

Representative Kim F. Coleman proposes the following substitute bill:

HOMELESS AND TRANSITIONAL HOUSING PROGRAM

AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions of Title 35A, Chapter 8, Housing and Community Development Division (division).

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the position of state homeless services director within the division;
- ▶ describes the duties of the state homeless services director;
- ▶ modifies provisions regarding the Homeless Coordinating Committee (committee),

including:

- the committee's membership; and
- that the state homeless services director has final decision making authority after considering the recommendations of the committee;

▶ modifies the authorized uses and oversight of the Pamela Atkinson Homeless Account, the Homeless to Housing Reform Restricted Account, and the Homeless Shelter Cities Mitigation Restricted Account; and

- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **35A-8-101**, as renumbered and amended by Laws of Utah 2012, Chapter 212

33 **35A-8-601**, as last amended by Laws of Utah 2018, Chapters 251 and 312

34 **35A-8-602**, as last amended by Laws of Utah 2019, Chapter 234

35 **35A-8-603**, as renumbered and amended by Laws of Utah 2012, Chapter 212

36 **35A-8-604**, as last amended by Laws of Utah 2019, Chapters 53, 94, and 234

37 **35A-8-605**, as last amended by Laws of Utah 2018, Chapter 251

38 **35A-8-606**, as enacted by Laws of Utah 2018, Chapter 312

39 **35A-8-607**, as enacted by Laws of Utah 2018, Chapter 312

40 **35A-8-608**, as last amended by Laws of Utah 2019, Chapters 17, 53, and 136

41 **35A-8-609**, as last amended by Laws of Utah 2019, Chapters 17 and 136

42 **63J-4-202**, as last amended by Laws of Utah 2013, Chapters 12 and 310

43 **63J-4-301**, as last amended by Laws of Utah 2018, Chapters 423 and 469

44 ENACTS:

45 **35A-8-203**, Utah Code Annotated 1953

46 **35A-8-204**, Utah Code Annotated 1953

47 **63J-4-801**, Utah Code Annotated 1953



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

50 Section 1. Section **35A-8-101** is amended to read:

51 **35A-8-101. Definitions.**

52 As used in this chapter:

53 (1) "Accessible housing" means housing which has been constructed or modified to be
54 accessible, as described in the State Construction Code or an approved code under Title 15A,
55 State Construction and Fire Codes Act.

56 (2) "Director" means the director of the division.

57 (3) "Division" means the Housing and Community Development Division.

58 (4) "Homeless services director" means the state homeless services director described
59 in Section [35A-8-203](#).

60 Section 2. Section **35A-8-203** is enacted to read:

61 **35A-8-203. State homeless services director.**

62 (1) The governor shall appoint in consultation with the executive director and director,
63 and with the consent of the Senate, a state homeless services director who shall serve at the
64 pleasure of the governor.

65 (2) The governor shall appoint a homeless services director who is experienced in
66 administration and knowledgeable about providing services to individuals experiencing
67 homelessness.

68 Section 3. Section **35A-8-204** is enacted to read:

69 **35A-8-204. Duties of the state homeless services director.**

70 (1) The state homeless services director shall:

71 (a) coordinate the provision of services to individuals experiencing homelessness in the
72 state;

73 (b) approve and oversee all funding provided for the provision of services to
74 individuals experiencing homelessness from the:

75 (i) Pamela Atkinson Homeless Account created in Section [35A-8-603](#); and

76 (ii) Homeless to Housing Reform Restricted Account created in Section [35A-8-605](#);

77 and

78 (c) oversee the staffing and consider the recommendations of the Homeless
79 Coordinating Committee created in Section [35A-8-601](#).

80 (2) In approving funding for the provision of services to individuals experiencing
81 homelessness as described in Subsection (1)(b), the homeless services director shall:

82 (a) prioritize the funding of programs and providers that have a documented history of
83 successfully transitioning homeless individuals to self-reliance;

84 (b) prioritize the funding of programs and providers that require participation in
85 appropriate services as a condition of receiving any permanent housing;

86 (c) prioritize funding to a program or provider that has entered into a written agreement
87 with the division to collect and share electronic data regarding the provision of services to

88 individuals experiencing homelessness so that the provision of services can be coordinated
89 among state agencies, local governments, and private organizations; and

90 (d) ensure that data collection for services to homeless individuals, including sharing
91 agreements, processes, and systems comply with a data sharing framework established by the
92 Governor's Office of Management and Budget.

93 (3) The homeless services director shall work to ensure that services provided to
94 individuals experiencing homelessness by state agencies, local governments, and private
95 organizations are provided in a safe, cost-effective, and efficient manner by:

96 (a) considering the recommendations of the Homeless Coordinating Committee created
97 in Section 35A-8-601;

98 (b) maintaining and implementing a statewide strategic plan to minimize homelessness
99 in the state that:

100 (i) outlines specific goals and measurable benchmarks for progress;

101 (ii) identifies gaps in service delivery to the variety of homeless populations;

102 (iii) provides recommendations to the governor and the Legislature on strategies,
103 policies, procedures, and programs to address the needs of the homeless populations in the
104 state; and

105 (iv) identifies best practices and recommends improvements in coordinating service
106 delivery to the variety of homeless populations through the use of electronic databases and
107 through data sharing among service providers in a manner that complies with a data sharing
108 framework established by the Governor's Office of Management and Budget;

109 (c) evaluating annually the progress made toward achieving the goals outlined in the
110 plan described in Subsection (2)(b); and

111 (d) designating local oversight bodies that are responsible to:

112 (i) develop a common agenda and vision for reducing homelessness in the local
113 oversight bodies' respective region;

114 (ii) develop a spending plan that coordinates the funding supplied to local stakeholders;

115 (iii) monitor the progress toward achieving state and local goals; and

116 (iv) align local funding to projects that are improving outcomes and targeting specific
117 needs in the community.

