

HB0505S03 compared with HB0505S01

~~{Omitted text}~~ shows text that was in HB0505S01 but was omitted in HB0505S03
inserted text shows text that was not in HB0505S01 but was inserted into HB0505S03

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Homeless Services Revisions
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Steve Eliason
Senate Sponsor:

LONG TITLE

General Description:
This bill enacts provisions related to homeless services.

Highlighted Provisions:
This bill:

- defines terms;
- amends provisions related to the Homeless Shelter Cities Mitigation Restricted Account;
- amends provisions related to the winter response task force and winter response plan;
- enacts provisions related to unsanctioned camping;
- provides for a penalty if an actor is engaged in unsanctioned camping; ~~{and}~~
- enacts a provision related to facilities providing domestic violence services regarding certain funding requirements; and
- makes technical and conforming changes.

Money Appropriated in this Bill:
None

Other Special Clauses:

HB0505S01

HB0505S01 compared with HB0505S03

None

AMENDS:

~~{35A-16-401, as last amended by Laws of Utah 2024, Chapters 204, 338 and 438, as last amended by Laws of Utah 2024, Chapters 204, 338 and 438}~~

35A-16-403, as last amended by Laws of Utah 2024, Chapters 204, 338, as last amended by Laws of Utah 2024, Chapters 204, 338

35A-16-501.5, as last amended by Laws of Utah 2024, Chapter 338, as last amended by Laws of Utah 2024, Chapter 338

35A-16-502, as last amended by Laws of Utah 2024, Chapters 204, 338, as last amended by Laws of Utah 2024, Chapters 204, 338

35A-16-703, as last amended by Laws of Utah 2024, Chapters 338, 381, as last amended by Laws of Utah 2024, Chapters 338, 381

76-6-201, as last amended by Laws of Utah 2008, Chapter 366, as last amended by Laws of Utah 2008, Chapter 366

ENACTS:

35A-16-103, Utah Code Annotated 1953, Utah Code Annotated 1953

76-6-207, Utah Code Annotated 1953, Utah Code Annotated 1953

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

Section 1. Section 1 is enacted to read:

35A-16-103. Facilities Providing Domestic Violence Services.

Nothing in this chapter shall be construed to require a facility that provides domestic violence services, as that term is defined in Section 80-2-102, to act in a manner that conflicts with licensing obligations or requirements related to the receipt of state or federal funds.

~~{Section 1. Section 35A-16-401 is amended to read: }~~

35A-16-401. Definitions.

As used in this part:

(1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

HB0505S01 compared with HB0505S03

(2) "Authorized provider" means a nonprofit provider of homeless services that is authorized by a third-tier eligible municipality to operate a temporary winter response shelter within the municipality in accordance with Part 5, Winter Response Plan Requirements.

(3) "Eligible municipality" means:

(a) a first-tier eligible municipality;

(b) a second-tier eligible municipality; or

(c) a third-tier eligible municipality.

(4) "Eligible services" means any activities or services that mitigate the impacts of the location of an eligible shelter, including direct services, public safety services, and emergency services, as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) "Eligible shelter" means:

(a) for a first-tier eligible municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the office;

(ii) operates year-round; and

(iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;

(b) for a second-tier municipality, a homeless shelter that:

(i) has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by the office;

(ii) operates year-round; and

(iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation; and

(c) for a third-tier eligible municipality, a homeless shelter that:

(i)

(A) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and

(B) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year; or

(ii)

(A) meets the definition of a homeless shelter under Section 35A-16-501; and

(B) contains beds that are utilized as part of a county's winter response plan under Section 35A-16-502.

HB0505S01 compared with HB0505S03

(6)

(a) "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to individuals experiencing homelessness.

(b) "Homeless shelter" does not include a facility that provides domestic violence services, as that term is defined in Section 80-2-102.

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

(8) "Public safety services" means law enforcement, emergency medical services, or fire protection.

(9) "Third-tier eligible municipality" means a municipality that:

(a) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year; and

(b) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services.

Section 2. Section **35A-16-403** is amended to read:

35A-16-403. Eligible municipality application process for Homeless Shelter Cities Mitigation Restricted Account funds.

(1) An eligible municipality may apply for account funds to mitigate the impacts of the location of an eligible shelter through the provision of eligible services within the eligible municipality's boundaries.

(2)

(a) The board shall set aside time on the agenda of a board meeting that occurs before the beginning of the next fiscal year to allow an eligible municipality to present a request for account funds for that next fiscal year.

