

Property Loss Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This bill enacts provisions related to property loss related to homelessness.

Highlighted Provisions:

This bill:

- defines terms;
- enacts provisions related to property loss related to homelessness;
- creates the Property Loss Related to Homelessness Compensation Enterprise Fund (fund);
- describes allowable uses of the fund;
- provides that money in the fund is nonlapsing;
- provides for a sunset review by July 1, 2028.

Money Appropriated in this Bill:

This bill appropriates \$10,000 in business-like activities for fiscal year 2026, all of which is from the General Fund.

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-235, as last amended by Laws of Utah 2024, Third Special Session, Chapter 5

63J-1-602.1, as last amended by Laws of Utah 2024, Chapters 88, 501

ENACTS:

35A-16-212, Utah Code Annotated 1953

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

Section 1. Section **35A-16-212** is enacted to read:

35A-16-212 . Property Loss Related to Homelessness Compensation Enterprise**Fund.**

(1) As used in this part:

(a) "Fund" means the Property Loss Related to Homelessness Compensation Enterprise Fund created in Subsection (3).

(b) "Homeless services facility" means an eligible shelter under Subsection 35A-16-401(5)(a) or (5)(b).

(c) "Property loss" means:

(i) documented damage to or theft of personal property; or

(ii) documented cost of cleaning, sanitizing, repairing, or restoring real property.

(2) Documentation required for Subsection (1)(c) shall include closed insurance claim information with any settlement amount.

(3) There is created an enterprise fund known as the Property Loss Related to Homelessness Compensation Enterprise Fund.

(4) The fund shall consist of:

(a) gifts, grants, donations, and loan repayments or any other conveyance of money that may be made to the fund from private sources; and

(b) additional amounts as appropriated by the Legislature.

(5) The fund shall be administered by the office.

(6) Funds may be used to:

(a) provide a no-interest loan to a business that:

(i) meets the requirements of Subsection (6)(b); and

(ii) enters into an agreement with the department to:

(A) use loan funds for documented costs for property loss or for documented costs to mitigate property loss as a direct result of the presence of the homeless services facility; and

(B) repay the loan no later than one year from the day on which the loan is disbursed to the business;

(b) except as provided in Subsection (12), compensate a business that:

(i) is located within 1/5 of a mile of a homeless services facility; and

(ii) experiences property loss as a direct result of the presence of the homeless services facility; or

(c) compensate an individual who:

(i) lives within 1/5 of a mile from a homeless services facility; and

(ii) experiences property loss as a direct result of the presence of the homeless services facility.

(7) An individual who receives compensation from the fund shall:

(a) be a resident of Utah; and

(b) have a need that meets the requirements of this section.

(8)(a) A business that receives compensation or a loan from the fund shall be in good standing with the State Tax Commission and Department of Commerce.

(b) The State Tax Commission and Department of Commerce may charge a business described in Subsection (8)(a) a nominal fee to obtain a certificate of good standing to meet the requirements under this section.

(9)(a) The fund may not duplicate or supplant a service or support mechanism provided to an individual or business by another government entity or private agency.

(b) The fund may supplement a service or support mechanism provided to an individual or business by another government entity or private agency, if the service or support mechanism does not fully cover the cost of the individual's or business's property loss.

(10) Administrative and operating expenses for the fund shall be paid from the fund.

(11) The executive director may expend up to 4% of the revenues of the fund, including any appropriations to the fund, for administrative expenses.

(12) A business located at parcel record number 15-26-326-016-0000 is not eligible to receive compensation for property loss as a direct result of the presence of a homeless services facility.

(13) The office shall:

(a) administer the loan program, including:

(i) in each calendar year that money is available from the fund for distribution by the office, announcing, at least once in that year, a loan application period by sending notice to interested persons;

(ii) accepting applications received in a timely manner;

(iii) reviewing loan applications;

(iv) determining eligibility in accordance with this section; and

(v) distributing loan money to an approved loan recipient; and

(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer the program, including:

(i) loan application requirements;

(ii) procedures to approve a loan;

- 96 (iii) procedures for distributing money to loan recipients;
97 (iv) criteria for confirming the amount of property loss; and
98 (v) criteria prioritizing disbursements in the event of limited funds.
99 (14) The office may do any act necessary or convenient to the exercise of the powers
100 granted by this part or reasonably implied from those granted powers, including:
101 (a) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the
102 servicing of loans made by the fund;
103 (b) make or execute contracts and other instruments necessary or convenient for the
104 performance of the office's duties and exercise of the office's powers and functions
105 under this part, including contracts or agreements for the servicing and originating of
106 loans; and
107 (c) selling, at a public or private sale, with public bidding, an obligation held by the fund.
108 (15) Any money returned to the department under this section from a person that received a
109 loan from the fund shall be deposited into the fund.

