

Property Loss Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Jen Plumb

LONG TITLE

General Description:

This bill creates the Property Loss Related to Homelessness Compensation Fund.

Highlighted Provisions:

This bill:

- defines terms;
- creates the Property Loss Related to Homelessness Compensation Fund (fund);
- describes allowable uses of the fund;
- provides that money in the fund is nonlapsing;
- creates the Property Loss Related to Homelessness Advisory Committee (committee); and
- describes the duties of the committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63J-1-602.2, as last amended by Laws of Utah 2024, Chapters 241, 285, 425, and 467

ENACTS:

35A-16-801, Utah Code Annotated 1953

35A-16-802, Utah Code Annotated 1953

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

Section 1. Section **35A-16-801** is enacted to read:

Part 8. Property Loss Related to Homelessness

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

(1) As used in this part:

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

- 32 (b) "Fund" means the Property Loss Related to Homelessness Compensation Fund
33 created in Subsection (2).
- 34 (c) "Homeless services facility" means an eligible shelter under Subsection
35 35A-16-401(5)(a) or (5)(b).
- 36 (d) "Property loss" means:
37 (i) documented damage to or theft of personal property; or
38 (ii) documented cost of cleaning, sanitizing, repairing, or restoring real property.
- 39 (2) There is created an expendable special revenue fund known as the Property Loss
40 Related to Homelessness Compensation Fund.
- 41 (3) The fund shall consist of:
42 (a) gifts, grants, donations, loan repayments, or any other conveyance of money that
43 may be made to the fund from private sources; and
44 (b) additional amounts as appropriated by the Legislature.
- 45 (4) The fund shall be administered by the coordinator.
- 46 (5) Funds may be used to:
47 (a) compensate an individual who:
48 (i) lives within 1/5 of a mile from a homeless services facility; and
49 (ii) experiences property loss as a direct result of the presence of the homeless
50 services facility;
- 51 (b) compensate a business that:
52 (i) is located within 1/5 of a mile of a homeless services facility or encampment; and
53 (ii) experiences property loss as a direct result of the presence of the homeless
54 services facility; or
- 55 (c) provide a no-interest loan to a business that:
56 (i) meets the requirements of Subsection (5)(b); and
57 (ii) enters into an agreement with the department to:
58 (A) use loan funds for documented costs for property loss or for documented costs
59 to mitigate property loss as a direct result of the presence of the homeless
60 services facility; and
61 (B) repay the loan no later than one year from the day on which the loan is
62 disbursed to the business.
- 63 (6) No less than 50% of the fund shall be used each fiscal year to directly assist an
64 individual or a business that meets the requirements described in Subsection (5).
- 65 (7) An individual who receives compensation from the fund shall:

- 66 (a) be a resident of Utah; and
 67 (b) have a need that meets the requirements of this section.
 68 (8) A business that receives compensation or a loan from the fund shall be in good standing
 69 with the State Tax Commission and Department of Commerce.
 70 (9)(a) The fund may not duplicate or supplant a service or support mechanism provided
 71 to an individual or business by another government entity or private agency.
 72 (b) The fund may supplement a service or support mechanism provided to an individual
 73 or business by another government entity or private agency, if the service or support
 74 mechanism does not fully cover the cost of the individual's or business's property loss.
 75 (10) Administrative and operating expenses for the committee, including costs for staffing
 76 the committee, shall be paid by the fund.

