

Todd Weiler proposes the following substitute bill:

Homeless Services Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill enacts certain provisions for individuals experiencing homelessness.

Highlighted Provisions:

This bill:

- amends and defines terms;
- requires the Department of Health and Human Services to issue a code red alert for certain weather events that may pose a danger to individuals experiencing homelessness;
- provides for certain requirements and limitations to take effect within a county that is impacted by a code red alert; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-1-202, as last amended by Laws of Utah 2024, Chapter 506

35A-16-701, as last amended by Laws of Utah 2024, Chapters 204, 438

ENACTS:

35A-16-801, Utah Code Annotated 1953

35A-16-802, Utah Code Annotated 1953

35A-16-803, Utah Code Annotated 1953

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

Section 1. Section **26B-1-202** is amended to read:

29 **26B-1-202 . Department authority and duties.**

30 The department may, subject to applicable restrictions in state law and in addition to all
31 other authority and responsibility granted to the department by law:

- 32 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
33 Act, and not inconsistent with law, as the department may consider necessary or
34 desirable for providing health and social services to the people of this state;
- 35 (2) establish and manage client trust accounts in the department's institutions and
36 community programs, at the request of the client or the client's legal guardian or
37 representative, or in accordance with federal law;
- 38 (3) purchase, as authorized or required by law, services that the department is responsible to
39 provide for legally eligible persons;
- 40 (4) conduct adjudicative proceedings for clients and providers in accordance with the
41 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 42 (5) establish eligibility standards for the department's programs, not inconsistent with state
43 or federal law or regulations;
- 44 (6) take necessary steps, including legal action, to recover money or the monetary value of
45 services provided to a recipient who was not eligible;
- 46 (7) set and collect fees for the department's services;
- 47 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
48 limited by law;
- 49 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
50 department, not inconsistent with state law;
- 51 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
52 proceeds thereof, may be credited to the program designated by the donor, and may be
53 used for the purposes requested by the donor, as long as the request conforms to state
54 and federal policy; all donated funds shall be considered private, nonlapsing funds and
55 may be invested under guidelines established by the state treasurer;
- 56 (11) accept and employ volunteer labor or services; the department is authorized to
57 reimburse volunteers for necessary expenses, when the department considers that
58 reimbursement to be appropriate;
- 59 (12) carry out the responsibility assigned in the workforce services plan by the State
60 Workforce Development Board;
- 61 (13) carry out the responsibility assigned by Section 26B-1-430 with respect to
62 coordination of services for students with a disability;

- 63 (14) provide training and educational opportunities for the department's staff;
- 64 (15) collect child support payments and any other money due to the department;
- 65 (16) apply the provisions of Title 81, Chapter 6, Child Support, to parents whose child lives
66 out of the home in a department licensed or certified setting;
- 67 (17) establish policy and procedures, within appropriations authorized by the Legislature, in
68 cases where the Division of Child and Family Services or the Division of Juvenile
69 Justice and Youth Services is given custody of a minor by the juvenile court under Title
70 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a
71 minor found not competent to proceed under Section 80-6-403, including:
- 72 (a) designation of interagency teams for each juvenile court district in the state;
- 73 (b) delineation of assessment criteria and procedures;
- 74 (c) minimum requirements, and timeframes, for the development and implementation of
75 a collaborative service plan for each minor placed in department custody; and
- 76 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 77 (18) carry out the responsibilities assigned to the department by statute;
- 78 (19) examine and audit the expenditures of any public funds provided to a local substance
79 abuse authority, a local mental health authority, a local area agency on aging, and any
80 person, agency, or organization that contracts with or receives funds from those
81 authorities or agencies. Those local authorities, area agencies, and any person or entity
82 that contracts with or receives funds from those authorities or area agencies, shall
83 provide the department with any information the department considers necessary. The
84 department is further authorized to issue directives resulting from any examination or
85 audit to a local authority, an area agency, and persons or entities that contract with or
86 receive funds from those authorities with regard to any public funds. If the department
87 determines that it is necessary to withhold funds from a local mental health authority or
88 local substance abuse authority based on failure to comply with state or federal law,
89 policy, or contract provisions, the department may take steps necessary to ensure
90 continuity of services. For purposes of this Subsection (19) "public funds" means the
91 same as that term is defined in Section 26B-5-101;
- 92 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and
93 persons to provide intercountry adoption services;
- 94 (21) within legislative appropriations, promote and develop a system of care and
95 stabilization services:
- 96 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

