

**Jen Plumb** proposes the following substitute bill:

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**Homeless Individuals Protection Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jen Plumb**

House Sponsor: Tyler Clancy

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- creates the homeless services provider ombudsman (ombudsman) within the Office of Homeless Services (office);
- describes the duties and functions of the ombudsman;
- authorizes the office to make rules to implement and carry out the ombudsman's duties and functions; and
- provides for a sunset review after five years.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

ENACTS:

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

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

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*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.**

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

- 32 (i) the state's year-to-date progress toward reaching a functional zero level of  
 33 homelessness for each type of homelessness and subpopulation, including:  
 34 (A) the number of individuals who are homeless for the first time;  
 35 (B) the number of individuals who returned to homelessness after having exited  
 36 homelessness within the two previous years;  
 37 (C) the number of individuals who remained homeless since the last report;  
 38 (D) the number of individuals experiencing homelessness since the last report by  
 39 household type;  
 40 (E) the number of individuals who exited by exit destination; and  
 41 (F) the number of individuals who are experiencing homelessness for the first time  
 42 plus the number of individuals who are returning to homelessness minus the  
 43 number of individuals who are exiting homelessness;
- 44 (ii) the percentage of individuals experiencing homelessness who:  
 45 (A) have a mental health disorder;  
 46 (B) have a substance use disorder;  
 47 (C) have a chronic health condition;  
 48 (D) have a physical disability;  
 49 (E) have a developmental disability;  
 50 (F) have HIV/AIDS;  
 51 (G) are survivors of domestic violence;  
 52 (H) are veterans; and  
 53 (I) are unaccompanied youth 24 years old or younger;
- 54 (iii) the number of individuals who exited homeless services since the last report by:  
 55 (A) type of homelessness;  
 56 (B) subpopulation; and  
 57 (C) exit destination; [~~and~~]
- 58 (iv) the progress, by project type, on each goal established in accordance with  
 59 Subsection (3)[-] ; and
- 60 (v) the data provided by the homeless services provider ombudsman as described in  
 61 Section 35A-16-802.
- 62 (b) The reports described in this Subsection (1) shall contain aggregated, de-identified

- 63 information.
- 64 (2) The office shall report the data described in Subsection (1):
- 65 (a) in the annual report required by Section 35A-16-203;
- 66 (b) on or before October 1 of each year, through an oral presentation to the Economic
- 67 Development and Workforce Services Interim Committee; and
- 68 (c) on a data dashboard for the public with specific additional data points recommended
- 69 by the board.
- 70 (3) The board and the local homeless councils shall jointly establish quarterly goals for
- 71 each project type.
- 72 (4) The board and the local homeless councils shall jointly make annual progress reports
- 73 identifying:
- 74 (a) the percentage of clients screened for social needs;
- 75 (b) the percentage of clients subsequently referred to community-based providers who
- 76 can:
- 77 (i) address the client's needs;
- 78 (ii) follow-up on status of addressing the client's needs; and
- 79 (iii) report back to the referring entity;
- 80 (c) the number of youth receiving parent or guardian bereavement support services; and
- 81 (d) the number of clients with:
- 82 (i) a successful exit;
- 83 (ii) an unsuccessful exit;
- 84 (iii) a neutral exit; and
- 85 (iv) continued enrollment in the project.

86 Section 2. Section **35A-16-801** is enacted to read:

87 **Part 8. Homeless Services Provider Ombudsman**

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

89 **Appointment -- Qualifications.**

- 90 (1) As used in this part:
- 91 (a) "Client" means the same at that term is defined in Section 35A-16-102.
- 92 (b) "Complainant" means a person who initiates a complaint with the ombudsman.
- 93 (c) "Complaint" means a complaint regarding an act or omission by a service provider
- 94 with respect to a particular client.
- 95 (d) "Office" means the Office of Homeless Services described in Chapter 16, Part 2,
- 96 Office of Homeless Services.

