
- 81 (d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.
- 82 [(5)] (10) "Homeless Management Information System" or "HMIS" means an information  
83 technology system that:
- 84 (a) is used to collect client-level data and data on the provision of housing and services  
85 to homeless individuals and individuals at risk of homelessness in the state; and
- 86 (b) meets the requirements of the United States Department of Housing and Urban  
87 Development.
- 88 [(6)] (11) "Homeless services budget" means the comprehensive annual budget and  
89 overview of all homeless services available in the state described in Subsection  
90 35A-16-203(1)(b).
- 91 [(7) "~~Homelessness council~~" means the ~~Utah Homelessness Council~~ created in Section  
92 35A-16-204.]
- 93 [(8)] (12) "Local homeless council" means a local planning body designated by the steering

94 committee to coordinate services for individuals experiencing homelessness within an  
95 area of the state.

96 ~~[(9)]~~ (13) "Office" means the Office of Homeless Services.

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

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

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

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

103 (d) is certified as a second-tier eligible municipality in accordance with Section  
104 35A-16-404.

105 ~~[(10)]~~ (15) (a) "Service provider" means a state agency, a local government, or a private  
106 organization that provides services to clients.

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

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

111 ~~[(11)]~~ (17) "Strategic plan" means the statewide strategic plan to minimize homelessness in  
112 the state described in Subsection 35A-16-203(1)(c).

113 (18) "Type of homelessness" means:

114 (a) chronic homelessness;

115 (b) episodic homelessness;

116 (c) situational homelessness; or

117 (d) family homelessness.

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

119 **35A-16-202 . Powers and duties of the office.**

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

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

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

123 (c) manage, with the concurrence of ~~[Continuum of Care]~~ continuum of care  
124 organizations approved by the United States Department of Housing and Urban  
125 Development, a Homeless Management Information System for the state that:

126 (i) ~~shares client-level data between [state agencies, local governments, and private~~  
127 ~~organizations that provide services to homeless individuals and families and~~

- 128 ~~individuals at risk of homelessness]~~ service providers in the state;
- 129 (ii) is effective as a case management system;
- 130 (iii) except for individuals receiving services who are victims of domestic violence,
- 131 includes an effective authorization protocol for encouraging individuals who are
- 132 provided with any homeless services in the state to provide accurate information
- 133 to providers for inclusion in the HMIS; and
- 134 (iv) meets the requirements of the United States Department of Housing and Urban
- 135 Development and other federal requirements[-] ; and

136 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

137 make rules defining "successful exit," "unsuccessful exit," and "neutral exit."

138 (2) The office may:

- 139 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds
- 140 Procedures Act, seek federal grants, loans, or participation in federal programs; and
- 141 (b) for any federal program that requires the expenditure of state funds as a condition for
- 142 participation by the state in a fund, property, or service, with the governor's approval,
- 143 expend whatever funds are necessary out of the money provided by the Legislature
- 144 for the use of the office.

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

146 **35A-16-203 . Powers and duties of the coordinator.**

147 (1) The coordinator shall:

- 148 (a) coordinate the provision of homeless services in the state;
- 149 (b) in cooperation with the [~~homelessness council]~~ board, develop and maintain a
- 150 comprehensive annual budget and overview of all homeless services available in the
- 151 state, which homeless services budget shall receive final approval by the [
- 152 ~~homelessness council]~~ board;
- 153 (c) in cooperation with the [~~homelessness council]~~ board, create a statewide strategic
- 154 plan to minimize homelessness in the state, which strategic plan shall receive final
- 155 approval by the [~~homelessness council]~~ board;
- 156 (d) in cooperation with the [~~homelessness council]~~ board, oversee funding provided for
- 157 the provision of homeless services, which funding shall receive final approval by the [
- 158 ~~homelessness council]~~ board, including funding from the:
- 159 (i) Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 160 (ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303;
- 161 and

- 162 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section  
163 35A-16-402;
- 164 (e) provide administrative support to and serve as a member of the [~~homelessness council~~]  
165 board;
- 166 (f) at the governor's request, report directly to the governor on issues regarding  
167 homelessness in the state and the provision of homeless services in the state; and
- 168 (g) report directly to the president of the Senate and the speaker of the House of  
169 Representatives at least twice each year on issues regarding homelessness in the state  
170 and the provision of homeless services in the state.
- 171 (2) The coordinator, in cooperation with the [~~homelessness council~~] board, shall ensure that  
172 the homeless services budget described in Subsection (1)(b) includes an overview and  
173 coordination plan for all funding sources for homeless services in the state, including  
174 from state agencies, [~~Continuum of Care~~] continuum of care organizations, housing  
175 authorities, local governments, federal sources, and private organizations.
- 176 (3) The coordinator, in cooperation with the [~~homelessness council~~] board and taking into  
177 account the metrics established and data reported in accordance with Section 35A-16-208,  
178 shall ensure that the strategic plan described in Subsection (1)(c):
- 179 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in  
180 the state and for coordinating services for individuals experiencing homelessness  
181 among all service providers in the state;
- 182 (b) identifies best practices and recommends improvements to the provision of services  
183 to individuals experiencing homelessness in the state to ensure the services are  
184 provided in a safe, cost-effective, and efficient manner;
- 185 (c) identifies best practices and recommends improvements in coordinating the delivery  
186 of services to the variety of populations experiencing homelessness in the state,  
187 including through the use of electronic databases and improved data sharing among  
188 all service providers in the state; and
- 189 (d) identifies gaps and recommends solutions in the delivery of services to the variety of  
190 populations experiencing homelessness in the state.
- 191 (4) In overseeing funding for the provision of homeless services as described in Subsection  
192 (1)(d), the coordinator:
- 193 (a) shall prioritize the funding of programs and providers that have a documented history  
194 of successfully reducing the number of individuals experiencing homelessness,  
195 reducing the time individuals spend experiencing homelessness, moving individuals