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

(i) sending an electronic copy of the request to the board before the meeting; and

(ii) appearing at the meeting to present the request.

(c) The request described in Subsection (2)(b)(i) shall contain:

(i) a proposal outlining the need for eligible services, including a description of each eligible service for which the eligible municipality requests account funds;

(ii) a description of the eligible municipality's proposed use of account funds;

(iii) a description of the outcomes that the funding would be used to achieve, including indicators that would be used to measure progress toward the specified outcomes;[~~and~~]

HB0505S01 compared with HB0505S03

- 99 (iv) the amount of account funds requested[-] ; and
100 (v) results from the previous fiscal year, including:
101 (A) a summary of the amount of account funds that the eligible municipality expended and the eligible
municipality's specific use of those funds;
103 (B) an evaluation of the eligible municipality's effectiveness in using the account funds to address the
eligible municipality's needs due to the location of an eligible shelter;
106 (C) an evaluation of the eligible municipality's progress regarding the outcomes and indicators
described in Subsection (2)(c)(iii); and
108 (D) any proposals for improving the eligible municipality's effectiveness in using account funds that the
eligible municipality may receive in future fiscal years.
110 (d)
[~~(i) On or before September 30, an eligible municipality that received account funds during the previous~~
~~fiscal year shall file electronically with the board a report that includes:]~~
113 [~~(A) a summary of the amount of account funds that the eligible municipality expended and the~~
~~eligible municipality's specific use of those funds;~~]
115 [~~(B) an evaluation of the eligible municipality's effectiveness in using the account funds to address~~
~~the eligible municipality's needs due to the location of an eligible shelter;~~]
118 [~~(C) an evaluation of the eligible municipality's progress regarding the outcomes and indicators~~
~~described in Subsection (2)(c)(iii); and]~~
120 [~~(D) any proposals for improving the eligible municipality's effectiveness in using account funds~~
~~that the eligible municipality may receive in future fiscal years.]~~
122 [(ii)] The board may request additional information as needed to make the evaluation described in
Subsection (2)(e).
124 (e) The board shall evaluate a request made in accordance with this Subsection (2) and may take the
following factors into consideration in determining whether to approve or deny the request:
127 (i) the strength of the proposal that the eligible municipality provided to support the request;
129 (ii) if the eligible municipality received account funds during the previous fiscal year, the efficiency
with which the eligible municipality used any account funds during the previous fiscal year;
132 (iii) the availability of funding for the eligible municipality under Subsection 35A-16-402(4); and
134 [~~(iv) the availability of alternative funding for the eligible municipality to address the eligible~~
~~municipality's needs due to the location of an eligible shelter; and]~~

HB0505S01 compared with HB0505S03

- 136 ~~[(v)]~~ (iv) any other considerations identified by the board.
- 137 (f) After making the evaluation described in Subsection (2)(e), and subject to Subsection (2)(g), the
board shall vote to either approve or deny an eligible municipality's request for account funds.
- 140 (g)
- (i) In addition to the evaluation under Subsection (2)(e), the board may not approve an eligible
municipality's request to receive account funds under this section unless the eligible municipality:
- 143 (A) enforces an ordinance that prohibits camping; and
- 144 (B) enforces an ordinance or other applicable state law prohibiting conduct that:
- 102 (I) impedes or blocks traffic in violation of Subsection 41-6a-1009(4){f; }[and] {;} or
- 103 (II) impedes sidewalks and building entrances in violation of the Americans with Disabilities Act of
1990, 42 U.S.C. Sec. 12102.
- 146 ~~[(C) demonstrates improvement in reducing the conduct described in Subsections (2)(g)(i)(A) and~~
~~(B).]~~
- 148 (ii) In determining whether an eligible municipality has demonstrated ~~[improvement]~~ compliance under
Subsection ~~[(2)(g)(i)(C).]~~ (2)(g)(i), the board shall consider:
- 150 (A) the specific measures taken by the municipality to ~~[reduce]~~ enforce an ordinance or other applicable
state law prohibiting the conduct described in Subsections (2)(g)(i)~~[(A) and (B).]~~ , and the
effectiveness of those measures in ~~[reducing]~~ mitigating the conduct;
- 154 (B) the strategies utilized by the municipality in managing and improving public spaces within the
municipality, and the impact of these strategies on safety, cleanliness, and the well-being of the
community; and
- 157 (C) the gap between the number of individuals experiencing homelessness within the municipality and
the availability of beds at homeless shelters to which the individuals experiencing homelessness
have reasonable access, and any changes to this gap over time.
- 161 (iii) The board may coordinate with the Department of Public Safety for the receipt of quantitative and
qualitative data to determine compliance with applicable state and local laws.
- 164 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and with the
approval of the board, the office shall make rules establishing standards for the information required
by an eligible municipality to demonstrate [improvement] compliance under Subsection ~~[(2)(g)(i)~~
~~(C).]~~ (2)(g)(i).