118 (4) The homeless services director shall update the strategic plan described in this

119 section on an annual basis.

120 (5) On or before September 15, the homeless services director shall provide an annual
121 written report regarding the progress made implementing the strategic plan described in this
122 section to:

123 (a) the Economic Development and Workforce Services Interim Committee; and

124 (b) the department, for inclusion in the annual written report described in Section
125 35A-1-109.

126 Section 4. Section 35A-8-601 is amended to read:

127 **35A-8-601. Creation.**

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

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

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

131 (ii) two members appointed by the governor;

132 (iii) one member appointed by the president of the Senate;

133 (iv) one member appointed by the speaker of the House of Representatives;

134 ~~(ii)~~ (v) the state planning coordinator or the coordinator's designee;

135 ~~(iii)~~ (vi) the state superintendent of public instruction or the superintendent's
136 designee;

137 ~~(iv)~~ (vii) the chair of the board of trustees of the Utah Housing Corporation or the
138 chair's designee;

139 ~~(v)~~ (viii) the executive director of the Department of Workforce Services or the
140 executive director's designee;

141 ~~(vi)~~ (ix) the executive director of the Department of Corrections or the executive
142 director's designee;

143 ~~(vii)~~ (x) the executive director of the Department of Health or the executive director's
144 designee;

145 ~~(viii)~~ (xi) the executive director of the Department of Human Services or the
146 executive director's designee;

147 ~~(ix)~~ (xii) the mayor of Salt Lake City or the mayor's designee;

148 ~~(x)~~ (xiii) the mayor of Salt Lake County or the mayor's designee;

149 ~~(xi)~~ (xiv) the mayor of Ogden or the mayor's designee;

150 ~~[(xii)]~~ (xv) the mayor of Midvale or the mayor's designee;
151 ~~[(xiii)]~~ (xvi) the mayor of St. George or the mayor's designee; ~~[and]~~
152 ~~[(xiv)]~~ (xvii) the mayor of South Salt Lake or the mayor's designee~~[-]~~;
153 (xviii) the mayor of Provo or the mayor's designee; and
154 (xix) the mayor of Vernal or the mayor's designee.
155 (b) (i) The lieutenant governor shall serve as the chair of the committee.
156 (ii) The lieutenant governor may appoint a vice chair from among committee members,
157 who shall conduct committee meetings in the absence of the lieutenant governor.
158 ~~[(3) The governor may appoint as members of the committee:]~~
159 ~~[(a) representatives of local governments, local housing authorities, local law~~
160 ~~enforcement agencies;]~~
161 ~~[(b) representatives of federal and private agencies and organizations concerned with~~
162 ~~the homeless, persons with a mental illness, the elderly, single-parent families, persons with a~~
163 ~~substance use disorder, and persons with a disability; and]~~
164 ~~[(c) a resident of Salt Lake County.]~~
165 ~~[(4) (a) Except as required by Subsection (4)(b), as terms of current committee~~
166 ~~members appointed under Subsection (3) expire, the governor shall appoint each new member~~
167 ~~or reappointed member to a four-year term.]~~
168 ~~[(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the~~
169 ~~time of appointment or reappointment, adjust the length of terms to ensure that the terms of~~
170 ~~committee members are staggered so that approximately half of the committee is appointed~~
171 ~~every two years.]~~
172 ~~[(c) A member appointed under Subsection (3) may not be appointed to serve more~~
173 ~~than three consecutive terms.]~~
174 ~~[(5) When a vacancy occurs in the membership for any reason, the replacement is~~
175 ~~appointed for the unexpired term.]~~
176 ~~[(6)]~~ (3) A member may not receive compensation or benefits for the member's service,
177 but may receive per diem and travel expenses in accordance with:
178 (a) Section [63A-3-106](#);
179 (b) Section [63A-3-107](#); and
180 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

181 [63A-3-107](#).

182 Section 5. Section [35A-8-602](#) is amended to read:

183 **35A-8-602. Purposes of Homeless Coordinating Committee -- Uses of Pamela**
184 **Atkinson Homeless Account.**

185 ~~[(1) The Homeless Coordinating Committee shall work to ensure that services~~
186 ~~provided to the homeless by state agencies, local governments, and private organizations are~~
187 ~~provided in a cost-effective and service efficient manner by:]~~

188 ~~[(a) preparing and implementing a statewide strategic plan to minimize homelessness~~
189 ~~in the state that:]~~

190 ~~[(i) outlines specific goals and measurable benchmarks for progress;]~~

191 ~~[(ii) identifies gaps in service delivery to the variety of homeless populations;]~~

192 ~~[(iii) provides recommendations to the governor and the Legislature on strategies,~~
193 ~~policies, procedures, and programs to address the needs of the homeless populations in the~~
194 ~~state; and]~~

195 ~~[(iv) identifies best practices and recommends improvements in coordinating service~~
196 ~~delivery to the variety of homeless populations through the use of electronic databases and~~
197 ~~through data sharing among service providers;]~~

198 ~~[(b) evaluating annually the progress made toward achieving the goals outlined in the~~
199 ~~plan described in Subsection (1)(a); and]~~

200 ~~[(c) designating local oversight bodies that are responsible to:]~~

201 ~~[(i) develop a common agenda and vision for reducing homelessness in the local~~
202 ~~oversight bodies' respective region;]~~

203 ~~[(ii) develop a spending plan that coordinates the funding supplied to local~~
204 ~~stakeholders;]~~

205 ~~[(iii) monitor the progress toward achieving state and local goals; and]~~

206 ~~[(iv) align local funding to projects that are improving outcomes and targeting specific~~
207 ~~needs in the community.]~~

208 (1) In accordance with this section, the Homeless Coordinating Committee shall
209 prioritize and make recommendations to the homelessness services director regarding
210 providing funding to programs and providers that assist the homeless from money in the
211 Pamela Atkinson Homeless Account created in Section [35A-8-603](#).

