

Homeless Services Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor:

LONG TITLE**General Description:**

This bill enacts certain provisions for individuals experiencing homelessness.

Highlighted Provisions:

This bill:

- requires the Department of Health and Human Services to issue a code red alert for certain weather events that may pose a danger to individuals experiencing homelessness;
- provides for certain requirements and limitations to take effect within a county that is impacted by a code red alert; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26B-1-202, as last amended by Laws of Utah 2024, Chapter 506

ENACTS:

35A-16-801, Utah Code Annotated 1953

35A-16-802, Utah Code Annotated 1953

35A-16-803, Utah Code Annotated 1953

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

Section 1. Section **26B-1-202** is amended to read:

26B-1-202 . Department authority and duties.

The department may, subject to applicable restrictions in state law and in addition to all other authority and responsibility granted to the department by law:

- (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

- 31 Act, and not inconsistent with law, as the department may consider necessary or
32 desirable for providing health and social services to the people of this state;
- 33 (2) establish and manage client trust accounts in the department's institutions and
34 community programs, at the request of the client or the client's legal guardian or
35 representative, or in accordance with federal law;
- 36 (3) purchase, as authorized or required by law, services that the department is responsible to
37 provide for legally eligible persons;
- 38 (4) conduct adjudicative proceedings for clients and providers in accordance with the
39 procedures of Title 63G, Chapter 4, Administrative Procedures Act;
- 40 (5) establish eligibility standards for the department's programs, not inconsistent with state
41 or federal law or regulations;
- 42 (6) take necessary steps, including legal action, to recover money or the monetary value of
43 services provided to a recipient who was not eligible;
- 44 (7) set and collect fees for the department's services;
- 45 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or
46 limited by law;
- 47 (9) acquire, manage, and dispose of any real or personal property needed or owned by the
48 department, not inconsistent with state law;
- 49 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the
50 proceeds thereof, may be credited to the program designated by the donor, and may be
51 used for the purposes requested by the donor, as long as the request conforms to state
52 and federal policy; all donated funds shall be considered private, nonlapsing funds and
53 may be invested under guidelines established by the state treasurer;
- 54 (11) accept and employ volunteer labor or services; the department is authorized to
55 reimburse volunteers for necessary expenses, when the department considers that
56 reimbursement to be appropriate;
- 57 (12) carry out the responsibility assigned in the workforce services plan by the State
58 Workforce Development Board;
- 59 (13) carry out the responsibility assigned by Section 26B-1-430 with respect to
60 coordination of services for students with a disability;
- 61 (14) provide training and educational opportunities for the department's staff;
- 62 (15) collect child support payments and any other money due to the department;
- 63 (16) apply the provisions of Title 81, Chapter 6, Child Support, to parents whose child lives
64 out of the home in a department licensed or certified setting;

- 65 (17) establish policy and procedures, within appropriations authorized by the Legislature, in
66 cases where the Division of Child and Family Services or the Division of Juvenile
67 Justice and Youth Services is given custody of a minor by the juvenile court under Title
68 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a
69 minor found not competent to proceed under Section 80-6-403, including:
- 70 (a) designation of interagency teams for each juvenile court district in the state;
 - 71 (b) delineation of assessment criteria and procedures;
 - 72 (c) minimum requirements, and timeframes, for the development and implementation of
73 a collaborative service plan for each minor placed in department custody; and
 - 74 (d) provisions for submittal of the plan and periodic progress reports to the court;
- 75 (18) carry out the responsibilities assigned to the department by statute;
- 76 (19) examine and audit the expenditures of any public funds provided to a local substance
77 abuse authority, a local mental health authority, a local area agency on aging, and any
78 person, agency, or organization that contracts with or receives funds from those
79 authorities or agencies. Those local authorities, area agencies, and any person or entity
80 that contracts with or receives funds from those authorities or area agencies, shall
81 provide the department with any information the department considers necessary. The
82 department is further authorized to issue directives resulting from any examination or
83 audit to a local authority, an area agency, and persons or entities that contract with or
84 receive funds from those authorities with regard to any public funds. If the department
85 determines that it is necessary to withhold funds from a local mental health authority or
86 local substance abuse authority based on failure to comply with state or federal law,
87 policy, or contract provisions, the department may take steps necessary to ensure
88 continuity of services. For purposes of this Subsection (19) "public funds" means the
89 same as that term is defined in Section 26B-5-101;
- 90 (20) in accordance with Subsection 26B-2-104(1)(d), accredit one or more agencies and
91 persons to provide intercountry adoption services;
- 92 (21) within legislative appropriations, promote and develop a system of care and
93 stabilization services:
- 94 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
 - 95 (b) that encompasses the department, department contractors, and the divisions, offices,
96 or institutions within the department, to:
 - 97 (i) navigate services, funding resources, and relationships to the benefit of the
98 children and families whom the department serves;