- 196 experiencing homelessness to permanent housing, or reducing the number of  
197 individuals who return to experiencing homelessness; and
- 198 (b) except for a program or provider providing services to victims of domestic violence,  
199 may not approve funding to a program or provider that does not enter into a written  
200 agreement with the office to collect and share HMIS data regarding the provision of  
201 services to individuals experiencing homelessness so that the provision of services  
202 can be coordinated among state agencies, local governments, and private  
203 organizations.
- 204 (5) In cooperation with the [~~homelessness council~~] board, the coordinator shall update the  
205 annual statewide budget and the strategic plan described in this section on an annual  
206 basis.
- 207 (6) (a) On or before October 1, the coordinator shall provide a written report to the  
208 department for inclusion in the department's annual written report described in  
209 Section 35A-1-109.
- 210 (b) The written report shall include:
- 211 (i) the homeless services budget;
- 212 (ii) the strategic plan;
- 213 (iii) recommendations regarding improvements to coordinating and providing  
214 services to individuals experiencing homelessness in the state; [~~and~~]
- 215 (iv) in coordination with the [~~homelessness council~~] board, a complete accounting of  
216 the office's disbursement of funds during the previous fiscal year from:
- 217 (A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;
- 218 (B) the Homeless to Housing Reform Restricted Account created in Section  
219 35A-16-303;
- 220 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section  
221 35A-16-402;
- 222 (D) the COVID-19 Homeless Housing and Services Grant Program created in  
223 Section 35A-16-602; and
- 224 (E) any other grant program created in statute that is administered by the office[-] ;  
225 and
- 226 (v) the data described in Section 35A-16-208.
- 227 Section 4. Section **35A-16-204** is repealed and reenacted to read:  
228 **35A-16-204 . Utah Homeless Services Board.**
- 229 (1) There is created within the office the Utah Homeless Services Board.

- 230 (2) (a) The board shall consist of the following members:
- 231 (i) a representative, appointed by the speaker of the House of Representatives;
- 232 (ii) a representative, appointed by the president of the Senate;
- 233 (iii) a private sector representative, appointed by the governor;
- 234 (iv) a representative, appointed by the governor;
- 235 (v) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the
- 236 partnership's successor organization;
- 237 (vi) the mayor of Salt Lake City;
- 238 (vii) the chief executive officer appointed by the Shelter Cities Advisory Council in
- 239 accordance with Section 35A-16-210;
- 240 (viii) an elected official appointed by the Utah Association of Counties or the
- 241 association's successor organization;
- 242 (ix) a county employee who oversees behavioral health, appointed by the Utah
- 243 Association of Counties or the association's successor organization;
- 244 (x) an individual who represents the Utah Homeless Network; and
- 245 (xi) the coordinator.
- 246 (b) The governor shall select a board member to serve as chair of the board.
- 247 (3) The following four members of the board shall serve as the executive committee:
- 248 (a) the coordinator; and
- 249 (b) three board members chosen by the board chair, which shall include one of the
- 250 members described in Subsection (2)(a)(vi) or (2)(a)(vii).
- 251 (4) (a) The board shall meet at least once per calendar quarter.
- 252 (b) The chair, the coordinator, or three of the board members may call a board meeting.
- 253 (c) The individual calling the meeting shall provide notice of the meeting to the board
- 254 members at least three calendar days in advance of the meeting.
- 255 (5) A majority of the voting members of the board constitutes a quorum of the board at any
- 256 meeting, and the action of the majority of voting members present constitutes the action
- 257 of the board.
- 258 (6) (a) A majority of members of the executive committee constitutes a quorum of the
- 259 executive committee at any meeting, and the action of the majority of members
- 260 present constitutes the action of the executive committee.
- 261 (b) The executive committee is exempt from the requirements described in Title 52,
- 262 Chapter 4, Open and Public Meetings Act.
- 263 (7) (a) Except as required by Subsection (7)(c):



- 264 (i) each appointed member of the board, other than a board member described in  
265 Subsection (2)(a)(vii), shall serve a four-year term; and
- 266 (ii) the board member appointed in accordance with Subsection (2)(a)(vii) shall serve  
267 a two-year term.
- 268 (b) A board member may serve more than one term.
- 269 (c) The appointing authority, at the time of appointment or reappointment, may adjust  
270 the length of terms to ensure that the terms of board members are staggered so that  
271 approximately half of the appointed board members are appointed every two years.
- 272 (8) When a vacancy occurs in the appointed membership for any reason, the replacement is  
273 appointed for the unexpired term.
- 274 (9) (a) Except as described in Subsection (9)(b), a member may not receive  
275 compensation or benefits for the member's service but may receive per diem and  
276 travel expenses in accordance with:
- 277 (i) Section 63A-3-106;  
278 (ii) Section 63A-3-107; and  
279 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106  
280 and 63A-3-107.
- 281 (b) Compensation and expenses of a board member who is a legislator are governed by  
282 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and  
283 Expenses.
- 284 (10) The office shall provide staff and administrative support to the board.
- 285 Section 5. Section **35A-16-205** is amended to read:
- 286 **35A-16-205 . Duties of the board.**
- 287 (1) The [~~homelessness council~~] board:
- 288 [(+) (a)] shall provide final approval for:
- 289 [(a)] (i) the homeless services budget;
- 290 [(b)] (ii) the strategic plan; and
- 291 [(c)] (iii) the awarding of funding for the provision of homeless services as described  
292 in Subsection 35A-16-203(1)(d);
- 293 [(2)] (b) in cooperation with the coordinator, shall:
- 294 [(a)] (i) develop and maintain the homeless services budget;
- 295 [(b)] (ii) develop and maintain the strategic plan; and
- 296 [(c)] (iii) review applications and approve funding for the provision of homeless  
297 services in the state as described in Subsection 35A-16-203(1)(d);

