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Homeless Services Updates

Sivan Nizan and Rhonda Bailey

Policy Analyst and Associate General Counsel

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2024 Legislative Changes

HB298: Homelessness Services Amendments

- 35A-16-204: Creates the Utah Homelessness Board and the executive committee
- 35A-16-205: Updates the duties of the board to include:
 - Develop and update the state strategic plan.
 - Develop metrics and create best practices
 - Recommend uniform standards for enforcing safety and camping laws; strategies to reduce illegal drug use
 - Facilitate client connection to other support systems
- 35A-16-208: Reporting requirements
 - Detailed metrics on the state's year-to-date progress toward reaching functional zero homelessness, broken down by type of homelessness and subpopulations
 - Data included in the DWS annual report, through oral presentation to EDWS Interim Committee, and through the data dashboard



HB394: Homeless Services Funding Amendments

- 35A-16-211: Requires the Utah Steering Committee to develop a formula when distributing funds for homeless services.
- The formula will consider:
 - Various needs of regions of the state
 - Objective metrics and evidence of success
 - Goals outlined in the strategic plan
- The Utah Homelessness Board approves the formula by 2/3 vote.
- The Board utilizes the formula to disburse funds to service providers.
- The Board ensures that federal funds not subject to the funding formula are disbursed in accordance with any applicable federal requirements.



HB421: Homelessness and Vulnerable Populations Amendments

- 35A-16-205 and 35A-16-205.1: Homelessness Board establishes prioritization standards for beds located in a homeless shelter
 - Highest priority for individuals eligible for TANF
 - Individuals discharged from the Utah State Hospital
 - Requires a homeless shelter, if feasible, to allocate an average of 85% of the total number of beds located in a homeless shelter to individuals eligible for TANF
- 35A-16-701: Code Blue event increased to 18°F or less, including wind chill





Grants Pass v. Johnson

Question before the Court

Whether a set of local ordinances criminalizing public camping violated the Eighth Amendment's prohibition on cruel and unusual punishment.



How Grants Pass got to the Supreme Court

- In a case before the Ninth Circuit, the Court concluded that the Eighth Amendment's prohibition on cruel and unusual punishment barred cities from enforcing anti-camping ordinances when shelter beds are unavailable in the city
- The Court further stated that anti-camping ordinances effectively criminalize the status of being homeless
- The City of Grants Pass, Oregon has three anti-public camping ordinances prohibited:
 - sleeping on public sidewalks, streets, or alleyways
 - Camping on public property; and
 - Camping or overnight parking in the city's parks
- After the Ninth Circuit's ruling, a class action suit was filed on behalf of homeless individuals in Grants Pass
- The homeless population of Grants Pass exceeded the number of available shelter beds



Court Ruling



Justice Neil Gorsuch held that the enforcement of generally applicable laws prohibiting camping on public property does not constitute “cruel and unusual punishment” under the Eighth Amendment.

He reasoned that, historically, the Eighth Amendment was used to restrict how the government punishes criminal behavior - not to prohibit whether a government may criminalize behavior.

What are the implications for Utah?

- Local governments may enact and enforce anti-camping ordinances without violating the Eight Amendment as long as the ordinances apply to homeless individuals and non-homeless individuals alike
- Justice Gorsuch notes that there are many cities across the West that are facing a homelessness crisis and that “policymakers need access to the full panoply of tools in the policy toolbox” to “tackle the complicated issues of housing and homelessness.”