212 (2) (a) Programs ~~[funded]~~ recommended for funding by the committee shall emphasize
213 emergency housing and self-sufficiency, including placement in meaningful employment or
214 occupational training activities and, where needed, special services to meet the unique needs of
215 the homeless who:

- 216 (i) have families with children;
- 217 (ii) have a disability or a mental illness; or
- 218 (iii) suffer from other serious challenges to employment and self-sufficiency.

219 (b) The committee may also ~~[fund]~~ recommend funding treatment programs to
220 ameliorate the effects of substance abuse or a disability.

221 ~~[(3) The committee members designated in Subsection 35A-8-601(2) shall:]~~

222 ~~[(a) award contracts funded by the Pamela Atkinson Homeless Account with the advice
223 and input of those designated in Subsection 35A-8-601(3);]~~

224 ~~[(b) in the evaluation of contract awards, consider whether: (i)]~~

225 (3) In determining the committee's funding recommendations, including the
226 committee's recommendations regarding the awarding of a contract to a provider of homeless
227 services, the committee:

228 (a) shall consider whether the proposed award addresses the needs identified in the
229 strategic plan described in ~~[Subsection (1)]~~ Section 35A-8-204;

230 ~~[(ii) the proposed award is aligned with the process described in Subsection (1); and]~~

231 ~~[(iii)]~~ (b) may only recommend funding if the proposed ~~[contractor]~~ provider has a
232 policy to share client-level service information with other entities in accordance with state and
233 federal law to enhance coordinated services for those experiencing homelessness; and

234 (c) shall identify specific targets and benchmarks for each [contract] award that the
235 committee recommends that align with the strategic plan described in ~~[Subsection (1)]~~ Section
236 35A-8-204.

237 (4) In accordance with the provisions of this section and Section 35A-8-204, and after
238 considering the recommendations of the committee, the homeless services director may award
239 contracts and provide funding from the Pamela Atkinson Homeless Account.

240 ~~[(4)]~~ (5) (a) In any fiscal year, the homeless services director may allocate no more than
241 80% of the funds in the Pamela Atkinson Homeless Account ~~[may be allocated]~~ to
242 organizations that provide services only in Salt Lake, Davis, Weber, and Utah Counties.

243 (b) The ~~[committee]~~ homeless services director may~~[-(i)]~~ expend up to 3% of ~~[its]~~ the
244 annual appropriation to the Pamela Atkinson Homeless Account for administrative costs
245 associated with the allocation of funds from the Pamela Atkinson Homeless Account, and up to
246 2% of ~~[its]~~ the annual appropriation for marketing the account and soliciting donations to the
247 account~~[-and]~~.

248 ~~[(ii)]~~ ~~pay for the initial costs of the State Tax Commission in implementing Section~~
249 ~~59-10-1306 from the account.]~~

250 ~~[(5)]~~ (6) If there are decreases in contributions to the account, the ~~[committee]~~
251 homeless services director may expend money held in the account to provide program stability,
252 but the ~~[committee]~~ homeless services director shall reimburse the amount of those
253 expenditures to the account.

254 ~~[(6)]~~ ~~The committee shall make an annual report to the department regarding the~~
255 ~~progress made implementing the strategic plan described in Subsection (1) for inclusion in the~~
256 ~~annual written report described in Section 35A-1-109.]~~

257 ~~[(7)]~~ ~~The committee shall update the strategic plan described in Subsection (1)(a) on an~~
258 ~~annual basis.]~~

259 ~~[(8)]~~ ~~The state treasurer shall invest the money in the Pamela Atkinson Homeless~~
260 ~~Account according to the procedures and requirements of Title 51, Chapter 7, State Money~~
261 ~~Management Act, except that interest and other earnings derived from the restricted account~~
262 ~~shall be deposited in the restricted account.]~~

263 Section 6. Section **35A-8-603** is amended to read:

264 **35A-8-603. Creation of Pamela Atkinson Homeless Account.**

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

267 (2) Private contributions received under this section and Section **59-10-1306** shall be
268 deposited into the restricted account to be used only for programs described in Section
269 **35A-8-602**.

270 (3) Money shall be appropriated from the restricted account to the ~~[State Homeless~~
271 ~~Coordinating Committee]~~ homeless services director in accordance with Title 63J, Chapter 1,
272 Budgetary Procedures Act.

273 (4) The ~~[State Homeless Coordinating Committee]~~ homeless services director may

274 accept transfers, grants, gifts, bequests, or money made available from any source to implement
275 this part.

276 (5) The state treasurer shall invest the money in the restricted account according to the
277 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that
278 interest and other earnings derived from the restricted account shall be deposited in the
279 restricted account.