77 Section 2. Section **35A-16-802** is enacted to read:

78 **35A-16-802 . Property Loss Related to Homelessness Advisory Committee.**

- 79 (1) There is created the Property Loss Related to Homelessness Advisory Committee.
 80 (2) On or after July 1 of each year, the coordinator may create the Property Loss Related to
 81 Homelessness Advisory Committee of not more than nine members.
 82 (3) The committee shall be composed of members of the community, including:
 83 (a) individuals who operate a business in proximity with a homeless services facility;
 84 (b) representatives of an association that advocates for individuals experiencing
 85 homelessness;
 86 (c) individuals with experience in quantifying and evaluating property loss; and
 87 (d) office representatives.
 88 (4)(a) Subject to Subsections (4)(b) and (11), a committee member shall serve a term of
 89 no earlier than July 1 and no later than December 31 of each year.
 90 (b) A committee member may be removed by the coordinator:
 91 (i) if the member is unable or unwilling to carry out the member's assigned
 92 responsibilities; or
 93 (ii) for good cause.
 94 (5)(a) If a vacancy occurs in the committee membership, a replacement may be
 95 appointed for the unexpired term.
 96 (b) The committee shall elect a chairperson from the membership.
 97 (c) A majority of the committee members constitutes a quorum.
 98 (d) The action of the majority of a quorum shall be the action of the committee.
 99 (e) The committee may adopt bylaws governing the committee's activities.

- 100 (6) The committee shall:
- 101 (a) recommend criteria for disbursements and loans from the fund, including criteria for
- 102 confirming the amount of property loss and prioritizing disbursements in the event of
- 103 limited funds, to the coordinator; and
- 104 (b) review disbursements and loans from the fund.
- 105 (7) The committee shall comply with the procedures and requirements of:
- 106 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
- 107 (b) Title 63G, Chapter 2, Government Records Access and Management Act.
- 108 (8) A member may not receive compensation or benefits for the member's service, but may
- 109 receive per diem and travel expenses if approved by the coordinator and in accordance
- 110 with:
- 111 (a) Section 63A-3-106;
- 112 (b) Section 63A-3-107; and
- 113 (c) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
- 114 63A-3-107.
- 115 (9) No later than November 30 of each year, the committee shall provide the coordinator
- 116 with an annual written report summarizing the activities of the committee.
- 117 (10) The office shall provide staff support to the committee.
- 118 (11) The committee shall cease to exist on December 31 of each year, unless the
- 119 coordinator determines it necessary to continue.
- 120 Section 3. Section **63J-1-602.2** is amended to read:
- 121 **63J-1-602.2 . List of nonlapsing appropriations to programs.**
- 122 Appropriations made to the following programs are nonlapsing:
- 123 (1) The Legislature and the Legislature's committees.
- 124 (2) The State Board of Education, including all appropriations to agencies, line items, and
- 125 programs under the jurisdiction of the State Board of Education, in accordance with
- 126 Section 53F-9-103.
- 127 (3) The Rangeland Improvement Act created in Section 4-20-101.
- 128 (4) The Percent-for-Art Program created in Section 9-6-404.
- 129 (5) The LeRay McAllister Working Farm and Ranch Fund created in Section 4-46-301.
- 130 (6) The Utah Lake Authority created in Section 11-65-201.
- 131 (7) Dedicated credits accrued to the Utah Marriage Commission as provided under
- 132 Subsection 17-16-21(2)(d)(ii).
- 133 (8) The Wildlife Land and Water Acquisition Program created in Section 23A-6-205.

