

SB0121S05 compared with SB0121S03

~~{Omitted text}~~ shows text that was in SB0121S03 but was omitted in SB0121S05

inserted text shows text that was not in SB0121S03 but was inserted into SB0121S05

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1 Property Loss Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Tyler Clancy

2

3 LONG TITLE

4 General Description:

5 This bill ~~{creates the Property Loss Related to Homelessness Compensation Enterprise Fund}~~
enacts provisions related to property loss related to homelessness.

6 Highlighted Provisions:

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ enacts provisions related to property loss related to homelessness;
- 9 ▶ creates the Property Loss Related to Homelessness Compensation Enterprise Fund (fund);
- 10 ▶ describes allowable uses of the fund;
- 11 ▶ provides that money in the fund is nonlapsing;
- 12 ▶ ~~{creates the Property Loss Related to Homelessness Advisory Committee (committee);}~~
- 13 ▶ ~~{describes the duties of the committee; and}~~
- 14 ▶ provides for a sunset review ~~{on-}~~ by July 1, 2028.

14 Money Appropriated in this Bill:

- 15 ▶ This bill appropriates \$6,000 in operating and capital budgets for fiscal year 2026, all of

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which is from the various sources as detailed in this bill.

- This bill appropriates \$150,000 in business-like activities for fiscal year 2026, all of which is from the General Fund.

Other Special Clauses:

None

AMENDS:

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

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

ENACTS:

35A-16-212 , Utah Code Annotated 1953 , Utah Code Annotated 1953

~~{35A-16-801 , Utah Code Annotated 1953 , Utah Code Annotated 1953}~~

~~{35A-16-802 , 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-16-212. 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:

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(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.

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(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.

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

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

82 (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.

85 (13) The office shall:

86 (a) administer the loan program, including:

87 (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;

90 (ii) accepting applications received in a timely manner;

91 (iii) reviewing loan applications;

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

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

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

96 (i) loan application requirements;

97 (ii) procedures to approve a loan;

98 (iii) procedures for distributing money to loan recipients;

99 (iv) criteria for confirming the amount of property loss; and

100 (v) criteria prioritizing disbursements in the event of limited funds.

101 (14) The office may do any act necessary or convenient to the exercise of the powers granted by this part or reasonably implied from those granted powers, including:

103 (a) service or contract, under Title 63G, Chapter 6a, Utah Procurement Code, for the servicing of loans made by the fund;

105 (b) make or execute contracts and other instruments necessary or convenient for the performance of the office's duties and exercise of the office's powers and functions under this part, including contracts or agreements for the servicing and originating of loans; and

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(c) selling, at a public or private sale, with public bidding, an obligation held by the fund.

(15) Any money returned to the department under this section from a person that received a loan from the fund shall be deposited into the fund.

Section 1. Section 1 is enacted to read:

Part 8. Property Loss Related to Homelessness

35A-16-801. Property Loss Related to Homelessness Compensation Enterprise Fund.

(1) As used in this part:

(a) "Committee" means the Property Loss Related to Homelessness Advisory Committee created in Section 35A-16-802.

(b) "Fund" means the Property Loss Related to Homelessness Compensation Enterprise Fund created in Subsection (2).

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

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

(3) 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.

(4) The fund shall be administered by the coordinator.

(5) Funds may be used to:

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

(i) meets the requirements of Subsection (5)(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 (11), ←\$ compensate a business that:

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- (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.
- (6) No more than 50% of the fund shall be used each fiscal year to directly assist an individual or a business that meets the requirements described in Subsection (5).
- (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 committee, including costs for staffing the committee, shall be paid from the fund.
- §→ (11) **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.** ←§

Section 2. Section 2 is enacted to read:

35A-16-802. Property Loss Related to Homelessness Advisory Committee.

- (1) There is created the Property Loss Related to Homelessness Advisory Committee.

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(2) On or after July 1 of each year, the coordinator may create the Property Loss Related to Homelessness Advisory Committee of not more than nine members.

(3) The committee shall be composed of members of the community, including:

(a) individuals who operate a business in proximity with a homeless services facility;

(b) representatives of an association that advocates for individuals experiencing homelessness;

(c) individuals with experience in quantifying and evaluating property loss; and

(d) office representatives.