280 Section 7. Section **35A-8-604** is amended to read:

281 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

282 (1) ~~[With the concurrence of the division and in accordance with this section]~~ After
283 ~~considering the recommendations of the Homeless Coordinating Committee, the [Homeless~~
284 ~~Coordinating Committee members designated in Subsection 35A-8-601(2)]~~ homeless services
285 director may award ongoing or one-time grants or contracts funded from the Homeless to
286 Housing Reform Restricted Account created in Section 35A-8-605.

287 (2) Before final approval of a grant or contract awarded under this section, the
288 ~~[Homeless Coordinating Committee and the division]~~ homeless services director shall provide
289 written information regarding the grant or contract to, and shall consider the recommendations
290 of, the Executive Appropriations Committee.

291 (3) As a condition of receiving money, including any ongoing money, from the
292 restricted account, an entity awarded a grant or contract under this section shall provide
293 detailed and accurate reporting on at least an annual basis to the ~~[division]~~ homeless services
294 director and the Homeless Coordinating Committee that describes:

295 (a) how money provided from the restricted account has been spent by the entity; and

296 (b) the progress towards measurable outcome-based benchmarks agreed to between the
297 entity and the ~~[Homeless Coordinating Committee]~~ homeless services director before the
298 awarding of the grant or contract.

299 (4) In determining the awarding of a grant or contract under this section, the ~~[Homeless~~
300 ~~Coordinating Committee, with the concurrence of the division,]~~ homeless services director
301 shall:

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

304 ~~[(b) consider the advice of committee members designated in Subsection~~

305 ~~35A-8-601(3);~~]

306 ~~(b)~~ (b) give priority to a project or contract that will include significant additional or
307 matching funds from a private organization, nonprofit organization, or local government entity;

308 ~~(c)~~ (c) ensure that the project or contract will target the distinct housing needs of one
309 or more at-risk or homeless subpopulations, which may include:

310 (i) families with children;

311 (ii) transitional-aged youth;

312 (iii) single men or single women;

313 (iv) veterans;

314 (v) victims of domestic violence;

315 (vi) individuals with behavioral health disorders, including mental health or substance
316 use disorders;

317 (vii) individuals who are medically frail or terminally ill;

318 (viii) individuals exiting prison or jail; or

319 (ix) individuals who are homeless without shelter;

320 ~~(d)~~ (d) consider whether the project will address one or more of the following goals:

321 (i) diverting homeless or imminently homeless individuals and families from
322 emergency shelters by providing better housing-based solutions;

323 (ii) meeting the basic needs of homeless individuals and families in crisis;

324 (iii) providing homeless individuals and families with needed stabilization services;

325 (iv) decreasing the state's homeless rate;

326 (v) implementing a coordinated entry system with consistent assessment tools to
327 provide appropriate and timely access to services for homeless individuals and families;

328 (vi) providing access to caseworkers or other individualized support for homeless
329 individuals and families;

330 (vii) encouraging employment and increased financial stability for individuals and
331 families being diverted from or exiting homelessness;

332 (viii) creating additional affordable housing for state residents;

333 (ix) providing services and support to prevent homelessness among at-risk individuals
334 and adults;

335 (x) providing services and support to prevent homelessness among at-risk children,

336 adolescents, and young adults;

337 (xi) preventing the reoccurrence of homelessness among individuals and families
338 exiting homelessness; and

339 (xii) providing medical respite care for homeless individuals where the homeless
340 individuals can access medical care and other supportive services; and

341 ~~[(f)] (e)~~ address the needs identified in the strategic plan described in ~~[Subsection~~
342 ~~35A-8-602(1)(a) for inclusion in the annual written report described in Section 35A-1-109]~~
343 ~~Section 35A-8-204.~~

344 (5) In addition to the other provisions of this section, in determining the awarding of a
345 grant or contract under this section to design, build, create, or renovate a facility that will
346 provide shelter or other resources for the homeless, the ~~[Homeless Coordinating Committee,~~
347 ~~with the concurrence of the division]~~ homeless services director, after considering the
348 recommendations of the Homeless Coordinating Committee, may consider whether the facility
349 will be:

350 (a) located near mass transit services;

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

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

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

356 ~~[(6) In accordance with Subsection (5), and subject to the approval of the Homeless~~
357 ~~Coordinating Committee with the concurrence of the division, the following may recommend a~~
358 ~~site location, acquire a site location, and hold title to real property, buildings, fixtures, and~~
359 ~~appurtenances of a facility that provides or will provide shelter or other resources for the~~
360 ~~homeless:]~~

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

364 ~~[(b) the state;]~~

365 ~~[(c) a nonprofit entity approved by the Homeless Coordinating Committee with the~~
366 ~~concurrence of the division; and]~~

367 ~~[(d) a mayor of a municipality on behalf of the municipality where a facility is or will~~
368 ~~be located.]~~

369 ~~[(7)] (6)~~ (a) As used in this Subsection ~~[(7)] (6)~~ and in Subsection ~~[(8)] (7)~~, "homeless
370 shelter" means a facility that:

- 371 (i) is located within a municipality; and
- 372 (ii) provides temporary shelter year-round to homeless individuals, including an
373 emergency shelter or medical respite facility.

374 (b) In addition to the other provisions of this section, ~~[the Homeless Coordinating~~
375 ~~Committee, with the concurrence of the division]~~ the homeless services director, after
376 considering the recommendations of the Homeless Coordinating Committee, may award a
377 grant or contract:

- 378 (i) to a municipality to improve sidewalks, pathways, or roadways near a homeless
379 shelter to provide greater safety to homeless individuals; and
- 380 (ii) to a municipality to hire one or more peace officers to provide greater safety to
381 homeless individuals.