- 97 (b) that encompasses the department, department contractors, and the divisions, offices,
98 or institutions within the department, to:
- 99 (i) navigate services, funding resources, and relationships to the benefit of the
100 children and families whom the department serves;
 - 101 (ii) centralize department operations, including procurement and contracting;
 - 102 (iii) develop policies that govern business operations and that facilitate a system of
103 care approach to service delivery;
 - 104 (iv) allocate resources that may be used for the children and families served by the
105 department or the divisions, offices, or institutions within the department, subject
106 to the restrictions in Section 63J-1-206;
 - 107 (v) create performance-based measures for the provision of services; and
 - 108 (vi) centralize other business operations, including data matching and sharing among
109 the department's divisions, offices, and institutions;
- 110 (22) ensure that any training or certification required of a public official or public
111 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
112 Chapter 22, State Training and Certification Requirements, if the training or certification
113 is required:
- 114 (a) under this title;
 - 115 (b) by the department; or
 - 116 (c) by an agency or division within the department;
- 117 (23) enter into cooperative agreements with the Department of Environmental Quality to
118 delineate specific responsibilities to assure that assessment and management of risk to
119 human health from the environment are properly administered;
- 120 (24) consult with the Department of Environmental Quality and enter into cooperative
121 agreements, as needed, to ensure efficient use of resources and effective response to
122 potential health and safety threats from the environment, and to prevent gaps in
123 protection from potential risks from the environment to specific individuals or
124 population groups;
- 125 (25) to the extent authorized under state law or required by federal law, promote and protect
126 the health and wellness of the people within the state;
- 127 (26) establish, maintain, and enforce rules authorized under state law or required by federal
128 law to promote and protect the public health or to prevent disease and illness;
- 129 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
130 affecting the public health;

- 131 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or
132 any other disease or health hazard which the department considers to be dangerous,
133 important, or likely to affect the public health;
- 134 (29) collect and report information on causes of injury, sickness, death, and disability and
135 the risk factors that contribute to the causes of injury, sickness, death, and disability
136 within the state;
- 137 (30) collect, prepare, publish, and disseminate information to inform the public concerning
138 the health and wellness of the population, specific hazards, and risks that may affect the
139 health and wellness of the population and specific activities which may promote and
140 protect the health and wellness of the population;
- 141 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
142 communicable diseases affecting the public health;
- 143 (32) make necessary sanitary and health investigations and inspections in cooperation with
144 local health departments as to any matters affecting the public health;
- 145 (33) establish laboratory services necessary to support public health programs and medical
146 services in the state;
- 147 (34) establish and enforce standards for laboratory services which are provided by any
148 laboratory in the state when the purpose of the services is to protect the public health;
- 149 (35) cooperate with the Labor Commission to conduct studies of occupational health
150 hazards and occupational diseases arising in and out of employment in industry, and
151 make recommendations for elimination or reduction of the hazards;
- 152 (36) cooperate with the local health departments, the Department of Corrections, the
153 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
154 Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection
155 of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual
156 offense;
- 157 (37) investigate the causes of maternal and infant mortality;
- 158 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
159 and drivers of motor vehicles killed in highway accidents be examined for the presence
160 and concentration of alcohol, and provide the Commissioner of Public Safety with
161 monthly statistics reflecting the results of these examinations, with necessary safeguards
162 so that information derived from the examinations is not used for a purpose other than
163 the compilation of these statistics;
- 164 (39) establish qualifications for individuals permitted to draw blood under Subsection

- 165 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi),
166 and to issue permits to individuals the department finds qualified, which permits may be
167 terminated or revoked by the department;
- 168 (40) establish a uniform public health program throughout the state which includes
169 continuous service, employment of qualified employees, and a basic program of disease
170 control, vital and health statistics, sanitation, public health nursing, and other preventive
171 health programs necessary or desirable for the protection of public health;
- 172 (41) conduct health planning for the state;
- 173 (42) monitor the costs of health care in the state and foster price competition in the health
174 care delivery system;
- 175 (43) establish methods or measures for health care providers, public health entities, and
176 health care insurers to coordinate among themselves to verify the identity of the
177 individuals the providers serve;
- 178 (44) designate Alzheimer's disease and related dementia as a public health issue and, within
179 budgetary limitations, implement a state plan for Alzheimer's disease and related
180 dementia by incorporating the plan into the department's strategic planning and
181 budgetary process;
- 182 (45) coordinate with other state agencies and other organizations to implement the state
183 plan for Alzheimer's disease and related dementia;
- 184 (46) ensure that any training or certification required of a public official or public
185 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
186 Chapter 22, State Training and Certification Requirements, if the training or certification
187 is required by the agency or under this Title 26B, Utah Health and Human Services
188 Code;
- 189 (47) oversee public education vision screening as described in Section 53G-9-404;
- 190 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
191 Alert;
- 192 (49) issue code red alerts in accordance with Title 35A, Chapter 16, Part 8, Code Red Alert;
193 and
- 194 ~~[(49)]~~ (50) as allowed by state and federal law, share data with the Office of Families that is
195 relevant to the duties described in Subsection 26B-1-243(4), which may include, to the
196 extent available:
- 197 (a) demographic data concerning family structures in the state; and
198 (b) data regarding the family structure associated with:

