

Part 10

State Community Services Act

35A-8-1001 Title.

This part is known as the "State Community Services Act."

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1002 Definitions.

As used in this part:

- (1) "Community action agency" means a local subdivision of the state, a combination of political subdivisions, a separate public agency, or a private nonprofit agency, which:
 - (a) has the authority under its applicable charter or laws to receive funds to support community action activities and other appropriate measures designed to identify and deal with the causes of poverty in the state; and
 - (b) is designated as a community action agency by federal law, federal regulations, or the governor.
- (2) "Community action program budget" means state funds, federal block grants, and federal categorical grants that are received by the state for community action activities.
- (3) "Community action statewide organization" means community action programs, organized on a statewide basis, to enhance the capability of community action agencies.
- (4) "Community Services Block Grant" means the Federal Community Services Block Grant Act, 42 U.S.C. Sec. 9901 et seq., and any corresponding federal regulations.
- (5) "Local share" means cash or in-kind goods and services donated to a community action agency to carry out its responsibilities.
- (6) "Low-income person" means a person who is a member of a household with a gross annual income equal to or less than 125% of the poverty standard accepted by the federal agency designated to establish poverty guidelines.
- (7) "Office" means the State Community Services Office created in Section 35A-8-1003.
- (8) "Service area" means the geographical area within the jurisdiction of a community action agency or a community action statewide organization.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1003 State Community Services Office created -- Purpose.

- (1) There is created within the Housing and Community Development Division the State Community Services Office.
- (2) The office shall strengthen communities by reducing poverty and improving the quality of life for low-income persons in this state.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1004 Duties of office.

The office shall:

- (1) coordinate state activities designed to reduce poverty;
- (2) encourage entities in the private sector to participate in efforts to ameliorate poverty in the community;

- (3) cooperate with agencies of local, state, and the federal government in reducing poverty and implementing community, social, and economic programs;
- (4) receive and expend funds for the purposes outlined in this part;
- (5) enter into contracts with and award grants to public and private nonprofit agencies and organizations;
- (6) develop a state plan based on needs identified by community action agencies and community action statewide organizations;
- (7) designate community action agencies to receive funds through the Community Services Block Grant program;
- (8) fund community action agencies and community action statewide organizations;
- (9) make rules in conjunction with the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to carry out the purposes of this part;
- (10) provide assistance to local governments or private organizations for the purpose of establishing and operating a community action agency;
- (11) provide technical assistance to community action agencies to improve program planning, program development, administration, and the mobilization of public and private resources;
- (12) convene public meetings that provide citizens the opportunity to comment on public policies and programs to reduce poverty;
- (13) advise the governor and Legislature of the nature and extent of poverty in the state and make recommendations concerning changes in state and federal policies and programs;
- (14) encourage Utah's nonprofit humanitarian assistance agencies serving low-income persons by facilitating, coordinating, training, and providing technical assistance to address the needs of Utah's low-income persons by enhancing management, improving service and program delivery, facilitating partnerships, and preserving flexibility and local initiative;
- (15) develop and implement management goals that fulfill the Community Services Block Grant mission, state requirements, and the mandates of federal legislation;
- (16) prepare a Community Services Block Grant plan that contains provisions describing how the state will carry out the assurances of the Community Services Block Grant Act;
- (17) act as the state agency responsible for the evaluation and improvement of emergency food assistance services in the state;
- (18) monitor the impact of social policies on the emergency food network;
- (19) provide training and technical assistance to grantees to assist their:
 - (a) program development and implementation;
 - (b) compliance with state and federal regulations; and
 - (c) reporting and management information systems;
- (20) make the distributions required by Section 35A-8-1009; and
- (21) administer other programs to alleviate poverty that are assigned to the office.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1005 Distribution of Community Services Block Grant funds.

Community Services Block Grant funds received by the office shall be distributed as follows:

- (1) 90% to community action agencies;
- (2) 5% to:
 - (a) organizations with a statewide focus to accomplish specific objectives that complement the Community Services Block Grant poverty programs;
 - (b) provide training and technical assistance for grantees of Community Services Block Grant funds; or

- (c) supplement anti-poverty projects; and
- (3) 5% to reimburse costs incurred by the office in administration of this part.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1006 Evaluations -- Reports.