382 ~~[(8)] (7)~~ (a) If a homeless shelter commits to provide matching funds equal to the total
383 grant awarded under this Subsection ~~[(8)] (7)~~, the homeless services director, after considering
384 the recommendations of the Homeless Coordinating Committee, ~~[with the concurrence of the~~
385 ~~division;]~~ may award a grant for the ongoing operations of the homeless shelter.

386 (b) In awarding a grant under this Subsection ~~[(8)] (7)~~, the ~~[Homeless Coordinating~~
387 ~~Committee, with the concurrence of the division]~~ homeless services director, after considering
388 the recommendations of the Homeless Coordinating Committee, shall consider the number of
389 beds available at the homeless shelter and the number and quality of the homeless services
390 provided by the homeless shelter.

391 ~~[(9)] (8)~~ The ~~[division]~~ homeless services director may expend money from the
392 restricted account to offset actual ~~[division and Homeless Coordinating Committee]~~ expenses
393 related to administering this section.

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

395 **35A-8-605. Homeless to Housing Reform Restricted Account.**

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

398 (2) The restricted account shall be administered by the [~~division~~] homeless services
399 director for the purposes described in Section 35A-8-604.

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

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

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

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

408 (5) Subject to appropriation, the [~~director~~] homeless services director shall use
409 restricted account money as described in Section 35A-8-604.

410 (6) The [~~Homeless Coordinating Committee~~] homeless services director, in
411 cooperation with the [~~division~~] Homeless Coordinating Committee, shall submit an annual
412 written report to the department that gives a complete accounting of the use of money from the
413 restricted account for inclusion in the department's annual report described in Section
414 35A-1-109.

415 Section 9. Section 35A-8-606 is amended to read:

416 **35A-8-606. Homeless Shelter Cities Mitigation Restricted Account.**

417 (1) As used in this section:

418 (a) "Annual local contribution" means:

419 (i) for a participating local government, the lesser of \$200,000 or an amount equal to
420 1.8% of the participating local government's tax revenue distribution amount under Subsection
421 59-12-205(2)(a) for the previous fiscal year; or

422 (ii) for an eligible municipality or a grant eligible entity that is certified in accordance
423 with Section 35A-8-609, \$0.

424 (b) "Eligible municipality" means the same as that term is defined in Section
425 35A-8-607.

426 (c) "Grant eligible entity" means the same as that term is defined in Section 35A-8-608.

427 (d) "Participating local government" means a county or municipality, as defined in
428 Section 10-1-104, that is not an eligible municipality or grant eligible entity as certified by the

429 department in accordance with Section 35A-8-609.

430 (2) There is created a restricted account within the General Fund known as the
431 Homeless Shelter Cities Mitigation Restricted Account.

432 (3) The account shall be funded by:

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

435 (b) interest earned on the account.

436 (4) (a) The [department] homeless services director shall administer the account.

437 (b) Subject to appropriation, the [department] homeless services director shall disburse
438 funds from the account to:

439 (i) eligible municipalities in accordance with Sections 35A-8-607 and 63J-1-802; and

440 (ii) grant eligible entities in accordance with Sections 35A-8-608 and 63J-1-802.

441 Section 10. Section 35A-8-607 is amended to read:

442 **35A-8-607. Eligible municipality application process for Homeless Shelter Cities**
443 **Mitigation Restricted Account funds.**

444 (1) As used in this section:

445 (a) "Account" means the restricted account created in Section 35A-8-606.

446 (b) "Committee" means the Homeless Coordinating Committee created in this part.

447 (c) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a
448 metro township that:

449 (i) has, or is proposed to have, a homeless shelter within the city's, town's, or metro
450 township's geographic boundaries;

451 (ii) due to the location of a homeless shelter within the city's, town's, or metro
452 township's geographic boundaries, needs more public safety services than the city, town, or
453 metro township needed before the location of the homeless shelter within the city's, town's, or
454 metro township's geographic boundaries; and

455 (iii) is certified as an eligible municipality in accordance with Section 35A-8-609.

456 (d) "Homeless shelter" means a facility that:

457 (i) provides or is proposed to provide temporary shelter to homeless individuals;

458 (ii) has or is proposed to have the capacity to provide temporary shelter to at least 200
459 individuals per night; and

460 (iii) operates year-round and is not subject to restrictions that limit the hours, days,
461 weeks, or months of operation.

462 (e) "Public safety services" means law enforcement, emergency medical services, and
463 fire protection.

464 (2) (a) An eligible municipality may request account funds to employ and equip
465 additional personnel to provide public safety services in and around a homeless shelter within
466 the eligible municipality's geographic boundaries.

467 (b) (i) An eligible municipality that builds or has proposed to build a homeless shelter
468 on or after July 1, 2018, shall be eligible to receive at least 40% of the account funds, if the
469 eligible municipality meets the requirements of this section.

470 (ii) An eligible municipality that built a homeless shelter on or before June 30, 2018,
471 shall be eligible to receive at least 20% of the account funds, if the eligible municipality meets
472 the requirements of this section.

473 (3) (a) This Subsection (3) applies to an eligible municipality's request for account
474 funds for the fiscal year beginning on July 1, 2018, only.

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

476 (i) sending an electronic copy of the request to the committee before the first meeting
477 of the committee on or after July 1, 2018; and

478 (ii) appearing at the first meeting of the committee on or after July 1, 2018, to present
479 the request.