168

HB0505S01 compared with HB0505S03

(h) If the board approves an eligible municipality's request to receive account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the amount of funds for disbursement to the eligible municipality under Subsection 35A-16-402(4).

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules governing the process for calculating the amount of funds that an eligible municipality may receive under Subsection 35A-16-402(4).

Section 3. Section **35A-16-501.5** is amended to read:

35A-16-501.5. County winter response task force. <compare mode="add">(Compare Error)</compare>

(1) Subject to the requirements of Section 35A-16-502, the council of governments of each applicable county shall annually convene a county winter response task force.

(2)

(a) The task force for Salt Lake County shall consist of the following 14 voting members:

(i) the chief executive officer of Salt Lake County, or the chief executive officer's designee;

(ii) the chief executive officer, or the chief executive officer's designee, of each of the following 11 municipalities:

(A) Draper;

(B) Midvale;

(C) Millcreek;

(D) Murray;

(E) Salt Lake City;

(F) Sandy;

(G) South Jordan;

(H) South Salt Lake;

(I) Taylorsville;

(J) West Jordan; and

(K) West Valley City; and

(iii) the chief executive officer, or the chief executive officer's designee, of any two municipalities located in Salt Lake County that are not described in Subsection (2)(a)(ii), appointed by the conference of mayors of Salt Lake County.

HB0505S01 compared with HB0505S03

(b) A task force for an applicable county not described in Subsection (2)(a) shall consist of the following voting members:

(i) the chief executive officer of the applicable county, or the chief executive officer's designee; and

(ii) the chief executive officer, or the chief executive officer's designee, of a number of municipalities located in the applicable county that the conference of mayors of the applicable county considers to be appropriate, appointed by the conference of mayors of the applicable county.

(3) In addition to the voting members required in Subsection (2), a task force shall include the following nonvoting members:

(a) the coordinator, or the coordinator's designee;

(b) one representative of the Utah League of Cities and Towns, appointed by the Utah League of Cities and Towns, or the representative's designee;

~~[(e) one representative of the Utah Association of Counties, appointed by the Utah Association of Counties, or the representative's designee;]~~

~~[(d)]~~ (c) ~~[two individuals]~~ one individual experiencing homelessness or having previously experienced homelessness, appointed by the applicable local homeless council;

~~[(e)]~~ (d) three representatives of the applicable local homeless council, appointed by the applicable local homeless council, or the representative's designee; and

~~[(f)]~~ (e) any other individual appointed by the council of governments of the applicable county.

(4)

(a) Any vacancy on a task force shall be filled in the same manner as the appointment of the member whose vacancy is being filled.

(b) Each member of a task force shall serve until a successor is appointed.

(5) A majority of the voting members of a task force constitutes a quorum and may act on behalf of the task force.

(6) A task force shall:

(a) select officers from the task force's members as the task force finds necessary; and

(b) meet as necessary to effectively conduct the task force's business and duties as prescribed by statute.

(7) A task force may establish one or more working groups as is deemed appropriate to assist on specific issues related to the task force's duties, including a working group for site selection of temporary winter response shelters.

(8)

