

# SB0078S01 compared with SB0078

{Omitted text} shows text that was in SB0078 but was omitted in SB0078S01

inserted text shows text that was not in SB0078 but was inserted into SB0078S01

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## 1 Homeless Individuals Protection Amendments

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Jen Plumb**

. House Sponsor:

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### 3 LONG TITLE

#### 4 General Description:

5 This bill creates the homeless service provider ombudsman within the Office of Homeless  
6 Services.

#### 7 Highlighted Provisions:

8 This bill:

9 ▶ defines terms;

10 ▶ creates the homeless services provider ombudsman (ombudsman) within the Office of Homeless  
Services (office);

12 ▶ describes the duties and functions of the ombudsman; {and}

13 ▶ authorizes the office to make rules to implement and carry out the ombudsman's duties and  
functions{-} ; and

15 ▶ provides for a sunset review after five years.

#### 16 Money Appropriated in this Bill:

17 None

18 None

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21 AMENDS:

22 **35A-16-208** , as enacted by Laws of Utah 2024, Chapter 338 , as enacted by Laws of Utah 2024,  
Chapter 338

23 **63I-1-235** , as last amended by Laws of Utah 2024, Third Special Session, Chapter 5 , as last  
amended by Laws of Utah 2024, Third Special Session, Chapter 5

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24 ENACTS:

25 **35A-16-801** , Utah Code Annotated 1953 , Utah Code Annotated 1953

26 **35A-16-802** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

29 Section 1. Section **35A-16-208** is amended to read:

30 **35A-16-208. Reporting requirements -- Outcome measures.**

29 (1)

. (a) The office shall report, for the state and for each local homeless council:

30 (i) the state's year-to-date progress toward reaching a functional zero level of homelessness for each  
type of homelessness and subpopulation, including:

32 (A) the number of individuals who are homeless for the first time;

33 (B) the number of individuals who returned to homelessness after having exited homelessness within  
the two previous years;

35 (C) the number of individuals who remained homeless since the last report;

36 (D) the number of individuals experiencing homelessness since the last report by household type;

38 (E) the number of individuals who exited by exit destination; and

39 (F) the number of individuals who are experiencing homelessness for the first time plus the number  
of individuals who are returning to homelessness minus the number of individuals who are exiting  
homelessness;

42 (ii) the percentage of individuals experiencing homelessness who:

43 (A) have a mental health disorder;

44 (B) have a substance use disorder;

45 (C) have a chronic health condition;

46 (D) have a physical disability;

47 (E) have a developmental disability;

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- 48 (F) have HIV/AIDS;
- 49 (G) are survivors of domestic violence;
- 50 (H) are veterans; and
- 51 (I) are unaccompanied youth 24 years old or younger;
- 52 (iii) the number of individuals who exited homeless services since the last report by:
- 53 (A) type of homelessness;
- 54 (B) subpopulation; and
- 55 (C) exit destination; [~~and~~]
- 56 (iv) the progress, by project type, on each goal established in accordance with Subsection (3)[~~;~~] ;
- and
- 58 (v) the data provided by the homeless services provider ombudsman as described in Section 35A-16-802.
- 60 (b) The reports described in this Subsection (1) shall contain aggregated, de-identified information.
- 62 (2) The office shall report the data described in Subsection (1):
- 63 (a) in the annual report required by Section 35A-16-203;
- 64 (b) on or before October 1 of each year, through an oral presentation to the Economic Development and Workforce Services Interim Committee; and
- 66 (c) on a data dashboard for the public with specific additional data points recommended by the board.
- 68 (3) The board and the local homeless councils shall jointly establish quarterly goals for each project type.
- 70 (4) The board and the local homeless councils shall jointly make annual progress reports identifying:
- 72 (a) the percentage of clients screened for social needs;
- 73 (b) the percentage of clients subsequently referred to community-based providers who can:
- 75 (i) address the client's needs;
- 76 (ii) follow-up on status of addressing the client's needs; and
- 77 (iii) report back to the referring entity;
- 78 (c) the number of youth receiving parent or guardian bereavement support services; and
- 79 (d) the number of clients with:
- 80 (i) a successful exit;
- 81 (ii) an unsuccessful exit;
- 82 (iii) a neutral exit; and

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83 (iv) continued enrollment in the project.

86 Section 2. Section 2 is enacted to read:

85

### Part 8. Homeless Services Provider Ombudsman

88 **35A-16-801. Homeless services provider ombudsman -- Definitions -- Creation --**

#### **Appointment -- Qualifications.**

88 (1) As used in this part:

89 (a) "Client" means the same as that term is defined in Section 35A-16-102.

90 (b) "Complainant" means a person who initiates a complaint with the ombudsman.

91 (c) "Complaint" means a complaint regarding an act or omission by a service provider with respect to a particular client.

93 (d) "Office" means the Office of Homeless Services described in Chapter 16, Part 2, Office of Homeless Services.

95 (e) "Ombudsman" means the homeless services provider ombudsman appointed under this section.

97 (f) "Service provider" means the same as that term is defined in Section 35A-16-102.

98 (2)

(a) There is created within the office the position of homeless services provider ombudsman to investigate complaints made against service providers by or on behalf of individuals experiencing homelessness.