110 Section 2. Section **63I-1-235** is amended to read:

111 **63I-1-235 . Repeal dates: Title 35A.**

- 112 (1) Subsection 35A-1-202(2)(d), regarding the Child Care Advisory Committee, is repealed
113 July 1, 2026.
114 (2) Section 35A-3-205, Creation of committee, is repealed July 1, 2026.
115 (3) Subsection 35A-4-502(5), regarding the Employment Advisory Council, is repealed
116 July 1, 2029.
117 (4) Title 35A, Chapter 9, Part 6, Education Savings Incentive Program, is repealed July 1,
118 2028.
119 (5) Section 35A-13-303, State Rehabilitation Advisory Council, is repealed July 1, 2034.
120 (6) Section 35A-16-206, Utah Homeless Network Steering Committee, is repealed July 1,
121 2027.
122 (7) Section 35A-16-207, Duties of the steering committee, is repealed July 1, 2027.
123 (8) Section 35A-16-212, Property Loss Related to Homelessness Compensation Enterprise
124 Fund, is repealed July 1, 2028.

125 Section 3. Section **63J-1-602.1** is amended to read:

126 **63J-1-602.1 . List of nonlapsing appropriations from accounts and funds.**

127 Appropriations made from the following accounts or funds are nonlapsing:

- 128 (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
129 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission, as

provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

(3) Funds collected for directing and administering the C-PACE district created in Section 11-42a-106.

(4) Money received by the Utah Inland Port Authority, as provided in Section 11-58-105.

(5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.

(6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section 19-2a-106.

(7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in Section 19-5-126.

(8) State funds for matching federal funds in the Children's Health Insurance Program as provided in Section 26B-3-906.

(9) Funds collected from the program fund for local health department expenses incurred in responding to a local health emergency under Section 26B-7-111.

(10) The Technology Development Restricted Account created in Section 31A-3-104.

(11) The Criminal Background Check Restricted Account created in Section 31A-3-105.

(12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

(13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

(14) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

(15) The State Mandated Insurer Payments Restricted Account created in Section 31A-30-118.

(16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

(17) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

(18) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account created in Section 32B-2-308.

(19) The School Readiness Restricted Account created in Section 35A-15-203.

(20) Money received by the Utah State Office of Rehabilitation for the sale of certain products or services, as provided in Section 35A-13-202.

(21) The Property Loss Related to Homelessness Compensation Enterprise Fund created in Section 35A-16-212.

~~[(21)]~~ (22) The Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

164 ~~[(22)]~~ (23) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
165 ~~[(23)]~~ (24) The Oil and Gas Conservation Account created in Section 40-6-14.5.
166 ~~[(24)]~~ (25) The Division of Oil, Gas, and Mining Restricted account created in Section
167 40-6-23.
168 ~~[(25)]~~ (26) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to
169 the Motor Vehicle Division.
170 ~~[(26)]~~ (27) The License Plate Restricted Account created by Section 41-1a-122.
171 ~~[(27)]~~ (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account
172 created by Section 41-3-110 to the State Tax Commission.
173 ~~[(28)]~~ (29) The State Disaster Recovery Restricted Account to the Division of Emergency
174 Management, as provided in Section 53-2a-603.
175 ~~[(29)]~~ (30) The Response, Recovery, and Post-disaster Mitigation Restricted Account
176 created in Section 53-2a-1302.
177 ~~[(30)]~~ (31) The Department of Public Safety Restricted Account to the Department of Public
178 Safety, as provided in Section 53-3-106.
179 ~~[(31)]~~ (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section
180 53-8-303.
181 ~~[(32)]~~ (33) The DNA Specimen Restricted Account created in Section 53-10-407.
182 ~~[(33)]~~ (34) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
183 ~~[(34)]~~ (35) The Higher Education Capital Projects Fund created in Section 53B-22-202.
184 ~~[(35)]~~ (36) A certain portion of money collected for administrative costs under the School
185 Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
186 ~~[(36)]~~ (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,
187 subject to Subsection 54-5-1.5(4)(d).
188 ~~[(37)]~~ (38) Funds collected from a surcharge fee to provide certain licensees with access to
189 an electronic reference library, as provided in Section 58-3a-105.
190 ~~[(38)]~~ (39) Certain fines collected by the Division of Professional Licensing for violation of
191 unlawful or unprofessional conduct that are used for education and enforcement
192 purposes, as provided in Section 58-17b-505.
193 ~~[(39)]~~ (40) Funds collected from a surcharge fee to provide certain licensees with access to
194 an electronic reference library, as provided in Section 58-22-104.
195 ~~[(40)]~~ (41) Funds collected from a surcharge fee to provide certain licensees with access to
196 an electronic reference library, as provided in Section 58-55-106.
197 ~~[(41)]~~ (42) Funds collected from a surcharge fee to provide certain licensees with access to