- 298        ~~[(3)]~~ (c) shall review local and regional plans for providing services to individuals  
 299            experiencing homelessness;
- 300        ~~[(4)]~~ (d) shall cooperate with local homeless councils to:
- 301            ~~[(a)]~~ (i) develop a common agenda and vision for reducing homelessness in each local  
 302            oversight body's respective region;
- 303            ~~[(b)]~~ (ii) as part of the homeless services budget, develop a spending plan that  
 304            coordinates the funding supplied to local stakeholders; and
- 305            ~~[(e)]~~ (iii) align local funding to projects that improve outcomes and target specific  
 306            needs in each community;
- 307        ~~[(5)]~~ (e) shall coordinate gap funding with private entities for providing services to  
 308            individuals experiencing homelessness;
- 309        ~~[(6)]~~ (f) shall recommend performance and accountability measures for service providers,  
 310            including the support of collecting consistent and transparent data; ~~[and]~~
- 311        ~~[(7)]~~ (g) when reviewing and giving final approval for requests as described in  
 312            Subsection 35A-16-203(1)(d):
- 313            ~~[(a)]~~ (i) may only recommend funding if the proposed recipient has a policy to share  
 314            client-level service information with other entities in accordance with state and  
 315            federal law to enhance the coordination of services for individuals who are  
 316            experiencing homelessness; and
- 317            ~~[(b)]~~ (ii) shall identify specific targets and benchmarks that align with the strategic  
 318            plan for each recommended award[-] ;
- 319        (h) shall regularly update the state strategic plan on homelessness to reflect proven  
 320            strategies to reduce homelessness among:
- 321            (i) the unsheltered;
- 322            (ii) the chronically or episodically homeless; and
- 323            (iii) the situationally homeless;
- 324        (i) shall develop annual state and local goals for reducing homelessness among the target  
 325            subpopulations identified by the board;
- 326        (j) shall work with the local homeless councils to carry out the requirements of  
 327            Subsection 35A-16-208(3);
- 328        (k) shall develop metrics for measuring the effectiveness of providers in assisting clients  
 329            to successfully progress through the services coordinated by a continuum of care;
- 330        (l) shall create best practices for a service provider to administer services to an  
 331            individual experiencing homelessness, including promotion of:

- 332            (i) a recognition of the human dignity of clients served;  
333            (ii) a need to develop self-reliance;  
334            (iii) the value of work;  
335            (iv) personal accountability; and  
336            (v) personal progress toward greater personal independence;  
337            (m) shall make recommendations for uniform standards for enforcing pedestrian safety  
338            and camping laws and ordinances;  
339            (n) shall identify best practices for responding to unsheltered individuals experiencing  
340            mental health disorder and substance use disorder;  
341            (o) shall make recommendations for strategies to reduce illegal drug use within  
342            homeless shelters, transitional housing, and permanent supportive housing;  
343            (p) shall facilitate client connection to alternative support systems, including behavioral  
344            health services, addiction recovery, and residential services;  
345            (q) shall facilitate participation in HMIS, where appropriate and in alignment with  
346            established HMIS policies, and data sharing agreements among all participants in a  
347            client support network, including homeless services, physical health systems, mental  
348            health systems, and the criminal justice system;  
349            (r) shall make recommendations to the office for defining "successful exit,"  
350            "unsuccessful exit," and "neutral exit";  
351            (s) shall evaluate additional opportunities for the office to become a collaborative  
352            applicant;  
353            (t) shall coordinate with the continuums of care to provide for cooperative distribution of  
354            available funding; and  
355            (u) shall work in conjunction with the executive directors of the Department of  
356            Workforce Services, the Department of Health and Human Services, and the  
357            Department of Corrections to create best practices for helping individuals exiting  
358            from incarceration or an institution to avoid homelessness.  
359            (2) (a) The executive committee shall act in an advisory capacity for the board and make  
360            recommendations regarding the board's duties under Subsection (1).  
361            (b) The executive committee does not have authority to make decisions independent of  
362            the board.

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

364            **35A-16-208 . Reporting requirements -- Outcome measures.**

- 365            (1) (a) The office shall report, for the state and for each local homeless council;

- 366 (i) the state's year-to-date progress toward reaching a functional zero level of  
367 homelessness for each type of homelessness and subpopulation, including:  
368 (A) the number of individuals who are homeless for the first time;  
369 (B) the number of individuals who returned to homelessness after having exited  
370 homelessness within the two previous years;  
371 (C) the number of individuals who remained homeless since the last report;  
372 (D) the number of individuals experiencing homelessness since the last report by  
373 household type;  
374 (E) the number of individuals who exited by exit destination; and  
375 (F) the number of individuals who are experiencing homelessness for the first time  
376 plus the number of individuals who are returning to homelessness minus the  
377 number of individuals who are exiting homelessness;
- 378 (ii) the percentage of individuals experiencing homelessness who:  
379 (A) have a mental health disorder;  
380 (B) have a substance use disorder;  
381 (C) have a chronic health condition;  
382 (D) have a physical disability;  
383 (E) have a developmental disability;  
384 (F) have HIV/AIDS;  
385 (G) are survivors of domestic violence;  
386 (H) are veterans; and  
387 (I) are unaccompanied youth 24 years old or younger;
- 388 (iii) the number of individuals who exited homeless services since the last report by:  
389 (A) type of homelessness;  
390 (B) subpopulation; and  
391 (C) exit destination; and
- 392 (iv) progress, by project type, on each goal established in accordance with Subsection  
393 (3).
- 394 (b) The reports described in this Subsection (1) shall contain aggregated, de-identified  
395 information.
- 396 (2) The office shall report the data described in Subsection (1):  
397 (a) in the annual report required by Section 35A-16-203;  
398 (b) on or before October 1 of each year, through an oral presentation to the Economic  
399 Development and Workforce Services Interim Committee; and

- 400 (c) on a data dashboard for the public with specific additional data points recommended  
401 by the board.
- 402 (3) The board and the local homeless councils shall jointly establish quarterly goals for  
403 each project type.
- 404 (4) The board and the local homeless councils shall jointly make annual progress reports  
405 identifying:
- 406 (a) the percentage of clients screened for social needs;  
407 (b) the percentage of clients subsequently referred to community-based providers who  
408 can:
- 409 (i) address the client's needs;  
410 (ii) follow-up on status of addressing the client's needs; and  
411 (iii) report back to the referring entity;
- 412 (c) the number of youth receiving parent or guardian bereavement support services; and  
413 (d) the number of clients with:
- 414 (i) a successful exit;  
415 (ii) an unsuccessful exit;  
416 (iii) a neutral exit; and  
417 (iv) continued enrollment in the project.