101 (b) The executive director of the department shall:

102 (i) appoint an ombudsman who has:

103 (A) recognized executive and administrative capacity; and

104 (B) experience in human welfare, and in state laws and policies governing vulnerable populations; and

106 (ii) select the ombudsman solely with regard to qualifications and fitness to discharge the duties of the ombudsman.

108 (c) The ombudsman shall:

109 (i) serve at the pleasure of the executive director of the department; and

110 (ii) devote full-time to the duties described in this part.

113 Section 3. Section 3 is enacted to read:

114 **35A-16-802. Homeless services provider ombudsman -- Powers and duties -- Reporting requirements.**

114 (1) The ombudsman shall:

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- 115 (a) provide training and information to public agencies, private entities, individuals, service providers,  
116 and other interested parties across the state regarding:
- 117 (i) the role and duties of the ombudsman;  
118 (ii) the rights and privileges of an individual experiencing homelessness;  
119 (iii) services available in the state to an individual experiencing homelessness; and  
120 (iv) how to submit a complaint; and
- 121 (b) develop a website to provide the information described in this Subsection (1) in a form that is easily  
122 accessible.
- 123 (2) The ombudsman may:
- 124 (a) decline to investigate a complaint or continue an investigation of a complaint;  
125 (b) conduct an investigation on the ombudsman's own initiative;  
126 (c) conduct further investigation upon the request of the complainant; or  
127 (d) recommend that a complainant pursue other available remedies before pursuing a complaint with the  
128 ombudsman.
- 129 (3)
- 130 . (a) A service provider shall display an ombudsman program information poster containing the  
131 information described in Subsection (1) in a location that is easily visible to all clients, volunteers,  
132 and staff members.
- 133 (b) The office is responsible for providing the posters, which shall include a phone number and a link to  
134 the website described in Subsection (1)(b).
- 135 (4) After the ombudsman receives a complaint, the ombudsman shall notify the complainant and the  
136 office:
- 137 (a) whether the ombudsman will investigate the complaint; and  
138 (b) if the ombudsman decides not to investigate the complaint, the reason for the decision.
- 139 (5)
- 140 . (a) If the ombudsman decides to investigate a complaint, the ombudsman shall determine whether a  
141 service provider's act or omission with respect to a particular client:
- 142 (i) is contrary to state or federal law;  
143 (ii) places a client's health or safety at risk;  
144 (iii) is made without an adequate statement of reason; or  
145 (iv) is based on irrelevant, immaterial, or erroneous grounds.

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- 146 (b) If the ombudsman determines, after completing the investigation described in Subsection (5)(a), that  
147 a service provider's act or omission violates state or federal law, the ombudsman shall:
- 149 (i) prepare a written report of the findings and recommendations, as described in Subsection (6), if any,  
150 of each investigation;
- 151 (ii) provide a copy of the report to the claimant; and
- 152 (iii) provide a copy of the report and recommendations, if any, to the office and the appropriate county  
153 or district attorney or the attorney general.
- 154 (6) The ombudsman may make recommendations to the office to consider:
- 155 (a) policies or procedures that may need to be addressed, modified, or canceled; or
- 156 (b) any other recommendations necessary to carry out the purposes of this part.
- 157 (7)
- 158 (a) On or before October 1 of each year, the ombudsman shall provide a written report to the office for  
159 inclusion in the office's annual report described in Section 35A-16-208.
- 160 (b) The written report shall include:
- 161 (i) the total number of complaints filed with the ombudsman;
- 162 (ii) the number of complaints the ombudsman investigated;
- 163 (iii) reoccurring themes among complaints, if any; and
- 164 (iv) any recommendations described in Subsection (6).
- 165 (8)
- 166 (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall  
167 make rules to implement this part.
- 168 (b) The rules described in Subsection (8)(a) shall include a maximum time within which the  
169 ombudsman is required to respond to and complete an investigation of a complaint under  
170 Subsections (4) and (5).
- 171 (9) Subsection (2)(d) does not prevent a complainant from making a complaint directly with the  
172 ombudsman before pursuing any other available remedies provided for in state or federal law.
- 173 Section 4. Section 63I-1-235 is amended to read:
- 174 **63I-1-235. Repeal dates: Title 35A.**
- 175 (1) Subsection 35A-1-202(2)(d), regarding the Child Care Advisory Committee, is repealed July 1,  
176 2026.
- 177 (2) Section 35A-3-205, Creation of committee, is repealed July 1, 2026.
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- 180 (3) Subsection 35A-4-502(5), regarding the Employment Advisory Council, is repealed July 1, 2029.
- 182 (4) Title 35A, Chapter 9, Part 6, Education Savings Incentive Program, is repealed July 1, 2028.
- 184 (5) Section 35A-13-303, State Rehabilitation Advisory Council, is repealed July 1, 2034.
- 185 (6) Section 35A-16-206, Utah Homeless Network Steering Committee, is repealed July 1, 2027.
- 187 (7) Section 35A-16-207, Duties of the steering committee, is repealed July 1, 2027.
- 188 (8) Title 35A, Chapter 16, Part 8, Homeless Services Provider Ombudsman, is repealed July 1, 2030.

190 Section 5. **Effective date.**

This bill takes effect on May 7, 2025.

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