

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

**Property Loss 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 enacts provisions related to property loss related to homelessness.

**Highlighted Provisions:**

This bill:

- defines terms;
- creates the Property Loss Related to Homelessness Compensation Enterprise Fund (fund);
- describes allowable uses of the fund;
- provides that money in the fund is nonlapsing;
- provides for a sunset review by July 1, 2028.

**Money Appropriated in this Bill:**

This bill appropriates \$150,000 in operating and capital budgets for fiscal year 2026, all of which is from the General Fund.

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63I-1-235**, 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

ENACTS:

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

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

Section 1. Section **35A-16-212** is enacted to read:

**35A-16-212 . Property Loss Related to Homelessness.**

(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:

(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 (9)(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 fund shall be paid from the fund.

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

(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.

(13) The office shall:

(a) administer the loan program, including:

(i) in each calendar year that money is available from the fund for distribution by the office, announce, at least once in that year, a loan application period by sending notice to interested persons;

(ii) accept applications received in a timely manner;

(iii) review loan applications;

(iv) determine eligibility in accordance with this section; and

(v) distribute loan money to approved loan recipient.

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

(i) loan application requirements;

(ii) procedure to approve a loan;

(iii) procedures for distributing money to loan recipients;

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

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

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

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) Section 35A-16-212, Property Loss Related to Homelessness, 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.

- 131 (5) The Commerce Electronic Payment Fee Restricted Account created in Section 13-1-17.  
132 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in Section  
133 19-2a-106.  
134 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in  
135 Section 19-5-126.  
136 (8) State funds for matching federal funds in the Children's Health Insurance Program as  
137 provided in Section 26B-3-906.  
138 (9) Funds collected from the program fund for local health department expenses incurred in  
139 responding to a local health emergency under Section 26B-7-111.  
140 (10) The Technology Development Restricted Account created in Section 31A-3-104.  
141 (11) The Criminal Background Check Restricted Account created in Section 31A-3-105.  
142 (12) The Captive Insurance Restricted Account created in Section 31A-3-304, except to the  
143 extent that Section 31A-3-304 makes the money received under that section free revenue.  
144 (13) The Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.  
145 (14) The Health Insurance Actuarial Review Restricted Account created in Section  
146 31A-30-115.  
147 (15) The State Mandated Insurer Payments Restricted Account created in Section  
148 31A-30-118.  
149 (16) The Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.  
150 (17) The Underage Drinking Prevention Media and Education Campaign Restricted  
151 Account created in Section 32B-2-306.  
152 (18) The Drinking While Pregnant Prevention Media and Education Campaign Restricted  
153 Account created in Section 32B-2-308.  
154 (19) The School Readiness Restricted Account created in Section 35A-15-203.  
155 (20) Money received by the Utah State Office of Rehabilitation for the sale of certain  
156 products or services, as provided in Section 35A-13-202.  
157 (21) The Property Loss Related to Homelessness Compensation Enterprise Fund created in  
158 Section 35A-16-212.  
159 ~~[(21)]~~ (22) The Homeless Shelter Cities Mitigation Restricted Account created in Section  
160 35A-16-402.  
161 ~~[(22)]~~ (23) The Oil and Gas Administrative Penalties Account created in Section 40-6-11.  
162 ~~[(23)]~~ (24) The Oil and Gas Conservation Account created in Section 40-6-14.5.  
163 ~~[(24)]~~ (25) The Division of Oil, Gas, and Mining Restricted account created in Section  
164 40-6-23.

165    ~~[(25)]~~ (26) The Electronic Payment Fee Restricted Account created by Section 41-1a-121 to  
166       the Motor Vehicle Division.

167    ~~[(26)]~~ (27) The License Plate Restricted Account created by Section 41-1a-122.

168    ~~[(27)]~~ (28) The Motor Vehicle Enforcement Division Temporary Permit Restricted Account  
169       created by Section 41-3-110 to the State Tax Commission.

170    ~~[(28)]~~ (29) The State Disaster Recovery Restricted Account to the Division of Emergency  
171       Management, as provided in Section 53-2a-603.

172    ~~[(29)]~~ (30) The Response, Recovery, and Post-disaster Mitigation Restricted Account  
173       created in Section 53-2a-1302.

174    ~~[(30)]~~ (31) The Department of Public Safety Restricted Account to the Department of Public  
175       Safety, as provided in Section 53-3-106.

176    ~~[(31)]~~ (32) The Utah Highway Patrol Aero Bureau Restricted Account created in Section  
177       53-8-303.

178    ~~[(32)]~~ (33) The DNA Specimen Restricted Account created in Section 53-10-407.

179    ~~[(33)]~~ (34) The Technical Colleges Capital Projects Fund created in Section 53B-2a-118.

180    ~~[(34)]~~ (35) The Higher Education Capital Projects Fund created in Section 53B-22-202.

181    ~~[(35)]~~ (36) A certain portion of money collected for administrative costs under the School  
182       Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

183    ~~[(36)]~~ (37) The Public Utility Regulatory Restricted Account created in Section 54-5-1.5,  
184       subject to Subsection 54-5-1.5(4)(d).

185    ~~[(37)]~~ (38) Funds collected from a surcharge fee to provide certain licensees with access to  
186       an electronic reference library, as provided in Section 58-3a-105.

187    ~~[(38)]~~ (39) Certain fines collected by the Division of Professional Licensing for violation of  
188       unlawful or unprofessional conduct that are used for education and enforcement  
189       purposes, as provided in Section 58-17b-505.