- (1) The office shall periodically evaluate grantees of Community Services Block Grant funds as established by rule by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) A grantee of Community Services Block Grant funds shall submit to the office a year-end report, covering a reporting period consistent with the federal fiscal year, which provides an account of the grantee's programs operated with or supported by Community Services Block Grant funds, including:
 - (a) the types of programs operated by the grantee;
 - (b) the outcome of each program;
 - (c) the number of persons served by each program;
 - (d) the number of times service was given by each program; and
 - (e) an accounting of the Community Services Block Grant funds expended by the grantee.
- (3) The office shall report annually to the appropriate legislative appropriations subcommittee on the distribution and expenditure of Community Services Block Grant funds.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1007 Program development by grantees.

Grantees of Community Services Block Grant funds shall develop specific programs and goals, consistent with the Community Services Block Grant Act, designed to provide the most effective solutions to the problems of poverty identified in their communities within the constraints of available funding, including projects related to:

- (1) employment;
- (2) education;
- (3) income management;
- (4) housing;
- (5) emergency assistance;
- (6) nutrition;
- (7) linkages and coordination with other programs;
- (8) health; and
- (9) self-sufficiency.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1008 Recognition of community action agencies.

The office may:

- (1) recognize eligible organizations as community action agencies;
- (2) withdraw the recognition or terminate funding of a designated community action agency for cause, as established by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- (3) change the boundaries and the number of recognized community action agencies, provided that the governing board of each affected community action agency concurs in the action.

Renumbered and Amended by Chapter 212, 2012 General Session

35A-8-1009 Qualified Emergency Food Agencies Fund -- Expenditure of revenues.

- (1) As used in this section:
 - (a) "Association of governments" means the following created under the authority of Title 11, Chapter 13, Interlocal Cooperation Act:
 - (i) an association of governments; or
 - (ii) a regional council that acts as an association of governments.
 - (b) "Food and food ingredients" is as defined in Section 59-12-102.
 - (c) "Pounds of food donated" means the aggregate number of pounds of food and food ingredients that are donated:
 - (i) to a qualified emergency food agency; and
 - (ii) by a person, other than an organization that as part of its activities operates a program that has as the program's primary purpose to:
 - (A) warehouse and distribute food to other agencies and organizations providing food and food ingredients to low-income persons; or
 - (B) provide food and food ingredients directly to low-income persons.
 - (d) "Qualified emergency food agency" means an organization that:
 - (i) is:
 - (A) exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code;
 - (B) an association of governments; or
 - (C) a food pantry operated by a municipality located within the state;
 - (ii) as part of its activities operates a program that has as the program's primary purpose to:
 - (A) warehouse and distribute food to other agencies and organizations providing food and food ingredients to low-income persons; or
 - (B) provide food and food ingredients directly to low-income persons; and
 - (iii) the office determines to be a qualified emergency food agency.
- (2) There is created an expendable special revenue fund known as the Qualified Emergency Food Agencies Fund.
- (3)
 - (a) The Qualified Emergency Food Agencies Fund shall be funded by the sales and use tax revenues described in:
 - (i) Section 59-12-103;
 - (ii) Section 59-12-204; and
 - (iii) Section 59-12-1102.
 - (b) Any interest earned on the Qualified Emergency Food Agencies Fund shall be deposited into the General Fund.
- (4) The office shall for a fiscal year distribute money deposited into the Qualified Emergency Food Agencies Fund to qualified emergency food agencies within the state as provided in this section.
- (5) A qualified emergency food agency shall file an application with the office before the qualified emergency food agency may receive a distribution under this section.
- (6) Except as provided in Subsection (7), the office shall for a fiscal year distribute to a qualified emergency food agency an amount equal to the product of:
 - (a) the pounds of food donated to the qualified emergency food agency during that fiscal year; and
 - (b) 12 cents.

- (7) If the money deposited into the Qualified Emergency Food Agencies Fund is insufficient to make the distributions required by Subsection (6), the office shall make distributions to qualified emergency food agencies in the order that the office receives applications from the qualified emergency food agencies until all of the money deposited into the Qualified Emergency Food Agencies Fund for the fiscal year is expended.
- (8) A qualified emergency food agency may expend a distribution received in accordance with this section only for a purpose related to:
 - (a) warehousing and distributing food and food ingredients to other agencies and organizations providing food and food ingredients to low-income persons; or
 - (b) providing food and food ingredients directly to low-income persons.
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Housing and Community Development Division may make rules providing procedures for implementing the distributions required by this section, including:
 - (a) standards for determining and verifying the amount of a distribution that a qualified emergency food agency may receive;
 - (b) procedures for a qualified emergency food agency to apply for a distribution, including the frequency with which a qualified emergency food agency may apply for a distribution; and
 - (c) consistent with Subsection (1)(d), determining whether an entity is a qualified emergency food agency.

Amended by Chapter 400, 2013 General Session