

1
2
3
4
5
6
7
8
9
10
11
12
13
14

15
16
17
18
19
20
21
22
23
24
25
26
27
28

HOMELESS SERVICES AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Todd Weiler

Cosponsors:	Gregory H. Hughes	Douglas V. Sagers
Joel K. Briscoe	Eric K. Hutchings	Mike Schultz
Walt Brooks	Brian S. King	V. Lowry Snow
Rebecca Chavez-Houck	Karen Kwan	Robert M. Spendlove
Susan Duckworth	Bradley G. Last	Elizabeth Weight
Rebecca P. Edwards	Michael E. Noel	John R. Westwood
Gage Froerer	Jeremy A. Peterson	Mark A. Wheatley
Francis D. Gibson	Dixon M. Pitcher	
Sandra Hollins	Angela Romero	

LONG TITLE

General Description:

This bill amends provisions related to the Housing and Community Development Division.

Highlighted Provisions:

- This bill:
- defines terms;
 - amends provisions related to how money in the Olene Walker Housing Loan Fund may be used;
 - amends provisions related to how money in the Homeless to Housing Reform Restricted Account may be used;
 - amends reporting requirements of the Housing and Community Development Division; and

29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 This bill appropriates in fiscal year 2019:

32 ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account,
33 as an ongoing appropriation:

34 • from the General Fund, \$6,600,000;

35 ▶ to the Department of Workforce Services -- Housing and Community Development,
36 as an ongoing appropriation:

37 • from the General Fund Restricted -- Homeless to Housing Reform Restricted
38 Account, \$6,600,000.

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **35A-8-505**, as last amended by Laws of Utah 2016, Chapter 131

44 **35A-8-601**, as last amended by Laws of Utah 2016, Chapter 278

45 **35A-8-604**, as last amended by Laws of Utah 2017, Chapter 21

46 **35A-8-605**, as enacted by Laws of Utah 2016, Chapter 278

47 ENACTS:

48 **35A-8-805**, Utah Code Annotated 1953



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

51 Section 1. Section **35A-8-505** is amended to read:

52 **35A-8-505. Activities authorized to receive fund money -- Powers of the executive**
53 **director.**

54 At the direction of the board, the executive director may:

55 (1) provide fund money to any of the following activities:

56 (a) the acquisition, rehabilitation, or new construction of low-income housing units;

57 (b) matching funds for social services projects directly related to providing housing for
58 special-need renters in assisted projects;

59 (c) the development and construction of accessible housing designed for low-income
60 persons;

61 (d) the construction or improvement of a shelter or transitional housing facility that
62 provides services intended to prevent or minimize homelessness among members of a specific
63 homeless subpopulation; [~~and~~]

64 (e) the purchase of an existing facility to provide temporary or transitional housing for
65 the homeless in an area that does not require rezoning before providing such temporary or
66 transitional housing; and

67 [~~(e)~~] (f) other activities that will assist in minimizing homelessness or improving the
68 availability or quality of housing in the state for low-income persons;

69 (2) do any act necessary or convenient to the exercise of the powers granted by this part
70 or reasonably implied from those granted powers, including:

71 (a) making or executing contracts and other instruments necessary or convenient for
72 the performance of the executive director and board's duties and the exercise of the executive
73 director and board's powers and functions under this part, including contracts or agreements for
74 the servicing and originating of mortgage loans;

75 (b) procuring insurance against a loss in connection with property or other assets held
76 by the fund, including mortgage loans, in amounts and from insurers it considers desirable;

77 (c) entering into agreements with a department, agency, or instrumentality of the
78 United States or this state and with mortgagors and mortgage lenders for the purpose of
79 planning and regulating and providing for the financing and refinancing, purchase,
80 construction, reconstruction, rehabilitation, leasing, management, maintenance, operation, sale,
81 or other disposition of residential housing undertaken with the assistance of the department
82 under this part;

83 (d) proceeding with a foreclosure action, to own, lease, clear, reconstruct, rehabilitate,
84 repair, maintain, manage, operate, assign, encumber, sell, or otherwise dispose of real or

85 personal property obtained by the fund due to the default on a mortgage loan held by the fund
86 in preparation for disposition of the property, taking assignments of leases and rentals,
87 proceeding with foreclosure actions, and taking other actions necessary or incidental to the
88 performance of its duties; and

89 (e) selling, at a public or private sale, with public bidding, a mortgage or other
90 obligation held by the fund.

91 Section 2. Section **35A-8-601** is amended to read:

92 **35A-8-601. Creation.**

93 (1) There is created within the division the Homeless Coordinating Committee.