190    ~~[(39)]~~ (40) Funds collected from a surcharge fee to provide certain licensees with access to  
191       an electronic reference library, as provided in Section 58-22-104.

192    ~~[(40)]~~ (41) Funds collected from a surcharge fee to provide certain licensees with access to  
193       an electronic reference library, as provided in Section 58-55-106.

194    ~~[(41)]~~ (42) Funds collected from a surcharge fee to provide certain licensees with access to  
195       an electronic reference library, as provided in Section 58-56-3.5.

196    ~~[(42)]~~ (43) Certain fines collected by the Division of Professional Licensing for use in  
197       education and enforcement of the Security Personnel Licensing Act, as provided in  
198       Section 58-63-103.

199    ~~[(43)]~~ (44) The Relative Value Study Restricted Account created in Section 59-9-105.  
200    ~~[(44)]~~ (45) The Cigarette Tax Restricted Account created in Section 59-14-204.  
201    ~~[(45)]~~ (46) Funds paid to the Division of Real Estate for the cost of a criminal background  
202       check for a mortgage loan license, as provided in Section 61-2c-202.  
203    ~~[(46)]~~ (47) Funds paid to the Division of Real Estate for the cost of a criminal background  
204       check for principal broker, associate broker, and sales agent licenses, as provided in  
205       Section 61-2f-204.  
206    ~~[(47)]~~ (48) Certain funds donated to the Department of Health and Human Services, as  
207       provided in Section 26B-1-202.  
208    ~~[(48)]~~ (49) Certain funds donated to the Division of Child and Family Services, as provided  
209       in Section 80-2-404.  
210    ~~[(49)]~~ (50) Funds collected by the Office of Administrative Rules for publishing, as  
211       provided in Section 63G-3-402.  
212    ~~[(50)]~~ (51) The Immigration Act Restricted Account created in Section 63G-12-103.  
213    ~~[(51)]~~ (52) Money received by the military installation development authority, as provided  
214       in Section 63H-1-504.  
215    ~~[(52)]~~ (53) The Unified Statewide 911 Emergency Service Account created in Section  
216       63H-7a-304.  
217    ~~[(53)]~~ (54) The Utah Statewide Radio System Restricted Account created in Section  
218       63H-7a-403.  
219    ~~[(54)]~~ (55) The Utah Capital Investment Restricted Account created in Section 63N-6-204.  
220    ~~[(55)]~~ (56) The Motion Picture Incentive Account created in Section 63N-8-103.  
221    ~~[(56)]~~ (57) Funds collected by the housing of state probationary inmates or state parole  
222       inmates, as provided in Subsection 64-13e-104(2).  
223    ~~[(57)]~~ (58) Certain forestry and fire control funds utilized by the Division of Forestry, Fire,  
224       and State Lands, as provided in Section 65A-8-103.  
225    ~~[(58)]~~ (59) The following funds or accounts created in Section 72-2-124:  
226       (a) Transportation Investment Fund of 2005;  
227       (b) Transit Transportation Investment Fund;  
228       (c) Cottonwood Canyons Transportation Investment Fund;  
229       (d) Active Transportation Investment Fund; and  
230       (e) Commuter Rail Subaccount.  
231    ~~[(59)]~~ (60) The Amusement Ride Safety Restricted Account, as provided in Section  
232       72-16-204.

233 ~~[(60)]~~ (61) Certain funds received by the Office of the State Engineer for well drilling fines  
 234 or bonds, as provided in Section 73-3-25.

235 ~~[(61)]~~ (62) The Water Resources Conservation and Development Fund, as provided in  
 236 Section 73-23-2.

237 ~~[(62)]~~ (63) Award money under the State Asset Forfeiture Grant Program, as provided under  
 238 Section 77-11b-403.

239 ~~[(63)]~~ (64) Funds donated or paid to a juvenile court by private sources, as provided in  
 240 Subsection 78A-6-203(1)(c).

241 ~~[(64)]~~ (65) Fees for certificate of admission created under Section 78A-9-102.

242 ~~[(65)]~~ (66) Funds collected for adoption document access as provided in Sections 78B-6-141,  
 243 78B-6-144, and 78B-6-144.5.

244 ~~[(66)]~~ (67) Funds collected for indigent defense as provided in Title 78B, Chapter 22, Part 4,  
 245 Utah Indigent Defense Commission.

246 ~~[(67)]~~ (68) The Utah Geological Survey Restricted Account created in Section 79-3-403.

247 ~~[(68)]~~ (69) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State  
 248 Park, and Green River State Park, as provided under Section 79-4-403.

249 ~~[(69)]~~ (70) Certain funds received by the Division of State Parks from the sale or disposal of  
 250 buffalo, as provided under Section 79-4-1001.

#### 251 Section 4. **FY 2026 Appropriations.**

252 The following sums of money are appropriated for the fiscal year beginning July 1,  
 253 2025, and ending June 30, 2026. These are additions to amounts previously appropriated for  
 254 fiscal year 2026.

#### 255 Subsection 4(a). **Operating and Capital Budgets**

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

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

260 From General Fund, One-time

150,000

261 Schedule of Programs:

262 Property Loss Related to Homelessness

263 Compensation Enterprise Fund (fund)

150,000

#### 264 Section 5. **Effective Date.**

265 This bill takes effect on May 7, 2025.