

**HOUSING AND HOMELESS REFORM INITIATIVE**

**AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Francis D. Gibson**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to homelessness and homeless shelters.

**Highlighted Provisions:**

This bill:

- ▶ modifies the ordinances and other regulations that a municipality may enforce for a homeless shelter;
- ▶ modifies the requirements for the Homeless Coordinating Committee and the Housing and Community Development Division to award grants or contracts related to a facility that will provide shelter or other services to the homeless; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

This bill appropriates:

- ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account, as a one-time appropriation:
  - from the General Fund, ~~\$~~→ [~~\$9,898,000~~] \$9,850,000 ←~~\$~~ ;
- ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account, as an ongoing appropriation:
  - from the General Fund, \$250,000;
- ▶ to the Department of Workforce Services -- Housing and Community Development,

H.B. 441



28 as a one-time appropriation:

29 • from the General Fund Restricted -- Homeless to Housing Reform Restricted

30 Account, ~~‎\$~~→ [~~‎\$9,898,000~~] ‎\$9,850,000 ←~~‎\$~~ ;

31 ▶ to the Department of Workforce Services -- Housing and Community Development,

32 as an ongoing appropriation:

33 • from the General Fund Restricted -- Homeless to Housing Reform Restricted

34 Account, \$250,000; and

35 ▶ to the Olene Walker Housing Loan Fund, as a one-time appropriation:

36 • from the General Fund, \$700,000.

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **10-9a-526**, as enacted by Laws of Utah 2016, Chapter 131

42 **35A-8-604**, as enacted by Laws of Utah 2016, Chapter 278

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

45 Section 1. Section **10-9a-526** is amended to read:

46 **10-9a-526. Homeless shelters.**

47 (1) As used in this section, "homeless shelter" means a facility that:

48 (a) is or is proposed to be located within a municipality;

49 (b) provides or is proposed to provide temporary shelter to homeless [~~families with~~  
50 ~~children~~] individuals; and

51 (c) has or is proposed to have the capacity to provide temporary shelter to at least [~~200~~

52 50 individuals per night[~~; and~~].

53 [~~(d) began operation on or before January 1, 2016.~~]

54 (2) A municipality may not adopt or enforce an ordinance or other regulation that  
55 prohibits a homeless shelter;

56 (a) from operating year-round[~~;~~] if the homeless shelter began operation on or before  
57 January 1, 2016; or

58 (b) from being built if the site of the homeless shelter is approved by and receives

59 funding through the Homeless Coordinating Committee, with the concurrence of the Housing  
60 and Community Development Division within the Department of Workforce Services, in  
61 accordance with the requirements of Section 35A-8-604.

62 Section 2. Section **35A-8-604** is amended to read:

63 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

64 (1) With the concurrence of the division and in accordance with this section, the  
65 Homeless Coordinating Committee members designated in Subsection 35A-8-601(2) may  
66 award ongoing or one-time grants or contracts funded from the Homeless to Housing Reform  
67 Restricted Account created in Section 35A-8-605.

68 (2) Before final approval of a grant or contract awarded under this section, the  
69 Homeless Coordinating Committee and the division shall provide written information  
70 regarding the grant or contract to, and shall consider the recommendations of, [~~the Legislative~~  
71 ~~Management Committee and~~] the Executive Appropriations Committee.

72 (3) As a condition of receiving money, including any ongoing money, from the  
73 Homeless to Housing Reform Restricted Account, an entity awarded a grant or contract under  
74 this section shall provide detailed and accurate reporting on at least an annual basis to the  
75 division and the Homeless Coordinating Committee that describes:

76 (a) how money provided from the Homeless to Housing Reform Restricted Account  
77 has been spent by the entity; and

78 (b) the progress towards measurable outcome-based benchmarks agreed to between the  
79 entity and the Homeless Coordinating Committee before the awarding of the grant or contract.