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

419 **35A-16-209 . Cost measures.**

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

- 421 (1) the cost of construction per bed for each new shelter, transitional housing, or permanent  
422 supportive housing compared to the average cost of a similar facility during the past  
423 three years; and
- 424 (2) annual operating cost per bed of a homeless resource center or emergency shelter,  
425 including utilities, staff, and maintenance.

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

427 **35A-16-210 . Shelter Cities Advisory Board.**

- 428 (1) There is established the Shelter Cities Advisory Board.
- 429 (2) The Shelter Cities Advisory Board shall consist of the following members:
- 430 (a) the chief executive officer of each first-tier eligible municipality, or the chief  
431 executive officer's designee; and
- 432 (b) the chief executive officer of each second-tier eligible municipality, or the chief  
433 executive officer's designee.

- 434 (3) (a) The Shelter Cities Advisory Board shall appoint, in accordance with this section,  
 435 one chief executive officer representing a municipality as a member to the board.  
 436 (b) The members of the Shelter Cities Advisory Board shall make an appointment, or fill  
 437 a vacancy, by a majority vote of all members of the Shelter Cities Advisory Board  
 438 who are present at the meeting during which an appointment is made.  
 439 (c) The Shelter Cities Advisory Board may not appoint the chief executive officer  
 440 described in Subsection 35A-16-204(2)(a)(vi).  
 441 (d) Section 35A-16-204 governs other terms of appointment.  
 442 (4) The Shelter Cities Advisory Board may make recommendations to the board regarding  
 443 improvements to coordinating and providing services to individuals experiencing  
 444 homelessness in the state.  
 445 (5) The office and an association representing at least two municipalities in the state shall  
 446 jointly provide staff and administrative support to the Shelter Cities Advisory Board.

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

448 **35A-16-301 . Creation of Pamela Atkinson Homeless Account.**

- 449 (1) There is created a restricted account within the General Fund known as the "Pamela  
 450 Atkinson Homeless Account."  
 451 (2) Private contributions received under this section and Section 59-10-1306 shall be  
 452 deposited into the restricted account to be used only for programs described in this  
 453 chapter.  
 454 (3) Money shall be appropriated from the restricted account to the [~~homelessness council~~]  
 455 board in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.  
 456 (4) The [~~homelessness council~~] board may accept transfers, grants, gifts, bequests, or money  
 457 made available from any source to implement this part.

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

459 **35A-16-302 . Uses of Homeless to Housing Reform Restricted Account.**

- 460 (1) The [~~homelessness council~~] board may award ongoing or one-time grants or contracts  
 461 funded from the Homeless to Housing Reform Restricted Account created in Section  
 462 35A-16-303.  
 463 (2) As a condition of receiving money, including any ongoing money, from the restricted  
 464 account, an entity awarded a grant or contract under this section shall provide detailed  
 465 and accurate reporting on at least an annual basis to the [~~homelessness council~~] board  
 466 and the coordinator that describes:  
 467 (a) how money provided from the restricted account has been spent by the entity; and

- 468 (b) the progress towards measurable outcome-based benchmarks agreed to between the  
469 entity and the [~~homelessness council~~] board before the awarding of the grant or  
470 contract.
- 471 (3) In determining the awarding of a grant or contract under this section, the [~~homelessness~~  
472 ~~council~~] board and the coordinator shall:
- 473 (a) ensure that the services to be provided through the grant or contract will be provided  
474 in a cost-effective manner;
- 475 (b) give priority to a project or contract that will include significant additional or  
476 matching funds from a private organization, nonprofit organization, or local  
477 government entity;
- 478 (c) ensure that the project or contract will target the distinct housing needs of one or  
479 more at-risk or homeless subpopulations, which may include:
- 480 (i) families with children;
- 481 (ii) transitional-aged youth;
- 482 (iii) single men or single women;
- 483 (iv) veterans;
- 484 (v) victims of domestic violence;
- 485 (vi) individuals with behavioral health disorders, including mental health or  
486 substance use disorders;
- 487 (vii) individuals who are medically frail or terminally ill;
- 488 (viii) individuals exiting prison or jail; or
- 489 (ix) individuals who are homeless without shelter;
- 490 (d) consider whether the project will address one or more of the following goals:
- 491 (i) diverting homeless or imminently homeless individuals and families from  
492 emergency shelters by providing better housing-based solutions;
- 493 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 494 (iii) providing homeless individuals and families with needed stabilization services;
- 495 (iv) decreasing the state's homeless rate;
- 496 (v) implementing a coordinated entry system with consistent assessment tools to  
497 provide appropriate and timely access to services for homeless individuals and  
498 families;
- 499 (vi) providing access to caseworkers or other individualized support for homeless  
500 individuals and families;
- 501 (vii) encouraging employment and increased financial stability for individuals and