HB0505S01 compared with HB0505S03

- (a) A task force member may not receive compensation or benefits for the task force member's service.
- (b) A task force member may receive per diem and travel expenses in accordance with:
- (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (9) The applicable county for which a task force is convened shall provide administrative support to the task force.
- (10) Meetings of the task force are not subject to Title 52, Chapter 4, Open and Public Meetings Act.
- Section 4. Section **35A-16-502** is amended to read:
- 35A-16-502. Winter response plan required -- Contents -- Review -- Consequences after determination of noncompliance.**
- (1)
 - (a) The task force for an applicable county that is a county of the first class shall annually prepare and submit to the office a winter response plan on or before August 1 in calendar years 2023, 2024, and 2025.
 - (b) Except as provided in Subsection (3), the task force for an applicable county not described in Subsection (1)(a) shall annually prepare and submit to the office a winter response plan on or before August 1 in calendar years 2024 and 2025.
 - (2) The winter response plan shall:
 - (a) provide assurances to the office that the applicable county will meet the applicable county's targeted winter response plan or other accommodations during the subsequent winter response period by establishing plans for the requisite need during the subsequent winter response period;
 - (b) ensure that any temporary winter response shelter planned for operation within the applicable county will meet all local zoning requirements;
 - (c) include a detailed transportation plan, budget, revenue sources, including in-kind sources, and any other component specified by the office under Subsection (3) as a requirement for the applicable county to achieve compliance with this section;
 - (d) include a detailed county plan for a code blue event as defined in Section 35A-16-701, including the number and location of available beds for individuals experiencing homelessness for the duration of the code blue event; and
 - (e) be approved by the chief executive officer of:

HB0505S01 compared with HB0505S03

- 266 (i) any municipality located within the applicable county in which a temporary winter response shelter
is planned for operation during the subsequent winter response period; and
- 269 (ii) the applicable county, if a temporary winter response shelter is planned for operation within an
unincorporated area of the county.
- 271 (3) The requirements of Subsection (1)(b) do not apply to an applicable county if:
- 272 (a) on or before August 1, 2024, the applicable county submits to the office:
- 273 (i) documentation demonstrating that the applicable county is developing a plan to address the needs of
individuals experiencing homelessness within the county throughout the entire year, as opposed to
only during the winter response period; and
- 277 (ii) a county plan for a code blue event as described in Subsection (2)(d);
- 278 (b) on or before August 1, 2025, the applicable county submits to the office the year-round plan
developed under Subsection (3)(a)(i); and
- 280 (c) the office determines that the applicable county's year-round plan meets the requirements of a winter
response plan as described in Subsection (2) for the entire year.
- 283 (4) To assist a task force in preparing a winter response plan, by no later than March 30 of the year in
which the winter response plan is due, the applicable local homeless council, in coordination with
the office, shall provide the following information to the task force:
- 286 (a) the targeted winter response bed count;
- 287 (b) the requirements for the plan described in Subsection (2)(d);
- 288 (c) the availability of funds that can be used to mitigate the winter response plan; and
- 289 (d) any component required for the winter response plan to achieve compliance that is not described in
Subsection (2).
- 291 (5) In preparing the winter response plan, the task force shall coordinate with:
- 292 (a) the office;
- 293 (b) the applicable local homeless council;
- 294 (c) for Salt Lake County, the conference of mayors for Salt Lake County; and
- 295 (d) for an applicable county not described in Subsection (5)(c), the council of governments for the
applicable county.
- 297 (6) In conducting site selection for a temporary winter response shelter under a winter response plan,
the task force shall~~[-prioritize]:~~
- 299 (a) utilize objective data to prioritize locations, including:

HB0505S01 compared with HB0505S03

- 300 (i) point in time count data for the applicable county; and
301 (ii) blind reviews of possible facilities based on proximity to mass transit, transportation costs, and
necessary facility updates; and
303 (b) prioritize:
304 [(a)] (i) a site located more than one mile from any homeless shelter;
305 [(b)] (ii) a site located more than one mile from any permanent supportive housing, as verified by the
office; and
307 [(c)] (iii) a site located in a municipality or unincorporated area of the applicable county that does not
have a homeless shelter.
309 (7)
(a) On or before August 15 of the year in which a winter response plan is submitted, the office shall:
311 (i) conduct a review of the winter response plan for compliance with this section; and
312 (ii) send a written notice of the office's determination regarding compliance to[:]
313 [(A)] the task force for the applicable county[:]
314 [(B) the council of governments for the applicable county;]
315 [(C) the applicable local homeless council; and]
316 [(D) the legislative body of each municipality located within the applicable county].
317 (b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance with this section
if:
319 (i) the applicable county's task force fails to submit a timely winter response plan under this section; or
321 (ii) the office determines that the winter response plan prepared for the applicable county does not
comply with this section.
323 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may
make rules establishing requirements for an applicable county's compliance with this section.
285 Section 5. Section **35A-16-703** is amended to read:
286 **35A-16-703. Provisions in effect for duration of code blue alert.**
Subject to rules made by the Department of Health and Human Services under
Subsection 35A-16-702(4), the following provisions take effect within an affected county for
the duration of a code blue alert:
331