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

95 (i) the lieutenant governor or the lieutenant governor's designee;

96 (ii) the state planning coordinator or the coordinator's designee;

97 (iii) the state superintendent of public instruction or the superintendent's designee;

98 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's
99 designee;

100 (v) the executive director of the Department of Workforce Services or the executive
101 director's designee;

102 (vi) the executive director of the Department of Corrections or the executive director's
103 designee;

104 (vii) the executive director of the Department of Health or the executive director's
105 designee;

106 (viii) the executive director of the Department of Human Services or the executive
107 director's designee;

108 (ix) the mayor of Salt Lake City~~[-and]~~ or the mayor's designee;

109 (x) the mayor of Salt Lake County~~[-]~~ or the mayor's designee;

110 (xi) the mayor of Ogden or the mayor's designee;

111 (xii) the mayor of Midvale or the mayor's designee;

112 (xiii) the mayor of St. George or the mayor's designee; and

- 113 (xiv) the mayor of South Salt Lake or the mayor's designee.
- 114 (b) (i) The lieutenant governor shall serve as the chair of the committee.
- 115 (ii) The lieutenant governor may appoint a vice chair from among committee members,
- 116 who shall conduct committee meetings in the absence of the lieutenant governor.
- 117 (3) The governor may appoint as members of the committee:
- 118 (a) representatives of local governments, local housing authorities, local law
- 119 enforcement agencies;
- 120 (b) representatives of federal and private agencies and organizations concerned with
- 121 the homeless, persons with a mental illness, the elderly, single-parent families, persons with a
- 122 substance use disorder, and persons with a disability; and
- 123 (c) a resident of Salt Lake County.
- 124 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
- 125 appointed under Subsection (3) expire, the governor shall appoint each new member or
- 126 reappointed member to a four-year term.
- 127 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
- 128 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
- 129 committee members are staggered so that approximately half of the committee is appointed
- 130 every two years.
- 131 (c) A member appointed under Subsection (3) may not be appointed to serve more than
- 132 three consecutive terms.
- 133 (5) When a vacancy occurs in the membership for any reason, the replacement is
- 134 appointed for the unexpired term.
- 135 (6) A member may not receive compensation or benefits for the member's service, but
- 136 may receive per diem and travel expenses in accordance with:
- 137 (a) Section [63A-3-106](#);
- 138 (b) Section [63A-3-107](#); and
- 139 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
- 140 [63A-3-107](#).

141 Section 3. Section 35A-8-604 is amended to read:

142 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

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

147 (2) Before final approval of a grant or contract awarded under this section, the
148 Homeless Coordinating Committee and the division shall provide written information
149 regarding the grant or contract to, and shall consider the recommendations of, the Executive
150 Appropriations Committee.

151 (3) As a condition of receiving money, including any ongoing money, from the
152 [~~Homeless to Housing Reform Restricted Account~~] restricted account, an entity awarded a
153 grant or contract under this section shall provide detailed and accurate reporting on at least an
154 annual basis to the division and the Homeless Coordinating Committee that describes:

155 (a) how money provided from the [~~Homeless to Housing Reform Restricted Account~~]
156 restricted account has been spent by the entity; and

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

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

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

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

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

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

168 (i) families with children;

- 169 (ii) transitional-aged youth;
- 170 (iii) single men or single women;
- 171 (iv) veterans;
- 172 (v) victims of domestic violence;
- 173 (vi) individuals with behavioral health disorders, including mental health or substance
- 174 use disorders;
- 175 (vii) individuals who are medically frail or terminally ill;
- 176 (viii) individuals exiting prison or jail; or
- 177 (ix) individuals who are homeless without shelter; and
- 178 (e) consider whether the project will address one or more of the following goals:
- 179 (i) diverting homeless or imminently homeless individuals and families from
- 180 emergency shelters by providing better housing-based solutions;
- 181 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 182 (iii) providing homeless individuals and families with needed stabilization services;
- 183 (iv) decreasing the state's homeless rate;
- 184 (v) implementing a coordinated entry system with consistent assessment tools to
- 185 provide appropriate and timely access to services for homeless individuals and families;
- 186 (vi) providing access to caseworkers or other individualized support for homeless
- 187 individuals and families;
- 188 (vii) encouraging employment and increased financial stability for individuals and
- 189 families being diverted from or exiting homelessness;
- 190 (viii) creating additional affordable housing for state residents;
- 191 (ix) providing services and support to prevent homelessness among at-risk individuals
- 192 and adults;
- 193 (x) providing services and support to prevent homelessness among at-risk children,
- 194 adolescents, and young adults; and
- 195 (xi) preventing the reoccurrence of homelessness among individuals and families
- 196 exiting homelessness.

197 (5) In addition to the other provisions of this section, in determining the awarding of a
198 grant or contract under this section to design, build, create, or renovate a facility that will
199 provide shelter or other resources for the homeless, the Homeless Coordinating Committee,
200 with the concurrence of the division, may consider whether the facility will be:

201 (a) located near mass transit services;

202 (b) located in an area that meets or will meet all zoning regulations before a final
203 dispersal of funds;

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

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

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

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

215 (b) the state;

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

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

220 (7) Subject to the requirements of Subsections (5) and (6), on or before March 30,
221 2017, the county executive of a county of the first class shall make a recommendation to the
222 Homeless Coordinating Committee identifying a site location for one facility within the county
223 of the first class that will provide shelter for the homeless in a location other than Salt Lake
224 City.