480 (c) The request described in Subsection (3)(b) shall contain:

481 (i) data relating to the eligible municipality's public safety services for the last fiscal
482 year before a homeless shelter was located or proposed to be located within the eligible
483 municipality's boundaries, including:

484 (A) crime statistics; and

485 (B) calls for public safety services;

486 (ii) data showing the eligible municipality's need for public safety services in the next
487 fiscal year;

488 (iii) a summary of the eligible municipality's proposed use of account funds; and

489 (iv) a copy of the eligible municipality's budget, which includes a request in a specific
490 amount for additional personnel to provide public safety services.

491 (d) The committee shall evaluate a request made in accordance with this Subsection (3)
492 using the following factors:

493 (i) the strength and reliability of the data that the eligible municipality provides to
494 support the request;

495 (ii) the availability of alternative funding for the eligible municipality to address the
496 eligible municipality's need for public safety services; and

497 (iii) any other considerations identified by the committee.

498 (e) (i) After making the evaluation described in Subsection (3)(d) and subject to
499 appropriation, the committee shall vote to:

500 (A) fund the eligible municipality's request; or

501 (B) fund the eligible municipality's request at a reduced level, as determined by the
502 committee.

503 (ii) The committee shall support the vote described in Subsection (3)(e)(i) with
504 findings on each of the factors described in Subsection (3)(d).

505 (f) (i) An eligible municipality that receives an award of account funds under this
506 Subsection (3) shall submit an invoice of the eligible municipality's expenses, with supporting
507 documentation, to the department monthly for reimbursement.

508 (ii) Each month, beginning in January 2019, the department shall disburse the revenue
509 in the account to reimburse the eligible municipality that submits the information described in
510 Subsection (3)(f)(i) for the amount on the invoice or contract.

511 (4) (a) This Subsection (4) applies to a fiscal year beginning on or after July 1, 2019.

512 (b) (i) The committee shall set aside time on an the agenda of a committee meeting that
513 occurs on or after July 1 and on or before November 30 to allow an eligible municipality to
514 present a request for account funds for the next fiscal year.

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

516 (A) sending an electronic copy of the request to the committee before the meeting; and

517 (B) appearing at the meeting to present the request.

518 (c) The request described in Subsection (4)(b) shall contain:

519 (i) data relating to the eligible municipality's public safety services for the last fiscal
520 year before a homeless shelter was located or proposed to be located within the eligible
521 municipality's boundaries, including:

- 522 (A) crime statistics; and
- 523 (B) calls for public safety services;
- 524 (ii) data showing the eligible municipality's need for public safety services in the next
- 525 fiscal year;
- 526 (iii) a summary of the eligible municipality's proposed use of account funds; and
- 527 (iv) a copy of the eligible municipality's budget, which includes a request in a specific
- 528 amount for additional personnel to provide public safety services.
- 529 (d) (i) On or before November 30, an eligible municipality that received account funds
- 530 during the previous fiscal year shall file electronically with the [~~committee~~] homeless services
- 531 director a report that includes:
- 532 (A) a summary of the amount of account funds that the eligible municipality expended
- 533 and the eligible municipality's specific use of those funds;
- 534 (B) an evaluation of the eligible municipality's effectiveness in using the account funds
- 535 to address the eligible municipality's public safety needs; and
- 536 (C) any proposals for improving the eligible municipality's effectiveness in using
- 537 account funds that the eligible municipality may receive in future fiscal years.
- 538 (ii) The committee may request additional information as needed to make the
- 539 evaluation described in Subsection (4)(e).
- 540 (e) The committee shall evaluate a request made in accordance with this Subsection (4)
- 541 using the following factors:
- 542 (i) the strength and reliability of the data that the eligible municipality provided to
- 543 support the request;
- 544 (ii) if the eligible municipality received account funds during the previous fiscal year,
- 545 the efficiency with which the eligible municipality used any account funds during the previous
- 546 fiscal year;
- 547 (iii) the availability of alternative funding for the eligible municipality to address the
- 548 eligible municipality's need for public safety services; and
- 549 (iv) any other considerations identified by the committee.
- 550 (f) (i) After making the evaluation described in Subsection (4)(e) and subject to other
- 551 provisions of this Subsection (4)(f), the committee shall vote to recommend that an eligible
- 552 municipality's request be:

553 (A) funded as requested; or

554 (B) funded at a reduced level, as determined by the committee.

555 (ii) The committee shall support the recommendation described in Subsection (4)(f)(i)
556 with findings on each of the factors described in Subsection (4)(e).

557 (g) ~~[The]~~ After approval of the recommendation by the homeless services director, the
558 committee shall submit the recommendation described in Subsection (4)(f) to:

559 (i) the governor for inclusion in the governor's budget to be submitted to the
560 Legislature; and

561 (ii) the Social Services Appropriations Subcommittee of the Legislature for approval in
562 accordance with Section 63J-1-802.

563 (h) (i) An eligible municipality that is approved to receive account funds under Section
564 63J-1-802 shall submit an invoice of the eligible municipality's expenses, with supporting
565 documentation, to the ~~[department]~~ homeless services director monthly for reimbursement.

566 (ii) Each month, the ~~[department]~~ homeless services director shall disburse the revenue
567 in the account to reimburse an eligible municipality that submits the information described in
568 Subsection (4)(h)(i) for the amount on the invoice or contract.

569 (5) On or before October 1, the ~~[department]~~ homeless services director, in cooperation
570 with the committee, shall:

571 (a) submit an annual written report electronically to the Social Services Appropriations
572 Subcommittee of the Legislature that gives a complete accounting of the ~~[department's]~~
573 homeless services director's disbursement of the money from the account under this section for
574 the previous fiscal year; and

575 (b) ~~[include]~~ provide information regarding the disbursement of money from the
576 account under this section ~~[in the]~~ to the department for inclusion in the department's annual
577 report described in Section 35A-1-109.