HB0505S01 compared with HB0505S03

- (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to provide temporary shelter to any number of individuals experiencing homelessness, so long as the homeless shelter is in compliance with the applicable building code and fire code;
- 335 (2) a homeless shelter, in coordination with the applicable local homeless council, shall implement expedited intake procedures for individuals experiencing homelessness who request access to the homeless shelter;
- 338 (3) a homeless shelter may not deny temporary shelter to any individual experiencing homelessness who requests access to the homeless shelter for temporary shelter unless the homeless shelter is at the capacity limit described in Subsection (1) or if a reasonable individual would conclude that the individual presents a danger to public safety;
- 342 (4) any indoor facility owned by a private organization, nonprofit organization, state government entity, or local government entity may be used to provide temporary shelter to individuals experiencing homelessness and is exempt from the licensure requirements of Title 26B, Chapter 2, Licensing and Certifications, for the duration of the code blue alert and seven days following the day on which the code blue alert ends, so long as the facility is in compliance with the applicable building code and fire code and the governing body of the organization or the legislative body of the government entity that owns the facility approves the use;
- 350 (5) homeless shelters, state and local government entities, and other organizations that provide services to individuals experiencing homelessness [shall] may coordinate street outreach efforts to distribute to individuals experiencing homelessness any available resources for survival in cold weather, including clothing items and blankets;
- 354 (6) a state or local government entity, including a municipality, law enforcement agency, and local health department, may enforce a camping ordinance but may not seize from individuals experiencing homelessness any personal items for survival in cold weather, including clothing, blankets, tents, and sleeping bags; and
- 358 (7) a municipality or other local government entity may not enforce any ordinance or policy that limits or restricts the ability for the provisions described in Subsections (1) through (5) to take effect, including local zoning ordinances.

320 Section 6. Section **76-6-201** is amended to read:

321 **76-6-201. Definitions.**

As used in this part:

HB0505S01 compared with HB0505S03

- 364 (1)
- (a) "Building," in addition to its ordinary meaning, means any watercraft, aircraft, trailer, or other structure or vehicle adapted for overnight accommodation of persons or for carrying on business and includes:
- 367 (i) each separately secured or occupied portion of the structure or vehicle; and
- 368 (ii) each structure appurtenant to or connected with the structure or vehicle.
- 369 (b) "Building" does not include a railroad car.
- 370 (2) "Dwelling" means a building which is usually occupied by a person lodging in the building at night, whether or not a person is actually present.
- 372 (3) "Enter or remain unlawfully" means a person enters or remains in or on any premises when:
- 374 (a) at the time of the entry or remaining, the premises or any portion of the premises are not open to the public; and
- 376 (b) the actor is not otherwise licensed or privileged to enter or remain on the premises or any portion of the premises.
- 378 (4) "Enter" means:
- 379 (a) intrusion of any part of the body; or
- 380 (b) intrusion of any physical object under control of the actor.
- 381 (5) "Railroad car":
- 382 (a) in addition to its ordinary meaning, includes a sleeping car or any container or trailer that is on a railroad car; and
- 384 (b) includes only a railroad car that is operable and part of an ongoing railroad operation.
- 385 (6)
- (a) "State property" means real property owned by or leased to the state.
- 386 (b) "State property" includes real property owned by, leased to, or managed by the School and Institutional Trust Lands Administration created in Section 53C-1-201.
- 388 (c) "State property" does not include property owned by or leased to a political subdivision of the state.
- 349 Section 7. Section 7 is enacted to read:
- 350 **76-6-207. Unsanctioned camping on state property.**
- 392 (1)
- (a) As used in this section, "camping" means:
- 393

HB0505S01 compared with HB0505S03

(i) erecting or occupying structures, including tents, temporary structures, recreational vehicles, travel trailers, or motor vehicles, for camping or other living accommodation activities, including sleeping, for any period of time;

396 (ii) using camping-related items, including cots, beds, sleeping bags, or hammocks, for sleeping or other living accommodation activities; or

398 (iii) cooking using a camp fire, propane stove, or other heat-producing portable cooking equipment.

400 (b) Terms defined in Sections 76-1-105.1 and 76-1-201 apply to this section.

401 (2) An actor commits unsanctioned camping if the actor is camping on state property unless the state expressly authorizes camping on the state property.

403 (3) A violation of Subsection (2) is a class C misdemeanor.

363 Section 8. **Effective date.**

This bill takes effect on May 7, 2025.

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