- 134 (9) Sanctions collected as dedicated credits from Medicaid providers under Subsection
135 26B-3-108(7).
- 136 (10) The primary care grant program created in Section 26B-4-310.
- 137 (11) The Opiate Overdose Outreach Pilot Program created in Section 26B-4-512.
- 138 (12) The Utah Health Care Workforce Financial Assistance Program created in Section
139 26B-4-702.
- 140 (13) The Rural Physician Loan Repayment Program created in Section 26B-4-703.
- 141 (14) The Utah Medical Education Council for the:
- 142 (a) administration of the Utah Medical Education Program created in Section 26B-4-707;
143 (b) provision of medical residency grants described in Section 26B-4-711; and
144 (c) provision of the forensic psychiatric fellowship grant described in Section 26B-4-712.
- 145 (15) The Division of Services for People with Disabilities, as provided in Section 26B-6-402.
- 146 (16) The Communication Habits to reduce Adolescent Threats (CHAT) Pilot Program
147 created in Section 26B-7-122.
- 148 (17) Funds that the Department of Alcoholic Beverage Services retains in accordance with
149 Subsection 32B-2-301(8)(a) or (b).
- 150 (18) The General Assistance program administered by the Department of Workforce
151 Services, as provided in Section 35A-3-401.
- 152 (19) The Property Loss Related to Homelessness Compensation Fund, created in Section
153 35A-16-801.
- 154 ~~[(19)]~~ (20) The Utah National Guard, created in Title 39A, National Guard and Militia Act.
- 155 ~~[(20)]~~ (21) The Search and Rescue Financial Assistance Program, as provided in Section
156 53-2a-1102.
- 157 ~~[(21)]~~ (22) The Emergency Medical Services Grant Program in Section 53-2d-207.
- 158 ~~[(22)]~~ (23) The Motorcycle Rider Education Program, as provided in Section 53-3-905.
- 159 ~~[(23)]~~ (24) The Utah Board of Higher Education for teacher preparation programs, as
160 provided in Section 53B-6-104.
- 161 ~~[(24)]~~ (25) Innovation grants under Section 53G-10-608, except as provided in Subsection
162 53G-10-608(6).
- 163 ~~[(25)]~~ (26) The Division of Fleet Operations for the purpose of upgrading underground
164 storage tanks under Section 63A-9-401.
- 165 ~~[(26)]~~ (27) The Division of Technology Services for technology innovation as provided
166 under Section 63A-16-903.
- 167 ~~[(27)]~~ (28) The State Capitol Preservation Board created by Section 63O-2-201.

168 ~~[(28)]~~ (29) The Office of Administrative Rules for publishing, as provided in Section
169 63G-3-402.

170 ~~[(29)]~~ (30) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,
171 Colorado River Authority of Utah Act.

172 ~~[(30)]~~ (31) The Governor's Office of Economic Opportunity to fund the Enterprise Zone
173 Act, as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

174 ~~[(31)]~~ (32) The Governor's Office of Economic Opportunity's Rural Employment Expansion
175 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion
176 Program.

177 ~~[(32)]~~ (33) County correctional facility contracting program for state inmates as described in
178 Section 64-13e-103.

179 ~~[(33)]~~ (34) County correctional facility reimbursement program for state probationary
180 inmates and state parole inmates as described in Section 64-13e-104.

181 ~~[(34)]~~ (35) Programs for the Jordan River Recreation Area as described in Section 65A-2-8.

182 ~~[(35)]~~ (36) The Division of Human Resource Management user training program, as
183 provided in Section 63A-17-106.

184 ~~[(36)]~~ (37) A public safety answering point's emergency telecommunications service fund,
185 as provided in Section 69-2-301.

186 ~~[(37)]~~ (38) The Traffic Noise Abatement Program created in Section 72-6-112.

187 ~~[(38)]~~ (39) The money appropriated from the Navajo Water Rights Negotiation Account to
188 the Division of Water Rights, created in Section 73-2-1.1, for purposes of participating
189 in a settlement of federal reserved water right claims.

190 ~~[(39)]~~ (40) The Judicial Council for compensation for special prosecutors, as provided in
191 Section 77-10a-19.

192 ~~[(40)]~~ (41) A state rehabilitative employment program, as provided in Section 78A-6-210.

193 ~~[(41)]~~ (42) The Utah Geological Survey, as provided in Section 79-3-401.

194 ~~[(42)]~~ (43) The Bonneville Shoreline Trail Program created under Section 79-5-503.

195 ~~[(43)]~~ (44) Adoption document access as provided in Sections 78B-6-141, 78B-6-144, and
196 78B-6-144.5.

197 ~~[(44)]~~ (45) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent
198 Defense Commission.

199 ~~[(45)]~~ (46) The program established by the Division of Facilities Construction and
200 Management under Section 63A-5b-703 under which state agencies receive an
201 appropriation and pay lease payments for the use and occupancy of buildings owned by

202 the Division of Facilities Construction and Management.
203 [(46)] (47) The State Tax Commission for reimbursing counties for deferrals in accordance
204 with Section 59-2-1802.5.
205 [(47)] (48) The Veterinarian Education Loan Repayment Program created in Section 4-2-902.
206 Section 4. **Effective Date.**
207 This bill takes effect on May 7, 2025.