199 (i) suicide, depression, or anxiety; and

200 (ii) various health outcomes.

201 Section 2. Section **35A-16-701** is amended to read:

202 **35A-16-701 . Definitions.**

203 As used in this part:

204 (1) "Affected county" means a county of the first, second, third, or fourth class in which a
205 code blue event is anticipated.

206 (2) "Applicable local homeless council" means the local homeless council that is
207 responsible for coordinating homeless response within an affected county.

208 (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter
209 may provide temporary shelter to under a conditional use permit.

210 (4) "Code blue alert" means a proclamation issued by the Department of Health and Human
211 Services under Section 35A-16-702 to alert the public of a code blue event.

212 (5) "Code blue event" means a weather event in which the National Weather Service
213 predicts temperatures of 18 degrees Fahrenheit or less, including wind chill, or any other
214 extreme weather conditions established in rules made by the Department of Health and
215 Human Services under Subsection 35A-16-702(4), to occur in any county of the first,
216 second, third, or fourth class for two hours or longer within the next 24 to 48 hours.

217 (6) "Homeless shelter" means a congregate facility that provides temporary shelter to
218 individuals experiencing homelessness.

219 (7) "Municipality" means a city or town.

220 Section 3. Section **35A-16-801** is enacted to read:

221 **Part 8. Code Red Alert**

222 **35A-16-801 . Definitions.**

223 As used in this section:

224 (1) "Affected county" means a county of the first, second, third, or fourth class in which a
225 code red event is anticipated.

226 (2) "Applicable local homeless council" means the local homeless council that is
227 responsible for coordinating homeless response within an affected county.

228 (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter
229 may provide temporary shelter to under a conditional use permit or other restrictions
230 required by law.

231 (4) "Code red alert" means a proclamation issued by the Department of Health and Human
232 Services under Section 35A-16-802 to alert the public of a code red event.

- 233 (5) "Code red event" means a weather event in which the National Weather Service predicts
 234 a ~~HeatRisk of 2 - Moderate or greater,~~ HeatRisk of 3 - Major or greater, ←~~HeatRisk of 2 - Moderate or greater,~~
 234a including any other extreme weather conditions
 235 established in rules made by the Department of Health and Human Services under
 236 Subsection 35A-16-802(4), to occur in any county of the first, second, third, or fourth
 237 class within the next 24 to 48 hours.
- 238 (6) "Homeless shelter" means a congregate facility that provides temporary shelter to
 239 individuals experiencing homelessness.
- 240 (7) "Municipality" means a city or town.

241 Section 4. Section **35A-16-802** is enacted to read:

242 **35A-16-802 . Code red alert -- Content -- Dissemination -- Rulemaking**

- 243 (1) The Department of Health and Human Services shall:
- 244 (a) monitor and evaluate forecasts and advisories produced by the National Weather
 245 Service beginning on June 1 and ending on September 30;
- 246 (b) issue a code red alert under this section if the Department of Health and Human
 247 Services identifies a code red event; and
- 248 (c) disseminate the code red alert to:
- 249 (i) the public at large;
- 250 (ii) homeless shelters located within an affected county;
- 251 (iii) local government entities located within an affected county;
- 252 (iv) the office; and
- 253 (v) any other relevant public or private entities that provide services to individuals
 254 experiencing homelessness within an affected county.
- 255 (2) The code red alert shall:
- 256 (a) identify each affected county;
- 257 (b) specify the duration of the code red alert;
- 258 (c) describe the provisions that take effect for the duration of the code red alert as
 259 described in Section 35A-16-803; and
- 260 (d) include the information prepared by the office under Subsection (3).
- 261 (3)(a) The office shall prepare and regularly update information to assist individuals
 262 experiencing homelessness during a code red event, including:
- 263 (i) the location and availability of homeless shelters and other community resources
 264 and services for individuals experiencing homelessness;
- 265 (ii) information regarding public safety and emergency services; and

266 (iii) any other information considered relevant by the office.