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

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

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

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

104 (i) appoint an ombudsman who has:

105 (A) recognized executive and administrative capacity; and

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

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

110 (c) The ombudsman shall:

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

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

113 Section 3. Section **35A-16-802** is enacted to read:

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

115 **Reporting requirements.**

116 (1) The ombudsman shall:

117 (a) provide training and information to public agencies, private entities, individuals,  
118 service providers, and other interested parties across the state regarding:

119 (i) the role and duties of the ombudsman;

120 (ii) the rights and privileges of an individual experiencing homelessness;

121 (iii) services available in the state to an individual experiencing homelessness; and

122 (iv) how to submit a complaint; and

123 (b) develop a website to provide the information described in this Subsection (1) in a  
124 form that is easily accessible.

125 (2) The ombudsman may:

126 (a) decline to investigate a complaint or continue an investigation of a complaint;

127 (b) conduct an investigation on the ombudsman's own initiative;

128 (c) conduct further investigation upon the request of the complainant; or

129 (d) recommend that a complainant pursue other available remedies before pursuing a  
130 complaint with the ombudsman.

- 131 (3)(a) A service provider shall display an ombudsman program information poster  
132 containing the information described in Subsection (1) in a location that is easily  
133 visible to all clients, volunteers, and staff members.
- 134 (b) The office is responsible for providing the posters, which shall include a phone  
135 number and a link to the website described in Subsection (1)(b).
- 136 (4) After the ombudsman receives a complaint, the ombudsman shall notify the  
137 complainant and the office:
- 138 (a) whether the ombudsman will investigate the complaint; and  
139 (b) if the ombudsman decides not to investigate the complaint, the reason for the  
140 decision.
- 141 (5)(a) If the ombudsman decides to investigate a complaint, the ombudsman shall  
142 determine whether a service provider's act or omission with respect to a particular  
143 client:
- 144 (i) is contrary to state or federal law;  
145 (ii) places a client's health or safety at risk;  
146 (iii) is made without an adequate statement of reason; or  
147 (iv) is based on irrelevant, immaterial, or erroneous grounds.
- 148 (b) If the ombudsman determines, after completing the investigation described in  
149 Subsection (5)(a), that a service provider's act or omission violates state or federal  
150 law, the ombudsman shall:
- 151 (i) prepare a written report of the findings and recommendations, as described in  
152 Subsection (6), if any, of each investigation;  
153 (ii) provide a copy of the report to the claimant; and  
154 (iii) provide a copy of the report and recommendations, if any, to the office and the  
155 appropriate county or district attorney or the attorney general.
- 156 (6) The ombudsman may make recommendations to the office to consider:
- 157 (a) policies or procedures that may need to be addressed, modified, or canceled; or  
158 (b) any other recommendations necessary to carry out the purposes of this part.
- 159 (7)(a) On or before October 1 of each year, the ombudsman shall provide a written  
160 report to the office for inclusion in the office's annual report described in Section  
161 35A-16-208.
- 162 (b) The written report shall include:
- 163 (i) the total number of complaints filed with the ombudsman;  
164 (ii) the number of complaints the ombudsman investigated;

- 165           (iii) reoccurring themes among complaints, if any; and  
166           (iv) any recommendations described in Subsection (6).
- 167 (8)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
168       the office shall make rules to implement this part.
- 169       (b) The rules described in Subsection (8)(a) shall include a maximum time within which  
170       the ombudsman is required to respond to and complete an investigation of a  
171       complaint under Subsections (4) and (5).
- 172 (9) Subsection (2)(d) does not prevent a complainant from making a complaint directly with  
173       the ombudsman before pursuing any other available remedies provided for in state or  
174       federal law.
- 175       Section 4. Section **63I-1-235** is amended to read:  
176       **63I-1-235 . Repeal dates: Title 35A.**
- 177 (1) Subsection 35A-1-202(2)(d), regarding the Child Care Advisory Committee, is repealed  
178       July 1, 2026.
- 179 (2) Section 35A-3-205, Creation of committee, is repealed July 1, 2026.
- 180 (3) Subsection 35A-4-502(5), regarding the Employment Advisory Council, is repealed  
181       July 1, 2029.
- 182 (4) Title 35A, Chapter 9, Part 6, Education Savings Incentive Program, is repealed July 1,  
183       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,  
186       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  
189       July 1, 2030.
- 190       Section 5. **Effective Date.**  
191       This bill takes effect on May 7, 2025.