578 Section 11. Section 35A-8-608 is amended to read:

579 **35A-8-608. Grant eligible entity application process for Homeless Shelter Cities**
580 **Mitigation Restricted Account funds.**

581 (1) As used in this section:

582 (a) "Account" means the restricted account created in Section 35A-8-606.

583 (b) "Committee" means the Homeless Coordinating Committee created in this part.

- 584 (c) "Grant" means an award of funds from the account.
- 585 (d) "Grant eligible entity" means:
- 586 (i) the Department of Public Safety; or
- 587 (ii) a city, town, or metro township that:
- 588 (A) has a homeless shelter within the city's, town's, or metro township's geographic
- 589 boundaries;
- 590 (B) has increased community, social service, or public safety service needs due to the
- 591 location of a homeless shelter within the city's, town's, or metro township's geographic
- 592 boundaries; and
- 593 (C) is certified as a grant eligible entity in accordance with Section [35A-8-609](#).
- 594 (e) "Homeless shelter" means a facility that:
- 595 (i) provides temporary shelter to homeless individuals;
- 596 (ii) has the capacity to provide temporary shelter to:
- 597 (A) for a county of the first or second class, at least 60 individuals per night; or
- 598 (B) for a county of the third, fourth, fifth, or sixth class, at least 25 individuals per
- 599 night; and
- 600 (iii) operates year-round and is not subject to restrictions that limit the hours, days,
- 601 weeks, or months of operation.
- 602 (f) "Public safety services" means law enforcement, emergency medical services, and
- 603 fire protection.
- 604 (2) Subject to the availability of funds, a grant eligible entity may request a grant to
- 605 mitigate the impacts of the location of a homeless shelter:
- 606 (a) through employment of additional personnel to provide public safety services in
- 607 and around a homeless shelter; or
- 608 (b) for a grant eligible entity that is a city, town, or metro township, through:
- 609 (i) development of a community and neighborhood program within the city's, town's, or
- 610 metro township's boundaries; or
- 611 (ii) provision of social services within the city's, town's, or metro township's
- 612 boundaries.
- 613 (3) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
- 614 department shall make rules governing:

615 (i) the process for determining whether there is sufficient revenue to the account to
616 offer a grant program for the next fiscal year; and

617 (ii) the process for notifying grant eligible entities about the availability of grants for
618 the next fiscal year.

619 (b) (i) If the [~~committee~~] homeless services director offers a grant program for the next
620 fiscal year, the homeless services director and the committee shall set aside time on the agenda
621 of a committee meeting that occurs on or after July 1 and on or before November 30 to allow a
622 grant eligible entity to present a request for account funds for the next fiscal year.

623 (ii) A grant eligible entity may present a request for account funds by:

624 (A) sending an electronic copy of the request to the committee before the meeting; and

625 (B) appearing at the meeting to present the request.

626 (c) The request described in Subsection (3)(b) shall contain:

627 (i) for a grant request to develop a community and neighborhood program:

628 (A) a proposal outlining the components of a community and neighborhood program;

629 (B) a summary of the grant eligible entity's proposed use of any grant awarded; and

630 (C) the amount requested;

631 (ii) for a grant request to provide social services:

632 (A) a proposal outlining the need for additional social services;

633 (B) a summary of the grant eligible entity's proposed use of any grant awarded; and

634 (C) the amount requested;

635 (iii) for a grant request to employ additional personnel to provide public safety
636 services:

637 (A) data relating to the grant eligible entity's public safety services for the current fiscal
638 year, including crime statistics and calls for public safety services;

639 (B) data showing an increase in the grant eligible entity's need for public safety
640 services in the next fiscal year;

641 (C) a summary of the grant eligible entity's proposed use of any grant awarded; and

642 (D) the amount requested; or

643 (iv) for a grant request to provide some combination of the activities described in
644 Subsections (3)(c)(i) through (iii), the information required by this Subsection (3) for each
645 activity for which the grant eligible entity requests a grant.

646 (d) (i) On or before November 30, a grant eligible entity that received a grant during
647 the previous fiscal year shall file electronically with the [~~committee~~] homeless services director
648 a report that includes:

649 (A) a summary of the amount of the grant that the grant eligible entity received and the
650 grant eligible entity's specific use of those funds;

651 (B) an evaluation of the grant eligible entity's effectiveness in using the grant to
652 address the grant eligible entity's increased needs due to the location of a homeless shelter; and

653 (C) any proposals for improving the grant eligible entity's effectiveness in using a grant
654 that the grant eligible entity may receive in future fiscal years.

655 (ii) The homeless services director or the committee may request additional
656 information as needed to make the evaluation described in Subsection (3)(e).

657 (e) The committee shall evaluate a grant request made in accordance with this
658 Subsection (3) using the following factors:

659 (i) the strength of the proposal that the grant eligible entity provides to support the
660 request;

661 (ii) if the grant eligible entity received a grant during the previous fiscal year, the
662 efficiency with which the grant eligible entity used the grant during the previous fiscal year;

663 (iii) the availability of alternative funding for the grant eligible entity to address the
664 grant eligible entity's needs due to the location of a homeless shelter; and

665 (iv) any other considerations identified by the homeless services director or the
666 committee.