- 99 (ii) centralize department operations, including procurement and contracting;
- 100 (iii) develop policies that govern business operations and that facilitate a system of
101 care approach to service delivery;
- 102 (iv) allocate resources that may be used for the children and families served by the
103 department or the divisions, offices, or institutions within the department, subject
104 to the restrictions in Section 63J-1-206;
- 105 (v) create performance-based measures for the provision of services; and
- 106 (vi) centralize other business operations, including data matching and sharing among
107 the department's divisions, offices, and institutions;
- 108 (22) ensure that any training or certification required of a public official or public
109 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
110 Chapter 22, State Training and Certification Requirements, if the training or certification
111 is required:
- 112 (a) under this title;
- 113 (b) by the department; or
- 114 (c) by an agency or division within the department;
- 115 (23) enter into cooperative agreements with the Department of Environmental Quality to
116 delineate specific responsibilities to assure that assessment and management of risk to
117 human health from the environment are properly administered;
- 118 (24) consult with the Department of Environmental Quality and enter into cooperative
119 agreements, as needed, to ensure efficient use of resources and effective response to
120 potential health and safety threats from the environment, and to prevent gaps in
121 protection from potential risks from the environment to specific individuals or
122 population groups;
- 123 (25) to the extent authorized under state law or required by federal law, promote and protect
124 the health and wellness of the people within the state;
- 125 (26) establish, maintain, and enforce rules authorized under state law or required by federal
126 law to promote and protect the public health or to prevent disease and illness;
- 127 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
128 affecting the public health;
- 129 (28) provide for the detection and reporting of communicable, infectious, acute, chronic, or
130 any other disease or health hazard which the department considers to be dangerous,
131 important, or likely to affect the public health;
- 132 (29) collect and report information on causes of injury, sickness, death, and disability and

- 133 the risk factors that contribute to the causes of injury, sickness, death, and disability
134 within the state;
- 135 (30) collect, prepare, publish, and disseminate information to inform the public concerning
136 the health and wellness of the population, specific hazards, and risks that may affect the
137 health and wellness of the population and specific activities which may promote and
138 protect the health and wellness of the population;
- 139 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
140 communicable diseases affecting the public health;
- 141 (32) make necessary sanitary and health investigations and inspections in cooperation with
142 local health departments as to any matters affecting the public health;
- 143 (33) establish laboratory services necessary to support public health programs and medical
144 services in the state;
- 145 (34) establish and enforce standards for laboratory services which are provided by any
146 laboratory in the state when the purpose of the services is to protect the public health;
- 147 (35) cooperate with the Labor Commission to conduct studies of occupational health
148 hazards and occupational diseases arising in and out of employment in industry, and
149 make recommendations for elimination or reduction of the hazards;
- 150 (36) cooperate with the local health departments, the Department of Corrections, the
151 Administrative Office of the Courts, the Division of Juvenile Justice and Youth
152 Services, and the Utah Office for Victims of Crime to conduct testing for HIV infection
153 of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual
154 offense;
- 155 (37) investigate the causes of maternal and infant mortality;
- 156 (38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians
157 and drivers of motor vehicles killed in highway accidents be examined for the presence
158 and concentration of alcohol, and provide the Commissioner of Public Safety with
159 monthly statistics reflecting the results of these examinations, with necessary safeguards
160 so that information derived from the examinations is not used for a purpose other than
161 the compilation of these statistics;
- 162 (39) establish qualifications for individuals permitted to draw blood under Subsection
163 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi),
164 and to issue permits to individuals the department finds qualified, which permits may be
165 terminated or revoked by the department;
- 166 (40) establish a uniform public health program throughout the state which includes