225 (8) (a) As used in this Subsection (8) and in Subsection (9), "homeless shelter" means a
226 facility that:

- 227 (i) is located within a municipality;
- 228 (ii) provides temporary shelter year-round to homeless individuals; and
- 229 (iii) has the capacity to provide temporary shelter to at least 50 individuals per night.

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

- 232 (i) to a municipality to improve sidewalks, pathways, or roadways near a homeless
233 shelter to provide greater safety to homeless individuals; and
- 234 (ii) to a municipality to hire one or more peace officers to provide greater safety to
235 homeless individuals.

236 (9) (a) If a homeless shelter commits to provide matching funds equal to the total grant
237 awarded under this Subsection (9), the Homeless Coordinating Committee, with the
238 concurrence of the division, may award a grant for the ongoing operations of the homeless
239 shelter.

240 (b) In awarding a grant under this Subsection (9), the Homeless Coordinating
241 Committee, with the concurrence of the division, shall:

- 242 (i) give priority to a homeless shelter located in a county of the first class that has the
243 capacity to provide temporary shelter to at least 200 individuals per night; and
- 244 (ii) consider the number of beds available at the homeless shelter and the number and
245 quality of the homeless services provided by the homeless shelter.

246 ~~[(9)]~~ (10) The division may expend money from the [~~Homeless to Housing Reform~~
247 ~~Restricted Account~~] restricted account to offset actual division and Homeless Coordinating
248 Committee expenses related to administering this section.

249 Section 4. Section **35A-8-605** is amended to read:

250 **35A-8-605. Homeless to Housing Reform Restricted Account.**

251 (1) There is created a restricted account within the General Fund known as the
252 Homeless to Housing Reform Restricted Account.

253 (2) The restricted account shall be administered by the division for the purposes
254 described in Section 35A-8-604.

255 (3) The state treasurer shall invest the money in the restricted account according to the
256 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that
257 interest and other earnings derived from the restricted account shall be deposited in the
258 restricted account.

259 (4) The restricted account shall be funded by:

260 (a) appropriations made to the account by the Legislature; and

261 (b) private donations, grants, gifts, bequests, or money made available from any other
262 source to implement this section and Section 35A-8-604.

263 (5) Subject to appropriation, the director shall use restricted account money as
264 described in Section 35A-8-604.

265 (6) The Homeless Coordinating Committee, in cooperation with the division, shall
266 submit an annual written report to the department that gives a complete accounting of the use
267 of money from the restricted account for inclusion in the annual report described in Section
268 35A-1-109.

269 Section 5. Section 35A-8-805 is enacted to read:

270 **35A-8-805. Reporting requirements.**

271 (1) As used in this section:

272 (a) "Affordable housing" means, as determined by the department, the number of
273 housing units within a county or municipality where a household whose income is at or below
274 50% of area median income is able to live in a unit without spending more than 30% of their
275 income on housing costs.

276 (b) "County" means the unincorporated area of a county.

277 (c) "Low-income housing" means, as determined by the department, the number of
278 Section 42, Internal Revenue Code, housing units within a county or municipality.

279 (d) "Municipality" means a city, town, or metro township.

280 (2) (a) On or before October 1 of each year, the division shall provide a report to the

281 department for inclusion in the department's annual report described in Section 35A-1-109.

282 (b) The report shall include:

283 (i) an estimate of how many affordable housing units and how many low-income
284 housing units are available in each county and municipality in the state;

285 (ii) a determination of the percentage of affordable housing available in each county
286 and municipality in the state as compared to the statewide average;

287 (iii) a determination of the percentage of low-income housing available in each county
288 and municipality in the state as compared to the statewide average; and

289 (iv) a description of how information in the report was calculated.

290 **Section 6. Appropriation.**

291 The following sums of money are appropriated for the fiscal year beginning July 1,
292 2018, and ending June 30, 2019. These are additions to amounts previously appropriated for
293 fiscal year 2019. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
294 Act, the Legislature appropriates the following sums of money from the funds or accounts
295 indicated for the use and support of the government of the state of Utah.

296 ITEM 1

297 To Fund and Account Transfers -- General Fund Restricted -- Homeless to
298 Housing Reform Restricted Account

299 From General Fund \$6,600,000

300 Schedule of Programs:

301 General Fund Restricted -- Homeless to

302 Housing Reform Restricted Account \$6,600,000

303 ITEM 2

304 To Department of Workforce Services -- Housing and Community Development

305 From General Fund Restricted -- Homeless to Housing

306 Reform Restricted Account \$6,600,000

307 Schedule of Programs:

308 Homeless to Housing Reform Program \$6,600,000

309 The Legislature intends that:

310 (1) under Section [63J-1-603](#) appropriations provided under this section not lapse at the
311 close of fiscal year 2019; and

312 (2) the appropriation to the Homeless to Housing Reform Restricted Account be used
313 for the purposes described in Subsection [35A-8-604](#)(9).