667 (f) (i) After making the evaluation described in Subsection (3)(e) for each grant eligible
668 entity that makes a grant request and subject to other provisions of this Subsection (3)(f), the
669 committee shall vote to:

670 (A) prioritize the grant requests; and

671 (B) recommend a grant amount for each grant eligible entity.

672 (ii) The committee shall support the prioritization and recommendation described in
673 Subsection (3)(f)(i) with findings on each of the factors described in Subsection (3)(e).

674 (g) [~~The~~] After approval of the recommendation by the homeless services director, the
675 committee shall submit a list that prioritizes the grant requests and recommends a grant amount
676 for each grant eligible entity that requested a grant to:

677 (i) the governor for inclusion in the governor's budget to be submitted to the
678 Legislature; and

679 (ii) the Social Services Appropriations Subcommittee of the Legislature for approval in
680 accordance with Section 63J-1-802.

681 (4) (a) Subject to Subsection (4)(b), the [department] homeless services director shall
682 disburse the revenue in the account as a grant to a grant eligible entity:

683 (i) after making the disbursements required by Section 35A-8-607; and

684 (ii) subject to the availability of funds in the account:

685 (A) in the order of priority that the Legislature gives to each eligible grant entity under
686 Section 63J-1-802; and

687 (B) in the amount that the Legislature approves to a grant eligible entity under Section
688 63J-1-802.

689 (b) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
690 department shall make rules governing the process for the [department] homeless services
691 director to determine the timeline within the fiscal year for funding the grants.

692 (5) On or before October 1, the [department] homeless services director, in cooperation
693 with the committee, shall:

694 (a) submit an annual written report electronically to the Social Services Appropriations
695 Subcommittee of the Legislature that gives a complete accounting of the department's
696 disbursement of the money from the account under this section for the previous fiscal year; and

697 (b) [~~include~~] provide information regarding the disbursement of money from the
698 account under this section [~~in the~~] to the department for inclusion in the department's annual
699 report described in Section 35A-1-109.

700 Section 12. Section 35A-8-609 is amended to read:

701 **35A-8-609. Certification of eligible municipality or grant eligible entity.**

702 (1) The [department] homeless services director shall certify each year, on or after July
703 1 and before the first meeting of the Homeless Coordinating Committee after July 1, the cities
704 or towns that meet the requirements of an eligible municipality or a grant eligible entity as of
705 July 1.

706 (2) On or before October 1, the [department] homeless services director shall provide a
707 list of the cities, towns, or metro townships that the department has certified as meeting the

708 requirements of an eligible municipality or a grant eligible entity for the year to the State Tax
709 Commission.

710 Section 13. Section **63J-4-202** is amended to read:

711 **63J-4-202. Appointment of executive director, state planning coordinator, and**
712 **inspector general of Medicaid Services.**

713 (1) (a) The governor shall appoint, to serve at the governor's pleasure:

714 (i) an executive director of the Governor's Office of Management and Budget; [~~and~~]

715 (ii) a state planning coordinator[-]; and

716 (iii) a chief data officer.

717 (b) The state planning coordinator is considered part of the office for purposes of
718 administration.

719 (2) The governor shall establish the executive director's salary within the salary range
720 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

721 Section 14. Section **63J-4-301** is amended to read:

722 **63J-4-301. Duties of the executive director and office.**

723 (1) The executive director and the office shall:

724 (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary
725 Procedures Act;

726 (b) under the direct supervision of the governor, assist the governor in the preparation
727 of the governor's budget recommendations;

728 (c) review agency budget execution plans as specified in Section [63J-1-209](#);

729 (d) establish benchmarking practices for measuring operational costs, quality of
730 service, and effectiveness across all state agencies and programs;

731 (e) assist agencies with the development of an operational plan that uses continuous
732 improvement tools and operational metrics to increase statewide capacity and improve
733 interagency integration;

734 (f) review and assess agency budget requests and expenditures using a clear set of goals
735 and measures;

736 (g) develop and maintain enterprise portfolio and electronic information systems to
737 select and oversee the execution of projects, ensure a return on investment, and trace and report
738 performance metrics;

739 (h) coordinate efforts to facilitate the sharing of data between state agencies, local
740 government entities, and other organizations receiving state funding in a manner that improves
741 outcomes and objectives;

742 [~~h~~] (i) coordinate with the executive directors of the Department of Workforce
743 Services and the Governor's Office of Economic Development to review data and metrics to be
744 reported to the Legislature as described in Subsection 63J-4-708(2)(d); and

745 [~~i~~] (j) perform other duties and responsibilities as assigned by the governor.

746 (2) (a) The executive director of the Governor's Office of Management and Budget or
747 the executive director's designee is the Federal Assistance Management Officer.

748 (b) In acting as the Federal Assistance Management Officer, the executive director or
749 designee shall:

750 (i) study the administration and effect of federal assistance programs in the state and
751 advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and
752 the Executive Appropriations Committee, of alternative recommended methods and procedures
753 for the administration of these programs;

754 (ii) assist in the coordination of federal assistance programs that involve or are
755 administered by more than one state agency; and

756 (iii) analyze and advise on applications for new federal assistance programs submitted
757 to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

758 Section 15. Section 63J-4-801 is enacted to read:

759 **Part 8. State Data Coordination**

760 **63J-4-801. Duties of the chief data officer.**

761 The chief data officer shall:

762 (1) advise and support the executive director and the office in fulfilling the
763 responsibilities described in Subsections 63J-4-301(1)(d), (e), (g), and (h); and

764 (2) perform other duties as assigned by the executive director.

765 Section 16. **Effective date.**

766 This bill takes effect on July 1, 2021.