267 (b) The office shall submit to the Department of Health and Human Services the
 268 information prepared and updated under Subsection (3)(a).

269 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 270 the Department of Health and Human Services, in coordination with the office, shall
 271 make rules to implement this section.

272 (b) The rules under Subsection (4)(a) shall:

273 (i) establish extreme weather conditions that warrant the issuance of a code red alert;
 274 and

275 (ii) establish standards for:

276 (A) monitoring and evaluating National Weather Service forecasts and advisories
 277 to identify code red events;

278 (B) issuing code red alerts under this section, including the form, content, and
 279 dissemination of code red alerts;

280 (C) the provisions that take effect within an affected county for the duration of a
 281 red alert under Section 35A-16-803; and

282 (D) coordinating with the office to receive the information described in
 283 Subsection (3).

284 (5) Nothing in this section prohibits a municipality from implementing emergency plans or
 285 other measures to assist individuals experiencing homelessness at times when
 286 environmental conditions present a substantial threat to the health or safety of
 287 individuals experiencing homelessness, provided that the emergency plans or other
 288 measures implemented by the municipality do not conflict with any applicable
 289 provisions that take effect during a code red event in accordance with Section
 290 35A-16-803.

291 Section 5. Section **35A-16-803** is enacted to read:

292 **35A-16-803 . Provisions in effect for duration of a code red alert.**

293 (1) Subject to rules made by the Department of Health and Human Services under
 294 Subsection 35A-16-802(4), the following provisions take effect within an affected
 295 county for the duration of a code red alert:

296 (a) ~~It~~ **→ except as provided in Subsection (2), ←It** a homeless shelter may expand the
 296a homeless shelter's capacity limit by up to 35% to
 297 provide temporary shelter to any number of individuals experiencing homelessness,
 298 so long as the homeless shelter is in compliance with the applicable building code

- 299 and fire code;
- 300 (b) a homeless shelter, in coordination with the applicable local homeless council, shall
 301 implement expedited intake procedures for individuals experiencing homelessness
 302 who request access to the homeless shelter;
- 303 (c) a homeless shelter may not deny temporary shelter to any individual experiencing
 304 homelessness who requests access to the homeless shelter for temporary shelter
 305 unless the homeless shelter is at the capacity limit described in Subsection (1)(a) or if
 306 a reasonable individual would conclude that the individual presents a danger to
 307 public safety;
- 308 (d) any indoor facility owned by a private organization, nonprofit organization, state
 309 government entity, or local government entity may be used to provide temporary
 310 shelter to individuals experiencing homelessness and is exempt from the licensure
 311 requirements of Title 26B, Chapter 2, Licensing and Certifications, for the duration
 312 of the code red alert so long as the facility is in compliance with the applicable
 313 building code and fire code and the governing body of the organization or the
 314 legislative body of the government entity that owns the facility approves the use;
- 315 (e) homeless shelters, state and local government entities, and other organizations that
 316 provide services to individuals experiencing homelessness ~~shall~~ **may** ~~coordinate street~~
 316a coordinate street
 317 outreach efforts to distribute to individuals experiencing homelessness any available
 318 resources for survival in hot weather, including water, lightweight and light-colored
 319 clothing, a hat, sunscreen, or other items that may protect the individual from heat;
- 320 (f) a state or local government entity, including a municipality, law enforcement agency,
 321 and local health department, may enforce a camping ordinance but may not seize
 322 from individuals experiencing homelessness any personal items for survival in hot
 323 weather, including clothing, tents, or other items used for shade; and
- 324 (g) a municipality or other local government entity may not enforce any ordinance or
 325 policy that limits or restricts the ability for the provisions described in Subsections
 326 (1)(a) through (f) to take effect, including local zoning ordinances.
- 327 (2) ~~shall~~ **A homeless shelter owned by a municipality may expand the homeless shelter's**
 327a **capacity limit to provide temporary shelter to any number of individuals experiencing**
 327b **homelessness, so long as the homeless shelter is in compliance with the applicable**
 327c **building code and fire code.**
- 327d (3) ~~shall~~ **A municipality or other local government entity** ~~shall~~ **may** ~~coordinate street~~

327e prioritize providing shelter for
328 individuals experiencing homelessness during a code red event at a facility described in
329 Subsection (1)(d) before providing shelter in a homeless shelter to individuals
330 experiencing homelessness during the code red event.

331 Section 6. **Effective Date.**

332 This bill takes effect on May 7, 2025.