- 502 families being diverted from or exiting homelessness;
- 503 (viii) creating additional affordable housing for state residents;
- 504 (ix) providing services and support to prevent homelessness among at-risk
- 505 individuals and adults;
- 506 (x) providing services and support to prevent homelessness among at-risk children,
- 507 adolescents, and young adults;
- 508 (xi) preventing the reoccurrence of homelessness among individuals and families
- 509 exiting homelessness; and
- 510 (xii) providing medical respite care for homeless individuals where the homeless
- 511 individuals can access medical care and other supportive services; and
- 512 (e) address the needs identified in the strategic plan described in Section 35A-16-203 for
- 513 inclusion in the annual written report described in Section 35A-1-109.
- 514 (4) In addition to the other provisions of this section, in determining the awarding of a grant
- 515 or contract under this section to design, build, create, or renovate a facility that will
- 516 provide shelter or other resources for the homeless, ~~of~~ the ~~[homelessness council]~~ board,
- 517 with the concurrence of the coordinator, may consider whether the facility will be:
- 518 (a) located near mass transit services;
- 519 (b) located in an area that meets or will meet all zoning regulations before a final
- 520 dispersal of funds;
- 521 (c) safe and welcoming both for individuals using the facility and for members of the
- 522 surrounding community; and
- 523 (d) located in an area with access to employment, job training, and positive activities.
- 524 (5) In accordance with Subsection (4), and subject to the approval of the ~~[homelessness~~
- 525 ~~council]~~ board, with the concurrence of the coordinator, the following may recommend a
- 526 site location, acquire a site location, and hold title to real property, buildings, fixtures,
- 527 and appurtenances of a facility that provides or will provide shelter or other resources
- 528 for the homeless:
- 529 (a) the county executive of a county of the first class on behalf of the county of the first
- 530 class, if the facility is or will be located in the county of the first class in a location
- 531 other than Salt Lake City;
- 532 (b) the state;
- 533 (c) a nonprofit entity approved by the ~~[homelessness council]~~ board, with the
- 534 concurrence of the coordinator; and
- 535 (d) a mayor of a municipality on behalf of the municipality where a facility is or will be



536 located.

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

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

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

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

547 **35A-16-401 . Definitions.**

548 As used in this part:

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

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

555 (3) "Eligible municipality" means:

556 (a) a first-tier eligible municipality;

557 (b) a second-tier eligible municipality; or

558 (c) a third-tier eligible municipality.

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

563 (5) "Eligible shelter" means:

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

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

567 (ii) operates year-round; and

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

- 570 (b) for a second-tier municipality, a homeless shelter that:
- 571 (i) has the capacity to provide temporary shelter to at least 25 individuals per night,
- 572 as verified by the office;
- 573 (ii) operates year-round; and
- 574 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of
- 575 operation; and
- 576 (c) for a third-tier eligible municipality, a homeless shelter that:
- 577 (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per
- 578 night, as verified by the office; and
- 579 (B) operates for no less than three months during the period beginning October 1
- 580 and ending April 30 of the following year; or
- 581 (ii) (A) meets the definition of a homeless shelter under Section 35A-16-501; and
- 582 (B) increases capacity during a winter response period, as defined in Section
- 583 35A-16-501, in accordance with Subsection 35A-16-502(6)(a).
- 584 [~~(6) "First-tier eligible municipality" means a municipality that:~~]
- 585 [~~(a) is located within a county of the first or second class;~~]
- 586 [~~(b) as determined by the office, has or is proposed to have an eligible shelter within the~~
- 587 [~~municipality's geographic boundaries within the following fiscal year;~~]
- 588 [~~(c) due to the location of an eligible shelter within the municipality's geographic~~
- 589 [~~boundaries, requires eligible services; and]~~]
- 590 [~~(d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.]~~]
- 591 [(7)] (6) "Homeless shelter" means a facility that provides or is proposed to provide
- 592 temporary shelter to individuals experiencing homelessness.
- 593 [(8)] (7) "Municipality" means a city, town, or metro township.
- 594 [(9)] (8) "Public safety services" means law enforcement, emergency medical services, or
- 595 fire protection.
- 596 [(10) "Second-tier eligible municipality" means a municipality that:]
- 597 [(a) is located within a county of the third, fourth, fifth, or sixth class;]
- 598 [(b) as determined by the office, has or is proposed to have an eligible shelter within the
- 599 [(municipality's geographic boundaries within the following fiscal year;]
- 600 [(c) due to the location of an eligible shelter within the municipality's geographic
- 601 [(boundaries, requires eligible services; and]
- 602 [(d) is certified as a second-tier eligible municipality in accordance with Section
- 603 35A-16-404.]

604 [(11)] (9) "Third-tier eligible municipality" means a municipality that:

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

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

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

610 **35A-16-402 . Homeless Shelter Cities Mitigation Restricted Account -- Formula**  
611 **for disbursing account funds to eligible municipalities.**

612 (1) There is created a restricted account within the General Fund known as the Homeless  
613 Shelter Cities Mitigation Restricted Account.

614 (2) The account shall be funded by:

615 (a) local sales and use tax revenue deposited into the account in accordance with Section  
616 59-12-205;

617 (b) interest earned on the account; and

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

619 (3) The office shall administer the account.

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

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

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

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

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

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

- 638 (A) 70% of the amount described in Subsection (4)(a)(ii) shall be disbursed  
639 proportionately among applicants based on the total number of individuals  
640 experiencing homelessness who are served by eligible shelters within each  
641 municipality, as determined by the office;
- 642 (B) 20% of the amount described in Subsection (4)(a)(ii) shall be disbursed  
643 proportionately among applicants based on the total number of individuals  
644 experiencing homelessness who are served by eligible shelters within each  
645 municipality as compared to the total population of the municipality, as  
646 determined by the office; and
- 647 (C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed  
648 proportionately among applicants based on the total year-round capacity of all  
649 eligible shelters within each municipality, as determined by the office; and
- 650 (iii) 10% shall be disbursed to third-tier eligible municipalities that have been  
651 approved to receive account funds under Section 35A-16-403, in accordance with  
652 a formula established by the office and approved by the ~~[homelessness council]~~  
653 board.
- 654 (b) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the  
655 maximum amount of funds that the office may disburse each year to a single  
656 second-tier municipality may not exceed 50% of the total amount of funds disbursed  
657 under Subsection (4)(a)(ii).
- 658 (c) The office may disburse funds under Subsection (4)(a)(iii) to an authorized provider  
659 of a third-tier eligible municipality.
- 660 (d) The office may disburse funds to a third-tier municipality or an authorized provider  
661 under Subsection (4)(a)(iii) regardless of whether the municipality receives funds  
662 under Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection  
663 (4)(a)(ii) as a second-tier municipality.
- 664 (e) If any account funds are available to the office for disbursement under this section  
665 after making the disbursements required in Subsection (4)(a), the office may disburse  
666 the available account funds to third-tier municipalities that have been approved to  
667 receive account funds under Section 35A-16-403.
- 668 (5) The office may use up to 2.75% of any appropriations made to the account by the  
669 Legislature to offset the office's administrative expenses under this part.