80 (4) In determining the awarding of a grant or contract under this section, the Homeless  
81 Coordinating Committee, with the concurrence of the division, shall:

82 (a) ensure that the services to be provided through the grant or contract will be  
83 provided in a cost-effective manner;

84 (b) consider the advice of committee members designated in Subsection 35A-8-601(3);

85 (c) give priority to a project or contract that will include significant additional or  
86 matching funds from a private organization, nonprofit organization, or local government entity;

87 (d) ensure that the project or contract will target the distinct housing needs of one or  
88 more at-risk or homeless subpopulations, which may include:

89 (i) families with children;

- 90 (ii) transitional-aged youth;
- 91 (iii) single men or single women;
- 92 (iv) veterans;
- 93 (v) victims of domestic violence;
- 94 (vi) individuals with behavioral health disorders, including mental health or substance
- 95 use disorders;
- 96 (vii) individuals who are medically frail or terminally ill;
- 97 (viii) individuals exiting prison or jail; or
- 98 (ix) individuals who are homeless without shelter; and
- 99 (e) consider whether the project will address one or more of the following goals:
- 100 (i) diverting homeless or imminently homeless individuals and families from
- 101 emergency shelters by providing better housing-based solutions;
- 102 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 103 (iii) providing homeless individuals and families with needed stabilization services;
- 104 (iv) decreasing the state's homeless rate;
- 105 (v) implementing a coordinated entry system with consistent assessment tools to
- 106 provide appropriate and timely access to services for homeless individuals and families;
- 107 (vi) providing access to caseworkers or other individualized support for homeless
- 108 individuals and families;
- 109 (vii) encouraging employment and increased financial stability for individuals and
- 110 families being diverted from or exiting homelessness;
- 111 (viii) creating additional affordable housing for state residents;
- 112 (ix) providing services and support to prevent homelessness among at-risk individuals
- 113 and adults;
- 114 (x) providing services and support to prevent homelessness among at-risk children,
- 115 adolescents, and young adults; and
- 116 (xi) preventing the reoccurrence of homelessness among individuals and families
- 117 exiting homelessness.
- 118 (5) In addition to the other provisions of this section, in determining the awarding of a
- 119 grant or contract under this section to design, build, create, or renovate a facility that will
- 120 provide shelter or other resources for the homeless, the Homeless Coordinating Committee,

121 with the concurrence of the division~~[(a)]~~, may consider whether the facility will be:

122 ~~[(i)]~~ (a) located near mass transit services;

123 ~~[(ii)]~~ (b) located in an area that meets or will meet all zoning regulations before a final  
124 dispersal of funds;

125 ~~[(iii)]~~ (c) safe and welcoming both for individuals using the facility and for members of  
126 the surrounding community; and

127 ~~[(iv)]~~ (d) located in an area with access to employment, job training, and positive  
128 activities~~[-and]~~.

129 ~~[(b) may not award a grant or contract under this Subsection (5), unless the grant or~~  
130 ~~contract is endorsed by the county and, if applicable, the municipality where the facility will be~~  
131 ~~located.]~~

132 (6) In accordance with Subsection (5), and subject to the approval of the Homeless  
133 Coordinating Committee with the concurrence of the division, the following may recommend a  
134 site location, acquire a site location, and hold title to real property, buildings, fixtures, and  
135 appurtenances of a facility that provides or will provide shelter or other resources for the  
136 homeless:

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

140 (b) the state;

141 (c) a nonprofit entity approved by the Homeless Coordinating Committee with the  
142 concurrence of the division; and

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

145 (7) Subject to the requirements of Subsections (5) and (6), on or before March 30,  
146 2017, the county executive of a county of the first class shall make a recommendation to the  
147 Homeless Coordinating Committee identifying a site location for one facility within the county  
148 of the first class that will provide shelter for the homeless in a location other than Salt Lake  
149 City.

150 ~~[(6)]~~ (8) (a) As used in this Subsection ~~[(6)]~~ (8), "homeless shelter" means a facility  
151 that:

- 152 (i) is located within a municipality;
- 153 (ii) provides temporary shelter year-round to homeless individuals; and
- 154 (iii) has the capacity to provide temporary shelter to at least [~~200~~] 50 individuals per
- 155 night[;].

- 156 [~~(iv) began operation on or before January 1, 2016;~~]
- 157 [~~(v) did not operate more than nine-months per year before January 1, 2016; and~~]
- 158 [~~(vi) currently operates year-round.~~]

159 (b) In addition to the other provisions of this section, the Homeless Coordinating  
 160 Committee, with the concurrence of the division, may award a grant or contract:

- 161 (i) to a municipality to improve sidewalks, pathways, or roadways near a homeless  
 162 shelter to provide greater safety to homeless individuals; and
- 163 (ii) to a municipality to hire [~~a~~] one or more peace [~~officer~~] officers to provide greater  
 164 safety to homeless individuals.