(4)

(a) Subject to Subsections (4)(b) and (11), a committee member shall serve a term of no earlier than July 1 and no later than December 31 of each year.

(b) A committee member may be removed by the coordinator:

(i) if the member is unable or unwilling to carry out the member's assigned responsibilities; or

(ii) for good cause.

(5)

(a) If a vacancy occurs in the committee membership, a replacement may be appointed for the unexpired term.

(b) The committee shall elect a chairperson from the membership.

(c) A majority of the committee members constitutes a quorum.

(d) The action of the majority of a quorum shall be the action of the committee.

(e) The committee may adopt bylaws governing the committee's activities.

(6) The committee shall:

(a) recommend criteria for disbursements and loans from the fund, including criteria for confirming the amount of property loss and prioritizing disbursements in the event of limited funds, to the coordinator; and

(b) review disbursements and loans from the fund.

(7) The committee shall comply with the procedures and requirements of:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses if approved by the coordinator and in accordance with:

(a) Section 63A-3-106;

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- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (9) No later than November 30 of each year, the committee shall provide the coordinator with an annual written report summarizing the activities of the committee.
- (10) The office shall provide staff support to the committee.
- (11) The committee shall cease to exist on December 31 of each year, unless the coordinator determines it necessary to continue.

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

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

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

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

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

Appropriations made from the following accounts or funds are nonlapsing:

- (1) The Native American Repatriation Restricted Account created in Section 9-9-407.
- (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.

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- 156 (8) State funds for matching federal funds in the Children's Health Insurance Program as provided in
Section 26B-3-906.
- 158 (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.
- 160 (10) The Technology Development Restricted Account created in Section 31A-3-104.
- 161 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.
- 162 (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.
- 164 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.
- 165 (14) The Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.
- 167 (15) The State Mandated Insurer Payments Restricted Account created in Section 31A-30-118.
- 169 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.
- 170 (17) The Underage Drinking Prevention Media and Education Campaign Restricted Account created in
Section 32B-2-306.
- 172 (18) The Drinking While Pregnant Prevention Media and Education Campaign Restricted Account
created in Section 32B-2-308.
- 174 (19) The School Readiness Restricted Account created in Section 35A-15-203.
- 175 (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.
- 162 (21) The Property Loss Related to Homelessness Compensation Enterprise Fund created in Section
35A-16-212.
- 177 [(21)] (22) The Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.
- 179 {(22)} ~~The Property Loss Related to Homelessness Compensation Enterprise Fund created in Section~~
35A-16-801.}
- 181 [(22)] (23) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.
- 182 [(23)] (24) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 183 [(24)] (25) The Division of Oil, Gas, and Mining Restricted account created in Section 40-6-23.
- 185 [(25)] (26) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor
Vehicle Division.
- 187 [(26)] (27) The License Plate Restricted Account created by Section 41-1a-122.
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- [~~(27)~~] (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110 to the State Tax Commission.
- 190 [~~(28)~~] (29) The State Disaster Recovery Restricted Account to the Division of Emergency Management, as provided in Section 53-2a-603.
- 192 [~~(29)~~] (30) The Response, Recovery, and Post-disaster Mitigation Restricted Account created in Section 53-2a-1302.
- 194 [~~(30)~~] (31) The Department of Public Safety Restricted Account to the Department of Public Safety, as provided in Section 53-3-106.
- 196 [~~(31)~~] (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.
- 198 [~~(32)~~] (33) The DNA Specimen Restricted Account created in Section 53-10-407.
- 199 [~~(33)~~] (34) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.
- 200 [~~(34)~~] (35) The Higher Education Capital Projects Fund created in Section 53B-22-202.
- 201 [~~(35)~~] (36) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.
- 203 [~~(36)~~] (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).
- 205 [~~(37)~~] (38) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-3a-105.
- 207 [~~(38)~~] (39) Certain fines collected by the Division of Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.
- 210 [~~(39)~~] (40) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-22-104.
- 212 [~~(40)~~] (41) Funds collected from a surcharge fee to provide certain licensees with access to an electronic reference library, as provided in Section 58-55-106.
- 214 [~~(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.
- 216 [~~(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.
- 219 [~~(43)~~] (44) The Relative Value Study Restricted Account created in Section 59-9-105.
- 220 [~~(44)~~] (45) The Cigarette Tax Restricted Account created in Section 59-14-204.