an electronic reference library, as provided in Section 58-56-3.5.

~~[(42)]~~ (43) Certain fines collected by the Division of Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

~~[(43)]~~ (44) The Relative Value Study Restricted Account created in Section 59-9-105.

~~[(44)]~~ (45) The Cigarette Tax Restricted Account created in Section 59-14-204.

~~[(45)]~~ (46) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.

~~[(46)]~~ (47) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.

~~[(47)]~~ (48) Certain funds donated to the Department of Health and Human Services, as provided in Section 26B-1-202.

~~[(48)]~~ (49) Certain funds donated to the Division of Child and Family Services, as provided in Section 80-2-404.

~~[(49)]~~ (50) Funds collected by the Office of Administrative Rules for publishing, as provided in Section 63G-3-402.

~~[(50)]~~ (51) The Immigration Act Restricted Account created in Section 63G-12-103.

~~[(51)]~~ (52) Money received by the military installation development authority, as provided in Section 63H-1-504.

~~[(52)]~~ (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.

~~[(53)]~~ (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.

~~[(54)]~~ (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.

~~[(55)]~~ (56) The Motion Picture Incentive Account created in Section 63N-8-103.

~~[(56)]~~ (57) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).

~~[(57)]~~ (58) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.

~~[(58)]~~ (59) The following funds or accounts created in Section 72-2-124:

(a) Transportation Investment Fund of 2005;

(b) Transit Transportation Investment Fund;

(c) Cottonwood Canyons Transportation Investment Fund;

(d) Active Transportation Investment Fund; and

(e) Commuter Rail Subaccount.

~~[(59)]~~ (60) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.

~~[(60)]~~ (61) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

~~[(61)]~~ (62) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

~~[(62)]~~ (63) Award money under the State Asset Forfeiture Grant Program, as provided under Section 77-11b-403.

~~[(63)]~~ (64) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

~~[(64)]~~ (65) Fees for certificate of admission created under Section 78A-9-102.

~~[(65)]~~ (66) Funds collected for adoption document access as provided in Sections 78B-6-141, 78B-6-144, and 78B-6-144.5.

~~[(66)]~~ (67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent Defense Commission.

~~[(67)]~~ (68) The Utah Geological Survey Restricted Account created in Section 79-3-403.

~~[(68)]~~ (69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, and Green River State Park, as provided under Section 79-4-403.

~~[(69)]~~ (70) Certain funds received by the Division of State Parks from the sale or disposal of buffalo, as provided under Section 79-4-1001.

Section 4. **FY 2026 Appropriations.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for fiscal year 2026.

Subsection 4(a). **Business-like Activities**

The Legislature has reviewed the following proprietary funds. Under the terms and conditions of Utah Code 63J-1-410, for any included Internal Service Fund, the Legislature approves budgets, full-time permanent positions, and capital acquisition amounts as indicated, and appropriates to the funds, as indicated, estimated revenue from rates, fees, and other charges. The Legislature authorizes the State Division of Finance to transfer amounts between funds and accounts as indicated.

ITEM 1 To Department of Workforce Services - Property Loss Related to Homelessness

266	Compensation Enterprise Fund	
267	From General Fund, One-time	10,000
268	Schedule of Programs:	
269	Property Loss Related to Homelessness	
270	Compensation Enterprise Fund	10,000
271	Section 5. Effective Date.	
272	<u>This bill takes effect on May 7, 2025.</u>	