165 [~~(7)~~] (9) The division may expend money from the Homeless to Housing Reform  
 166 Restricted Account to offset actual division and Homeless Coordinating Committee expenses  
 167 related to administering this section.

168 Section 3. **Appropriation.**

169 ~~H~~→ ~~[The]~~ For Item 1 and Item 2, the ←~~H~~ following sums of money are appropriated for  
 169a the fiscal year beginning July 1,  
 170 2017, and ending June 30, 2018. These are additions to amounts previously appropriated for  
 171 fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 172 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 173 indicated for the use and support of the government of the state of Utah.

174 ITEM 1

175 To Fund and Account Transfers -- General Fund Restricted -- Homeless to  
 176 Housing Reform Restricted Account

177	<u>From General Fund, One-time</u> \$→ [	<del>\$9,898,000]</del> <u>\$9,850,000</u> ←\$
178	<u>From General Fund</u>	<u>\$250,000</u>

179 Schedule of Programs:

180 General Fund Restricted -- Homeless to Housing Reform

181	<u>Restricted Account</u>	\$→ [ <del>\$10,148,000]</del> <u>\$10,100,000</u> ←\$
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182 ITEM 2

183 To Department of Workforce Services -- Housing and Community Development  
 184 From General Fund Restricted -- Homeless to Housing  
 185 Reform Restricted Account, One-time \$→ [ \$9,898,000] \$9,850,000 ←\$  
 186 From General Fund Restricted -- Homeless to Housing  
 187 Reform Restricted Account \$250,000  
 188 Schedule of Programs \$→ : ←\$  
 189 Homeless to Housing Reform Program \$→ [\$10,148,000] \$10,100,000 ←\$

189a **H→ For Item 3, the following sums of money are appropriated for the fiscal year beginning**  
 189b **July 1, 2016, and ending June 30, 2017. These are additions to amounts previously**  
 189c **appropriated for fiscal year 2017. Under the terms and conditions of Title 63J, Chapter 1,**  
 189d **Budgetary Procedures Act, the Legislature appropriates the following sums of money from the**  
 189e **funds or accounts indicated for the use and support of the government of the state of Utah.** ←H  
 190 ITEM 3

191 To Fund and Account Transfers -- Olene Walker Housing Loan Fund  
 192 From General Fund, One-time \$700,000  
 193 Schedule of Programs:  
 194 Olene Walker Housing Loan Fund \$700,000

195 The Legislature intends that:  
 196 (1) under Section 63J-1-603 appropriations provided under this section not lapse at the  
 197 close of fiscal year H→ 2017 or ←H 2018; \$→ [and] ←\$

198 (2) the one-time appropriation to the Olene Walker Housing Loan Fund be used by the  
 199 Olene Walker Housing Loan Fund Board to H→ [~~loan capital funds to the St. Anne's Center~~]  
 199a **provide a grant in fiscal year 2017 to a homeless shelter and soup kitchen located in a city of**  
 199b **the second class and in a county of the second class that:**

199c **(a) is open year-round;**  
 199d **(b) provides meals and other services to homeless families and individuals; and**  
 199e **(c) has the capacity to provide temporary shelter to at least 250 individuals per night** ←H \$→ [  
 199f **]; and**

199g **(3) any ongoing or future appropriations to the Homeless to Housing Reform Restricted**  
 199h **Account that may be awarded by the Homeless Coordinating Committee for the purpose of**  
 199i **funding one or more homeless shelters in a city of the first class or a county of the first class**  
 199j **are contingent upon city and county leaders working with stakeholders to close the Salt Lake**  
 199k **Community Shelter located at 210 South Rio Grande Street, Salt Lake City, Utah, on or before**  
 199l **June 30, 2019.** ←\$

200 Section 4. Effective date.  
 201 If approved by two-thirds of all the members elected to each house, this bill takes effect  
 202 upon approval by the governor, or the day following the constitutional time limit of Utah

203 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
204 the date of veto override.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**