- 167 continuous service, employment of qualified employees, and a basic program of disease
 168 control, vital and health statistics, sanitation, public health nursing, and other preventive
 169 health programs necessary or desirable for the protection of public health;
- 170 (41) conduct health planning for the state;
- 171 (42) monitor the costs of health care in the state and foster price competition in the health
 172 care delivery system;
- 173 (43) establish methods or measures for health care providers, public health entities, and
 174 health care insurers to coordinate among themselves to verify the identity of the
 175 individuals the providers serve;
- 176 (44) designate Alzheimer's disease and related dementia as a public health issue and, within
 177 budgetary limitations, implement a state plan for Alzheimer's disease and related
 178 dementia by incorporating the plan into the department's strategic planning and
 179 budgetary process;
- 180 (45) coordinate with other state agencies and other organizations to implement the state
 181 plan for Alzheimer's disease and related dementia;
- 182 (46) ensure that any training or certification required of a public official or public
 183 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G,
 184 Chapter 22, State Training and Certification Requirements, if the training or certification
 185 is required by the agency or under this Title 26B, Utah Health and Human Services Code;
- 186 (47) oversee public education vision screening as described in Section 53G-9-404;
- 187 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
 188 Alert;
- 189 (49) issue code red alerts in accordance with Title 35A, Chapter 16, Part 8, Code Red Alert;
 190 and
- 191 [~~(49)~~] (50) as allowed by state and federal law, share data with the Office of Families that is
 192 relevant to the duties described in Subsection 26B-1-243(4), which may include, to the
 193 extent available:
- 194 (a) demographic data concerning family structures in the state; and
- 195 (b) data regarding the family structure associated with:
- 196 (i) suicide, depression, or anxiety; and
- 197 (ii) various health outcomes.

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

199 **Part 8. Code Red Alert**

200 **35A-16-801 . Definitions.**

201 As used in this section:

- 202 (1) "Affected county" means a county of the first, second, third, or fourth class in which a
 203 code red event is anticipated.
- 204 (2) "Applicable local homeless council" means the local homeless council that is
 205 responsible for coordinating homeless response within an affected county.
- 206 (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter
 207 may provide temporary shelter to under a conditional use permit.
- 208 (4) "Code red alert" means a proclamation issued by the Department of Health and Human
 209 Services under Section 35A-16-802 to alert the public of a code red event.
- 210 (5) "Code red event" means a weather event in which the National Weather Service predicts
 211 temperatures of 105 degrees Fahrenheit or greater, including any other extreme weather
 212 conditions established in rules made by the Department of Health and Human Services
 213 under Subsection 35A-16-802(4), to occur in any county of the first, second, third, or
 214 fourth class for two hours or longer within the next 24 to 48 hours.
- 215 (6) "Homeless shelter" means a facility that provides temporary shelter to individuals
 216 experiencing homelessness.
- 217 (7) "Municipality" means a city or town.

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

219 **35A-16-802 . Code red alert -- Content -- Dissemination -- Rulemaking.**

220 Subject to rules made by the Department of Health and Human Services under
 221 Subsection 35A-16-802(4), the following provisions take effect within an affected county for
 222 the duration of a code red alert:

- 223 (1) The Department of Health and Human Services shall:
- 224 (a) monitor and evaluate forecasts and advisories produced by the National Weather
 225 Service;
- 226 (b) issue a code red alert under this section if the Department of Health and Human
 227 Services identifies a code red event; and
- 228 (c) disseminate the code red alert to:
- 229 (i) the public at large;
- 230 (ii) homeless shelters located within an affected county;
- 231 (iii) local government entities located within an affected county;
- 232 (iv) the office; and
- 233 (v) any other relevant public or private entities that provide services to individuals
 234 experiencing homelessness within an affected county.