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

671 **35A-16-403 . Eligible municipality application process for Homeless Shelter**

672 **Cities Mitigation Restricted Account funds.**

- 673 (1) An eligible municipality may apply for account funds to mitigate the impacts of the  
674 location of an eligible shelter through the provision of eligible services within the  
675 eligible municipality's boundaries.
- 676 (2) (a) The [~~homelessness council~~] board shall set aside time on the agenda of a [~~homelessness council~~]  
677 board meeting that occurs before the beginning of the next  
678 fiscal year to allow an eligible municipality to present a request for account funds for  
679 that next fiscal year.
- 680 (b) An eligible municipality may present a request for account funds by:
- 681 (i) sending an electronic copy of the request to the [~~homelessness council~~] board  
682 before the meeting; and
- 683 (ii) appearing at the meeting to present the request.
- 684 (c) The request described in Subsection (2)(b)(ii) shall contain:
- 685 (i) a proposal outlining the need for eligible services, including a description of each  
686 eligible service for which the eligible municipality requests account funds;
- 687 (ii) a description of the eligible municipality's proposed use of account funds;
- 688 (iii) a description of the outcomes that the funding would be used to achieve,  
689 including indicators that would be used to measure progress toward the specified  
690 outcomes; and
- 691 (iv) the amount of account funds requested.
- 692 (d) (i) On or before September 30, an eligible municipality that received account  
693 funds during the previous fiscal year shall file electronically with the [~~homelessness council~~]  
694 board a report that includes:
- 695 (A) a summary of the amount of account funds that the eligible municipality  
696 expended and the eligible municipality's specific use of those funds;
- 697 (B) an evaluation of the eligible municipality's effectiveness in using the account  
698 funds to address the eligible municipality's needs due to the location of an  
699 eligible shelter;
- 700 (C) an evaluation of the eligible municipality's progress regarding the outcomes  
701 and indicators described in Subsection (2)(c)(iii); and
- 702 (D) any proposals for improving the eligible municipality's effectiveness in using  
703 account funds that the eligible municipality may receive in future fiscal years.
- 704 (ii) The [~~homelessness council~~] board may request additional information as needed  
705 to make the evaluation described in Subsection (2)(e).

- 706 (e) The ~~[homelessness council]~~ board shall evaluate a request made in accordance with  
 707 this Subsection (2) and may take the following factors into consideration in  
 708 determining whether to approve or deny the request:
- 709 (i) the strength of the proposal that the eligible municipality provided to support the  
 710 request;
  - 711 (ii) if the eligible municipality received account funds during the previous fiscal year,  
 712 the efficiency with which the eligible municipality used any account funds during  
 713 the previous fiscal year;
  - 714 (iii) the availability of funding for the eligible municipality under Subsection  
 715 35A-16-402(4);
  - 716 (iv) the availability of alternative funding for the eligible municipality to address the  
 717 eligible municipality's needs due to the location of an eligible shelter; and
  - 718 (v) any other considerations identified by the ~~[homelessness council]~~ board.
- 719 (f) After making the evaluation described in Subsection (2)(e), and subject to Subsection  
 720 (2)(g), the ~~[homelessness council]~~ board shall vote to either approve or deny an  
 721 eligible municipality's request for account funds.
- 722 (g) (i) Except as provided in Subsection (2)(g)(ii), an eligible municipality may not  
 723 receive account funds under this section unless the eligible municipality enforces  
 724 an ordinance that prohibits camping.
  - 725 (ii) Subsection (2)(g)(i) does not apply if each homeless shelter located within the  
 726 county in which the eligible municipality is located is at full capacity, as defined  
 727 by rule made by the office in accordance with Title 63G, Chapter 3, Utah  
 728 Administrative Rulemaking Act.
- 729 (h) If the ~~[homelessness council]~~ board approves an eligible municipality's request to  
 730 receive account funds under Subsection (2)(f), the office, subject to appropriation,  
 731 shall calculate the amount of funds for disbursement to the eligible municipality  
 732 under Subsection 35A-16-402(4).
- 733 (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 734 office shall make rules governing the process for calculating the amount of funds that an  
 735 eligible municipality may receive under Subsection 35A-16-402(4).
- 736 Section 14. Section **35A-16-501.5** is amended to read:
- 737 **35A-16-501.5 . County winter response task force.**
- 738 (1) Subject to the requirements of Section 35A-16-502, the council of governments of each  
 739 applicable county shall annually convene a county winter response task force.

