

Tyler Clancy proposes the following substitute bill:

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
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-16-401, 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

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

35A-16-502, 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

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

ENACTS:

76-6-207, Utah Code Annotated 1953

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

30 Section 1. Section **35A-16-401** is amended to read:

31 **35A-16-401 . Definitions.**

32 As used in this part:

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

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

39 (3) "Eligible municipality" means:

40 (a) a first-tier eligible municipality;

41 (b) a second-tier eligible municipality; or

42 (c) a third-tier eligible municipality.

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

47 (5) "Eligible shelter" means:

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

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

51 (ii) operates year-round; and

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

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

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

57 (ii) operates year-round; and

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

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

61 (i)(A) has the capacity to provide temporary shelter to at least 50 individuals per
62 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.
- (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,

- 97 including indicators that would be used to measure progress toward the specified
98 outcomes;~~[-and]~~
- 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
102 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
104 funds to address the eligible municipality's needs due to the location of an
105 eligible shelter;
- 106 (C) an evaluation of the eligible municipality's progress regarding the outcomes
107 and indicators described in Subsection (2)(c)(iii); and
- 108 (D) any proposals for improving the eligible municipality's effectiveness in using
109 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~~
111 ~~funds during the previous fiscal year shall file electronically with the board a~~
112 ~~report that includes:]~~
- 113 ~~[(A) a summary of the amount of account funds that the eligible municipality~~
114 ~~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~~
116 ~~funds to address the eligible municipality's needs due to the location of an~~
117 ~~eligible shelter;]~~
- 118 ~~[(C) an evaluation of the eligible municipality's progress regarding the outcomes~~
119 ~~and indicators described in Subsection (2)(c)(iii); and]~~
- 120 ~~[(D) any proposals for improving the eligible municipality's effectiveness in using~~
121 ~~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~~
123 ~~described in Subsection (2)(e).~~
- 124 (e) The board shall evaluate a request made in accordance with this Subsection (2) and
125 may take the following factors into consideration in determining whether to approve
126 or deny the request:
- 127 (i) the strength of the proposal that the eligible municipality provided to support the
128 request;
- 129 (ii) if the eligible municipality received account funds during the previous fiscal year,
130 the efficiency with which the eligible municipality used any account funds during

- 131 the previous fiscal year;
- 132 (iii) the availability of funding for the eligible municipality under Subsection
- 133 35A-16-402(4); and
- 134 ~~[(iv) the availability of alternative funding for the eligible municipality to address the~~
- 135 ~~eligible municipality's needs due to the location of an eligible shelter; and]~~
- 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
- 138 (2)(g), the board shall vote to either approve or deny an eligible municipality's
- 139 request for account funds.
- 140 (g)(i) In addition to the evaluation under Subsection (2)(e), the board may not
- 141 approve an eligible municipality's request to receive account funds under this
- 142 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
- 145 impedes or blocks traffic in violation of Subsection 41-6a-1009(4)~~[-and]~~ .
- 146 ~~[(C) demonstrates improvement in reducing the conduct described in Subsections~~
- 147 ~~(2)(g)(i)(A) and (B).]~~
- 148 (ii) In determining whether an eligible municipality has demonstrated ~~[improvement]~~
- 149 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
- 151 ordinance or other applicable state law prohibiting the conduct described in
- 152 Subsections (2)(g)(i)~~[(A) and (B).]~~ , and the effectiveness of those measures in [
- 153 ~~reducing]~~ mitigating the conduct;
- 154 (B) the strategies utilized by the municipality in managing and improving public
- 155 spaces within the municipality, and the impact of these strategies on safety,
- 156 cleanliness, and the well-being of the community; and
- 157 (C) the gap between the number of individuals experiencing homelessness within
- 158 the municipality and the availability of beds at homeless shelters to which the
- 159 individuals experiencing homelessness have reasonable access, and any
- 160 changes to this gap over time.
- 161 (iii) The board may coordinate with the Department of Public Safety for the receipt
- 162 of quantitative and qualitative data to determine compliance with applicable state
- 163 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 under Subsection ~~[(2)(g)(i)(C)]~~ (2)(g)(i).

(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.

(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.

(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)(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:

(i) any municipality located within the applicable county in which a temporary winter

- 267 response shelter is planned for operation during the subsequent winter response
268 period; and
- 269 (ii) the applicable county, if a temporary winter response shelter is planned for
270 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
274 address the needs of individuals experiencing homelessness within the county
275 throughout the entire year, as opposed to only during the winter response period;
276 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
279 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
281 requirements of a winter response plan as described in Subsection (2) for the entire
282 year.
- 283 (4) To assist a task force in preparing a winter response plan, by no later than March 30 of
284 the year in which the winter response plan is due, the applicable local homeless council,
285 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
290 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
296 governments for the applicable county.
- 297 (6) In conducting site selection for a temporary winter response shelter under a winter
298 response plan, the task force shall~~[-prioritize]:~~
- 299 (a) utilize objective data to prioritize locations, including:
- 300 (i) point in time count data for the applicable county; and

(ii) blind reviews of possible facilities based on proximity to mass transit, transportation costs, and necessary facility updates; and

(b) prioritize:

~~[(a)]~~ (i) a site located more than one mile from any homeless shelter;

~~[(b)]~~ (ii) a site located more than one mile from any permanent supportive housing, as verified by the office; and

~~[(c)]~~ (iii) a site located in a municipality or unincorporated area of the applicable county that does not have a homeless shelter.

(7)(a) On or before August 15 of the year in which a winter response plan is submitted, the office shall:

(i) conduct a review of the winter response plan for compliance with this section; and

(ii) send a written notice of the office's determination regarding compliance to~~[:]~~

~~[(A)]~~ the task force for the applicable county~~[:]~~

~~[(B)]~~ the council of governments for the applicable county~~[:]~~

~~[(C)]~~ the applicable local homeless council~~[:]~~; and

~~[(D)]~~ the legislative body of each municipality located within the applicable county~~[:]~~.

(b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance with this section if:

(i) the applicable county's task force fails to submit a timely winter response plan under this section; or

(ii) the office determines that the winter response plan prepared for the applicable county does not comply with this section.

(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.

Section 5. Section **35A-16-703** is amended to read:

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:

(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;

- (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;
- (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;
- (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;
- (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;
- (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
- (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.

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

76-6-201 . Definitions.

As used in this part:

- (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:
- (i) each separately secured or occupied portion of the structure or vehicle; and
 - (ii) each structure appurtenant to or connected with the structure or vehicle.

(b) "Building" does not include a railroad car.

(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.

(3) "Enter or remain unlawfully" means a person enters or remains in or on any premises when:

(a) at the time of the entry or remaining, the premises or any portion of the premises are not open to the public; and

(b) the actor is not otherwise licensed or privileged to enter or remain on the premises or any portion of the premises.

(4) "Enter" means:

(a) intrusion of any part of the body; or

(b) intrusion of any physical object under control of the actor.

(5) "Railroad car":

(a) in addition to its ordinary meaning, includes a sleeping car or any container or trailer that is on a railroad car; and

(b) includes only a railroad car that is operable and part of an ongoing railroad operation.

(6)(a) "State property" means real property owned by or leased to the state.

(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.

(c) "State property" does not include property owned by or leased to a political subdivision of the state.

Section 7. Section **76-6-207** is enacted to read:

76-6-207 . Unsanctioned camping on state property.

(1)(a) As used in this section, "camping" means:

(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;

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

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

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

(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.

404 Section 8. **Effective Date.**

405 This bill takes effect on May 7, 2025.