- 235 (2) The code red alert shall:
- 236 (a) identify each affected county;
- 237 (b) specify the duration of the code red alert;
- 238 (c) describe the provisions that take effect for the duration of the code red alert as
- 239 described in Section 35A-16-803; and
- 240 (d) include the information prepared by the office under Subsection (3).
- 241 (3)(a) The office shall prepare and regularly update information to assist individuals
- 242 experiencing homelessness during a code red event, including:
- 243 (i) the location and availability of homeless shelters and other community resources
- 244 and services for individuals experiencing homelessness;
- 245 (ii) information regarding public safety and emergency services; and
- 246 (iii) any other information considered relevant by the office.
- 247 (b) The office shall submit to the Department of Health and Human Services the
- 248 information prepared and updated under Subsection (3)(a).
- 249 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 250 the Department of Health and Human Services, in coordination with the office, shall
- 251 make rules to implement this section.
- 252 (b) The rules under Subsection (4)(a) shall:
- 253 (i) establish any extreme weather conditions that warrant the issuance of a code red
- 254 alert; and
- 255 (ii) establish standards for:
- 256 (A) monitoring and evaluating National Weather Service forecasts and advisories
- 257 to identify code red events;
- 258 (B) issuing code red alerts under this section, including the form, content, and
- 259 dissemination of code red alerts;
- 260 (C) the provisions that take effect within an affected county for the duration of a
- 261 red alert under Section 35A-16-803; and
- 262 (D) coordinating with the office to receive the information described in
- 263 Subsection (3).
- 264 (5) Nothing in this section prohibits a municipality from implementing emergency plans or
- 265 other measures to assist individuals experiencing homelessness at times when
- 266 environmental conditions present a substantial threat to the health or safety of
- 267 individuals experiencing homelessness, provided that the emergency plans or other
- 268 measures implemented by the municipality do not conflict with any applicable

269 provisions that take effect during a code red event in accordance with Section
270 35A-16-803.

271 Section 4. Section **35A-16-803** is enacted to read:

272 **35A-16-803 . Provisions in effect for duration of a code red alert.**

273 Subject to rules made by the Department of Health and Human Services under
274 Subsection 35A-16-802(4), the following provisions take effect within an affected county for
275 the duration of a code red alert:

276 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to
277 provide temporary shelter to any number of individuals experiencing homelessness, so
278 long as the homeless shelter is in compliance with the applicable building code and fire
279 code;

280 (2) a homeless shelter, in coordination with the applicable local homeless council, shall
281 implement expedited intake procedures for individuals experiencing homelessness who
282 request access to the homeless shelter;

283 (3) a homeless shelter may not deny temporary shelter to any individual experiencing
284 homelessness who requests access to the homeless shelter for temporary shelter unless
285 the homeless shelter is at the capacity limit described in Subsection (1) or if a reasonable
286 individual would conclude that the individual presents a danger to public safety;

287 (4) any indoor facility owned by a private organization, nonprofit organization, state
288 government entity, or local government entity may be used to provide temporary shelter
289 to individuals experiencing homelessness and is exempt from the licensure requirements
290 of Title 26B, Chapter 2, Licensing and Certifications, for the duration of the code red
291 alert and seven days following the day on which the code red alert ends, so long as the
292 facility is in compliance with the applicable building code and fire code and the
293 governing body of the organization or the legislative body of the government entity that
294 owns the facility approves the use;

295 (5) homeless shelters, state and local government entities, and other organizations that
296 provide services to individuals experiencing homelessness shall coordinate street
297 outreach efforts to distribute to individuals experiencing homelessness any available
298 resources for survival in hot weather, including water, lightweight and light-colored
299 clothing, a hat, sunscreen, or other items that may protect the individual from heat;

300 (6) a state or local government entity, including a municipality, law enforcement agency,
301 and local health department, may enforce a camping ordinance but may not seize from
302 individuals experiencing homelessness any personal items for survival in hot weather,

303 including clothing, tents, or other items used for shade; and
304 (7) a municipality or other local government entity may not enforce any ordinance or policy
305 that limits or restricts the ability for the provisions described in Subsections (1) through
306 (5) to take effect, including local zoning ordinances.

307 **Section 5. Effective Date.**

308 This bill takes effect on May 7, 2025.