- 740 (2) (a) The task force for Salt Lake County shall consist of the following 14 voting  
741 members:
- 742 (i) the chief executive officer of Salt Lake County, or the chief executive officer's  
743 designee;
- 744 (ii) the chief executive officer, or the chief executive officer's designee, of each of the  
745 following 11 municipalities:
- 746 (A) Draper;
- 747 (B) Midvale;
- 748 (C) Millcreek;
- 749 (D) Murray;
- 750 (E) Salt Lake City;
- 751 (F) Sandy;
- 752 (G) South Jordan;
- 753 (H) South Salt Lake;
- 754 (I) Taylorsville;
- 755 (J) West Jordan; and
- 756 (K) West Valley City; and
- 757 (iii) the chief executive officer, or the chief executive officer's designee, of any two  
758 municipalities located in Salt Lake County that are not described in Subsection  
759 (2)(a)(ii), appointed by the conference of mayors of Salt Lake County.
- 760 (b) A task force for an applicable county not described in Subsection (2)(a) shall consist  
761 of the following voting members:
- 762 (i) the chief executive officer of the applicable county, or the chief executive officer's  
763 designee; and
- 764 (ii) the chief executive officer, or the chief executive officer's designee, of a number  
765 of municipalities located in the applicable county that the conference of mayors of  
766 the applicable county considers to be appropriate, appointed by the conference of  
767 mayors of the applicable county.
- 768 (3) In addition to the voting members required in Subsection (2), a task force shall include  
769 the following nonvoting members:
- 770 (a) the coordinator, or the coordinator's designee;
- 771 (b) one representative of the Utah League of Cities and Towns, appointed by the Utah  
772 League of Cities and Towns, or the representative's designee;
- 773 (c) one representative of the Utah Association of Counties, appointed by the Utah

- 774 Association of Counties, or the representative's designee;
- 775 (d) two individuals experiencing homelessness or having previously experienced  
776 homelessness, appointed by the applicable local [~~homelessness~~] homeless council;
- 777 (e) three representatives of the applicable local homeless council, appointed by the  
778 applicable local homeless council, or the representative's designee; and
- 779 (f) any other individual appointed by the council of governments of the applicable  
780 county.
- 781 (4) (a) Any vacancy on a task force shall be filled in the same manner as the  
782 appointment of the member whose vacancy is being filled.
- 783 (b) Each member of a task force shall serve until a successor is appointed.
- 784 (5) A majority of the voting members of a task force constitutes a quorum and may act on  
785 behalf of the task force.
- 786 (6) A task force shall:
- 787 (a) select officers from the task force's members as the task force finds necessary; and  
788 (b) meet as necessary to effectively conduct the task force's business and duties as  
789 prescribed by statute.
- 790 (7) A task force may establish one or more working groups as is deemed appropriate to  
791 assist on specific issues related to the task force's duties, including a working group for  
792 site selection of temporary winter response shelters.
- 793 (8) (a) A task force member may not receive compensation or benefits for the task force  
794 member's service.
- 795 (b) A task force member may receive per diem and travel expenses in accordance with:  
796 (i) Section 63A-3-106;  
797 (ii) Section 63A-3-107; and  
798 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106  
799 and 63A-3-107.
- 800 (9) The applicable county for which a task force is convened shall provide administrative  
801 support to the task force.
- 802 (10) Meetings of the task force are not subject to Title 52, Chapter 4, Open and Public  
803 Meetings Act.
- 804 Section 15. Section **35A-16-502** is amended to read:
- 805 **35A-16-502 . Winter response plan required -- Contents -- Review --**  
806 **Consequences after determination of noncompliance.**
- 807 (1) (a) The task force for an applicable county that is a county of the first class shall



- 808 annually prepare and submit to the office a winter response plan on or before August  
809 1 in calendar years 2023, 2024, and 2025.
- 810 (b) The task force for an applicable county not described in Subsection (1)(a) shall  
811 annually prepare and submit to the office a winter response plan on or before August  
812 1 in calendar years 2024 and 2025.
- 813 (2) The winter response plan shall:
- 814 (a) provide assurances to the office that the applicable county will meet the applicable  
815 county's targeted winter response [~~bed count~~] plan or other accommodations during  
816 the subsequent winter response period by establishing plans for the requisite need  
817 during the subsequent winter response period;
- 818 (b) ensure that any temporary winter response shelter planned for operation within the  
819 applicable county will meet all local zoning requirements;
- 820 (c) include a detailed transportation plan, budget, revenue sources, including in-kind  
821 sources, and any other component specified by the office under Subsection (3) as a  
822 requirement for the applicable county to achieve compliance with this section;
- 823 (d) include a detailed county plan for a code blue event as defined in Section 35A-16-701,  
824 including the number and location of available beds for individuals experiencing  
825 homelessness for the duration of the code blue event; and
- 826 (e) be approved by the chief executive officer of:
- 827 (i) any municipality located within the applicable county in which a temporary winter  
828 response shelter is planned for operation during the subsequent winter response  
829 period; and
- 830 (ii) the applicable county, if a temporary winter response shelter is planned for  
831 operation within an unincorporated area of the county.
- 832 (3) To assist a task force in preparing a winter response plan, by no later than March 30 of  
833 the year in which the winter response plan is due, the applicable local homeless council,  
834 in coordination with the office, shall provide the following information to the task force:
- 835 (a) the targeted winter response bed count;
- 836 (b) the requirements for the plan described in Subsection (2)(d);
- 837 (c) the availability of funds that can be used to mitigate the winter response plan; and
- 838 (d) any component required for the winter response plan to achieve compliance that is  
839 not described in Subsection (2).
- 840 (4) In preparing the winter response plan, the task force shall coordinate with:
- 841 (a) the office;

