

Effective 5/3/2023

**Part 7
Code Blue Alert**

35A-16-701 Definitions.

As used in this part:

- (1) "Affected county" means a county of the first, second, third, or fourth class in which a code blue event is anticipated.
- (2) "Applicable local homeless council" means the local homeless council that is responsible for coordinating homeless response within an affected county.
- (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide temporary shelter to under a conditional use permit.
- (4) "Code blue alert" means a proclamation issued by the Department of Health and Human Services under Section 35A-16-702 to alert the public of a code blue event.
- (5) "Code blue event" means a weather event in which the National Weather Service predicts temperatures of 18 degrees Fahrenheit or less, including wind chill, or any other extreme weather conditions established in rules made by the Department of Health and Human Services under Subsection 35A-16-702(4), to occur in any county of the first, second, third, or fourth class for two hours or longer within the next 24 to 48 hours.
- (6) "Homeless shelter" means a facility that provides temporary shelter to individuals experiencing homelessness.
- (7) "Municipality" means a city or town.

Amended by Chapter 204, 2024 General Session

Amended by Chapter 438, 2024 General Session

35A-16-702 Code blue alert -- Content -- Dissemination -- Rulemaking.

- (1) The Department of Health and Human Services shall:
 - (a) monitor and evaluate forecasts and advisories produced by the National Weather Service;
 - (b) issue a code blue alert under this section if the Department of Health and Human Services identifies a code blue event; and
 - (c) disseminate the code blue alert to:
 - (i) the public at large;
 - (ii) homeless shelters located within an affected county;
 - (iii) local government entities located within an affected county;
 - (iv) the office; and
 - (v) any other relevant public or private entities that provide services to individuals experiencing homelessness within an affected county.
- (2) The code blue alert shall:
 - (a) identify each affected county;
 - (b) specify the duration of the code blue alert;
 - (c) describe the provisions that take effect for the duration of the code blue alert as described in Section 35A-16-703; and
 - (d) include the information prepared by the office under Subsection (3).
- (3)
 - (a) The office shall prepare and regularly update information to assist individuals experiencing homelessness during a code blue event, including:

- (i) the location and availability of homeless shelters and other community resources and services for individuals experiencing homelessness;
 - (ii) information regarding public safety and emergency services; and
 - (iii) any other information considered relevant by the office.
- (b) The office shall submit to the Department of Health and Human Services the information prepared and updated under Subsection (3)(a).
- (4)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Health and Human Services, in coordination with the office, shall make rules to implement this section.
 - (b) The rules under Subsection (4)(a) shall:
 - (i) establish any extreme weather conditions that warrant the issuance of a code blue alert; and
 - (ii) establish standards for:
 - (A) monitoring and evaluating National Weather Service forecasts and advisories to identify code blue events;
 - (B) issuing code blue alerts under this section, including the form, content, and dissemination of code blue alerts;
 - (C) the provisions that take effect within an affected county for the duration of a code blue alert under Section 35A-16-703; and
 - (D) coordinating with the office to receive the information described in Subsection (3).
- (5) Nothing in this section prohibits a municipality from implementing emergency plans or other measures to assist individuals experiencing homelessness at times when environmental conditions present a substantial threat to the health or safety of individuals experiencing homelessness, provided that the emergency plans or other measures implemented by the municipality do not conflict with any applicable provisions that take effect during a code blue event in accordance with Section 35A-16-703.

Amended by Chapter 204, 2024 General Session

35A-16-703 Provisions in effect for duration of code blue alert.

Subject to rules made by the Department of Health and Human Services under Subsection 35A-16-702(4), the following provisions take effect within an affected county for the duration of a code blue alert:

- (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to provide temporary shelter to any number of individuals experiencing homelessness, so long as the homeless shelter is in compliance with the applicable building code and fire code;
- (2) a homeless shelter, in coordination with the applicable local homeless council, shall implement expedited intake procedures for individuals experiencing homelessness who request access to the homeless shelter;
- (3) a homeless shelter may not deny temporary shelter to any individual experiencing homelessness who requests access to the homeless shelter for temporary shelter unless the homeless shelter is at the capacity limit described in Subsection (1) or if a reasonable individual would conclude that the individual presents a danger to public safety;
- (4) any indoor facility owned by a private organization, nonprofit organization, state government entity, or local government entity may be used to provide temporary shelter to individuals experiencing homelessness and is exempt from the licensure requirements of Title 26B, Chapter 2, Licensing and Certifications, for the duration of the code blue alert and seven days following the day on which the code blue alert ends, so long as the facility is in compliance with

- the applicable building code and fire code and the governing body of the organization or the legislative body of the government entity that owns the facility approves the use;
- (5) homeless shelters, state and local government entities, and other organizations that provide services to individuals experiencing homelessness may coordinate street outreach efforts to distribute to individuals experiencing homelessness any available resources for survival in cold weather, including clothing items and blankets;
 - (6) a state or local government entity, including a municipality, law enforcement agency, and local health department, may enforce a camping ordinance but may not seize from individuals experiencing homelessness any personal items for survival in cold weather, including clothing, blankets, tents, and sleeping bags; and
 - (7) a municipality or other local government entity may not enforce any ordinance or policy that limits or restricts the ability for the provisions described in Subsections (1) through (5) to take effect, including local zoning ordinances.

Amended by Chapter 504, 2025 General Session