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- 221 ~~[(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.
- 223 ~~[(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.
- 226 ~~[(47)]~~ (48) Certain funds donated to the Department of Health and Human Services, as provided in
Section 26B-1-202.
- 228 ~~[(48)]~~ (49) Certain funds donated to the Division of Child and Family Services, as provided in Section
80-2-404.
- 230 ~~[(49)]~~ (50) Funds collected by the Office of Administrative Rules for publishing, as provided in Section
63G-3-402.
- 232 ~~[(50)]~~ (51) The Immigration Act Restricted Account created in Section 63G-12-103.
- 233 ~~[(51)]~~ (52) Money received by the military installation development authority, as provided in Section
63H-1-504.
- 235 ~~[(52)]~~ (53) The Unified Statewide 911 Emergency Service Account created in Section 63H-7a-304.
- 237 ~~[(53)]~~ (54) The Utah Statewide Radio System Restricted Account created in Section 63H-7a-403.
- 239 ~~[(54)]~~ (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.
- 240 ~~[(55)]~~ (56) The Motion Picture Incentive Account created in Section 63N-8-103.
- 241 ~~[(56)]~~ (57) Funds collected by the housing of state probationary inmates or state parole inmates, as
provided in Subsection 64-13e-104(2).
- 243 ~~[(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.
- 245 ~~[(58)]~~ (59) The following funds or accounts created in Section 72-2-124:
- 246 (a) Transportation Investment Fund of 2005;
- 247 (b) Transit Transportation Investment Fund;
- 248 (c) Cottonwood Canyons Transportation Investment Fund;
- 249 (d) Active Transportation Investment Fund; and
- 250 (e) Commuter Rail Subaccount.
- 251 ~~[(59)]~~ (60) The Amusement Ride Safety Restricted Account, as provided in Section 72-16-204.
- 253 ~~[(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.
- 255 ~~[(61)]~~ (62) The Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

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257 ~~[(62)]~~ (63) Award money under the State Asset Forfeiture Grant Program, as provided under Section
77-11b-403.

259 ~~[(63)]~~ (64) Funds donated or paid to a juvenile court by private sources, as provided in Subsection
78A-6-203(1)(c).

261 ~~[(64)]~~ (65) Fees for certificate of admission created under Section 78A-9-102.

262 ~~[(65)]~~ (66) Funds collected for adoption document access as provided in Sections 78B-6-141,
78B-6-144, and 78B-6-144.5.

264 ~~[(66)]~~ (67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah
Indigent Defense Commission.

266 ~~[(67)]~~ (68) The Utah Geological Survey Restricted Account created in Section 79-3-403.

267 ~~[(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.

269 ~~[(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.

256 Section 4. **FY 2026 Appropriations.**

257 The following sums of money are appropriated for the fiscal year beginning July 1,
258 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for
259 fiscal year 2026.

260 Subsection 4(a). **Operating and Capital Budgets**

261 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
262 Legislature appropriates the following sums of money from the funds or accounts indicated for
263 the use and support of the government of the state of Utah.

264 ITEM 1 To Department of Workforce Services - Office of Homeless Services

265 **From Property Loss Related to Homelessness Compensation Enterprise Fund, One-**
 time **6,000**

267 Schedule of Programs:

268 **Homeless Services** **6,000**

269 Subsection 4(b). **Business-like Activities**

270 The Legislature has reviewed the following proprietary funds. Under the terms and
271 conditions of Utah Code 63J-1-410, for any included Internal Service Fund, the Legislature
272 approves budgets, full-time permanent positions, and capital acquisition amounts as indicated,

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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 2 To Department of Workforce Services - Property Loss Related to Homelessness Compensation Enterprise Fund

From General Fund, One-time 150,000

Schedule of Programs:

Property Loss Related to Homelessness Compensation Enterprise Fund 150,000

ITEM 1 To Department of Workforce Services - Office of Homeless Services

~~From General Fund, One-time 250,000~~

}

Schedule of Programs:

~~Property Loss Related to Homelessness Compensation Enterprise Fund~~

~~(fund) 250,000~~

}

Section 5. **Effective date.**

This bill takes effect on {~~July 1,~~ **May 7,** 2025.

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