- 842 (b) the applicable local homeless council;
- 843 (c) for Salt Lake County, the conference of mayors for Salt Lake County; and
- 844 (d) for an applicable county not described in Subsection (4)(c), the council of
- 845 governments for the applicable county.
- 846 (5) In conducting site selection for a temporary winter response shelter under a winter
- 847 response plan, the task force shall prioritize:
- 848 (a) a site located more than one mile from any homeless shelter;
- 849 (b) a site located more than one mile from any permanent supportive housing, as verified
- 850 by the office; and
- 851 (c) a site located in a municipality or unincorporated area of the applicable county that
- 852 does not have a homeless shelter.
- 853 (6) (a) On or before August 15 of the year in which a winter response plan is submitted,
- 854 the office shall:
- 855 (i) conduct a review of the winter response plan for compliance with this section; and
- 856 (ii) send a written notice of the office's determination regarding compliance to:
- 857 (A) the task force for the applicable county;
- 858 (B) the council of governments for the applicable county;
- 859 (C) the applicable local homeless council; and
- 860 (D) the legislative body of each municipality located within the applicable county.
- 861 (b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance
- 862 with this section if:
- 863 (i) the applicable county's task force fails to submit a timely winter response plan
- 864 under this section; or
- 865 (ii) the office determines that the winter response plan prepared for the applicable
- 866 county does not comply with this section.
- 867 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 868 office may make rules establishing requirements for an applicable county's compliance
- 869 with this section.
- 870 Section 16. Section **35A-16-602** is amended to read:
- 871 **35A-16-602 . COVID-19 Homeless Housing and Services Grant Program.**
- 872 (1) There is established the COVID-19 Homeless Housing and Services Grant Program, a
- 873 competitive grant program administered by the office and funded in accordance with 42
- 874 U.S.C. Sec. 802.
- 875 (2) The office shall distribute money to fund one or more projects that:

- 876 (a) include affordable housing units for households:
- 877 (i) whose income is no more than 30% of the area median income for households of
- 878 the same size in the county or municipality where the project is located;
- 879 (ii) at rental rates no greater than 30% of the income described in Subsection (2)(a)(i)
- 880 for a household of:
- 881 (A) one person if the unit is an efficiency unit;
- 882 (B) two people if the unit is a one-bedroom unit;
- 883 (C) four people if the unit is a two-bedroom unit;
- 884 (D) five people if the unit is a three-bedroom unit;
- 885 (E) six people if the unit is a four-bedroom unit; or
- 886 (F) eight people if the unit is a five-bedroom or larger unit; and
- 887 (iii) that have been impacted by the COVID-19 emergency in accordance with 42
- 888 U.S.C. Sec. 802; and
- 889 (b) have been approved by the [~~homelessness council~~] board.
- 890 (3) The office shall:
- 891 (a) administer the grant program, including:
- 892 (i) reviewing grant applications and making recommendations to the [~~homelessness~~
- 893 ~~council~~] board; and
- 894 (ii) distributing grant money to approved grant recipients; and
- 895 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 896 make rules to administer the program, including:
- 897 (i) grant application requirements;
- 898 (ii) procedures to approve a grant; and
- 899 (iii) procedures for distributing money to grant recipients.
- 900 (4) When reviewing an application for approval, the [~~homelessness council~~] board shall
- 901 consider:
- 902 (a) an applicant's rental income plan;
- 903 (b) proposed case management and service plans for households;
- 904 (c) any matching funds proposed by an applicant;
- 905 (d) proposed restrictions, including deed restrictions, and the duration of restrictions on
- 906 housing units to facilitate long-term assistance to households;
- 907 (e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802; and
- 908 (f) any other considerations as adopted by the [~~council~~] board.
- 909 (5) A grant award under this section shall comply with the requirements of 42 U.S.C. Sec.

910 802.

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

912 **35A-16-703 . Provisions in effect for duration of code blue alert.**

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

- 916 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to  
917 provide temporary shelter to any number of individuals experiencing homelessness, so  
918 long as the homeless shelter is in compliance with the applicable building code and fire  
919 code;
- 920 (2) a homeless shelter, in coordination with the applicable local homeless council, shall  
921 implement expedited intake procedures for individuals experiencing homelessness who  
922 request access to the homeless shelter;
- 923 (3) a homeless shelter may not deny temporary shelter to any individual experiencing  
924 homelessness who requests access to the homeless shelter for temporary shelter unless  
925 the homeless shelter is at the capacity limit described in Subsection (1) or if a reasonable  
926 individual would conclude that the individual presents a danger to [~~the homeless~~  
927 ~~shelter's staff or guests~~] public safety;
- 928 (4) any indoor facility owned by a private organization, nonprofit organization, state  
929 government entity, or local government entity may be used to provide temporary shelter  
930 to individuals experiencing homelessness and is exempt from the licensure requirements  
931 of [~~Title 62A, Chapter 2, Licensure of Programs and Facilities~~] Title 26B, Chapter 2,  
932 Licensing and Certifications, for the duration of the code blue alert and seven days  
933 following the day on which the code blue alert ends, so long as the facility is in  
934 compliance with the applicable building code and fire code and the governing body of  
935 the organization or the legislative body of the government entity that owns the facility  
936 approves the use;
- 937 (5) homeless shelters, state and local government entities, and other organizations that  
938 provide services to individuals experiencing homelessness shall coordinate street  
939 outreach efforts to distribute to individuals experiencing homelessness any available  
940 resources for survival in cold weather, including clothing items and blankets;
- 941 [~~(6) if no beds or other accommodations are available at any homeless shelters located~~  
942 ~~within the affected county, a municipality may not enforce an ordinance that prohibits or~~  
943 ~~abates camping for the duration of the code blue alert and the two days following the~~

944 ~~day on which the code blue alert ends;~~  
945 ~~[(7)]~~ (6) a state or local government entity, including a municipality, law enforcement  
946 agency, and local health department, may enforce a camping ordinance but may not [  
947 ~~enforce an ordinance or policy to]~~ seize from individuals experiencing homelessness any  
948 personal items for survival in cold weather, including clothing, blankets, tents, and  
949 sleeping bags~~[- heaters, stoves, and generators];~~ and  
950 ~~[(8)]~~ (7) a municipality or other local government entity may not enforce any ordinance or  
951 policy that limits or restricts the ability for the provisions described in Subsections (1)  
952 through ~~[(7)]~~ (5) to take effect, including local zoning ordinances.

953 Section 18. **Effective date.**

954 This bill takes effect on May 1, 2024.