

Effective 7/1/2021

Chapter 16
Office of Homeless Services

Part 1
General Provisions

35A-16-101 Title.

This chapter is known as the "Office of Homeless Services."

Enacted by Chapter 281, 2021 General Session

35A-16-102 Definitions.

As used in this chapter:

- (1) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.
- (2) "Client" means an individual who is experiencing homelessness or an individual at risk of becoming homeless.
- (3) "Chief executive officer" means the same as that term is defined in Section 11-51-102.
- (4) "Collaborative applicant" means the entity designated by a continuum of care to collect and submit data and apply for funds on behalf of the continuum of care, as required by the United States Department of Housing and Urban Development.
- (5) "Continuum of care" means a regional or local planning body designated by the United States Department of Housing and Urban Development to coordinate services for individuals experiencing homelessness within an area of the state.
- (6) "Coordinator" means the state homelessness coordinator appointed under Section 63J-4-202.
- (7) "Executive committee" means the executive committee of the board.
- (8) "Exit destination" means:
 - (a) a homeless situation;
 - (b) an institutional situation;
 - (c) a temporary housing situation;
 - (d) a permanent housing situation; or
 - (e) other.
- (9) "First-tier eligible municipality" means a municipality that:
 - (a) is located within a county of the first or second class;
 - (b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;
 - (c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and
 - (d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.
- (10) "Homeless Management Information System" or "HMIS" means an information technology system that:
 - (a) is used to collect client-level data and data on the provision of housing and services to homeless individuals and individuals at risk of homelessness in the state; and
 - (b) meets the requirements of the United States Department of Housing and Urban Development.
- (11) "Homeless services budget" means the comprehensive annual budget and overview of all homeless services available in the state described in Subsection 35A-16-203(1)(b).

- (12) "Local homeless council" means a local planning body designated by the steering committee to coordinate services for individuals experiencing homelessness within an area of the state.
- (13) "Office" means the Office of Homeless Services.
- (14) "Second-tier eligible municipality" means a municipality that:
- (a) is located within a county of the third, fourth, fifth, or sixth class;
 - (b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;
 - (c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and
 - (d) is certified as a second-tier eligible municipality in accordance with Section 35A-16-404.
- (15)
- (a) "Service provider" means a state agency, a local government, or a private organization that provides services to clients.
 - (b) "Service provider" includes a correctional facility and the Administrative Office of the Courts.
- (16) "Steering committee" means the Utah Homeless Network Steering Committee created in Section 35A-16-206.
- (17) "Strategic plan" means the statewide strategic plan to minimize homelessness in the state described in Subsection 35A-16-203(1)(c).
- (18) "Type of homelessness" means:
- (a) chronic homelessness;
 - (b) episodic homelessness;
 - (c) situational homelessness; or
 - (d) family homelessness.

Amended by Chapter 338, 2024 General Session

Part 2

Office of Homeless Services

35A-16-201 Office of Homeless Services.

- (1) The Office of Homeless Services is under the direction of the state homelessness coordinator appointed under Section 63J-4-202.
- (2) The coordinator shall serve as:
- (a) an advisor to the governor on homelessness issues; and
 - (b) subject to Subsection (3), the chief administrative officer of the Office of Homeless Services created in Section 35A-1-202.
- (3) The executive director has administrative oversight over the office.

Enacted by Chapter 281, 2021 General Session

35A-16-202 Powers and duties of the office.

- (1) The office shall, under the direction of the coordinator:
- (a) assist in providing homeless services in the state;
 - (b) coordinate the provision of homeless services in the state;

- (c) manage, with the concurrence of continuum of care organizations approved by the United States Department of Housing and Urban Development, a Homeless Management Information System for the state that:
 - (i) shares client-level data between service providers in the state;
 - (ii) is effective as a case management system;
 - (iii) except for individuals receiving services who are victims of domestic violence, includes an effective authorization protocol for encouraging individuals who are provided with any homeless services in the state to provide accurate information to providers for inclusion in the HMIS; and
 - (iv) meets the requirements of the United States Department of Housing and Urban Development and other federal requirements;
 - (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules defining "successful exit," "unsuccessful exit," and "neutral exit"; and
 - (e) provide support to the steering committee in developing the formula described in Section 35A-16-208.
- (2) The office may:
- (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal Funds Procedures Act, seek federal grants, loans, or participation in federal programs; and
 - (b) for any federal program that requires the expenditure of state funds as a condition for participation by the state in a fund, property, or service, with the governor's approval, expend whatever funds are necessary out of the money provided by the Legislature for the use of the office.

Amended by Chapter 338, 2024 General Session

Amended by Chapter 349, 2024 General Session

35A-16-203 Powers and duties of the coordinator.

- (1) The coordinator shall:
- (a) coordinate the provision of homeless services in the state;
 - (b) in cooperation with the board, develop and maintain a comprehensive annual budget and overview of all homeless services available in the state, which homeless services budget shall receive final approval by the board;
 - (c) in cooperation with the board, create a statewide strategic plan to minimize homelessness in the state, which strategic plan shall receive final approval by the board;
 - (d) in cooperation with the board, oversee funding provided for the provision of homeless services, which funding shall receive final approval by the board, including funding from the:
 - (i) Pamela Atkinson Homeless Account created in Section 35A-16-301;
 - (ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303; and
 - (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;
 - (e) provide administrative support to and serve as a member of the board;
 - (f) at the governor's request, report directly to the governor on issues regarding homelessness in the state and the provision of homeless services in the state; and
 - (g) report directly to the president of the Senate and the speaker of the House of Representatives at least twice each year on issues regarding homelessness in the state and the provision of homeless services in the state.
- (2) The coordinator, in cooperation with the board, shall ensure that the homeless services budget described in Subsection (1)(b) includes an overview and coordination plan for all funding sources for homeless services in the state, including from state agencies, continuum

- of care organizations, housing authorities, local governments, federal sources, and private organizations.
- (3) The coordinator, in cooperation with the board and taking into account the metrics established and data reported in accordance with Section 35A-16-211, shall ensure that the strategic plan described in Subsection (1)(c):
 - (a) outlines specific goals and measurable benchmarks for minimizing homelessness in the state and for coordinating services for individuals experiencing homelessness among all service providers in the state;
 - (b) identifies best practices and recommends improvements to the provision of services to individuals experiencing homelessness in the state to ensure the services are provided in a safe, cost-effective, and efficient manner;
 - (c) identifies best practices and recommends improvements in coordinating the delivery of services to the variety of populations experiencing homelessness in the state, including through the use of electronic databases and improved data sharing among all service providers in the state;
 - (d) identifies gaps and recommends solutions in the delivery of services to the variety of populations experiencing homelessness in the state; and
 - (e) takes into consideration the success of the HOME Court Pilot Program established in Section 26B-5-382.
 - (4) In overseeing funding for the provision of homeless services as described in Subsection (1)(d), the coordinator:
 - (a) shall prioritize the funding of programs and providers that have a documented history of successfully reducing the number of individuals experiencing homelessness, reducing the time individuals spend experiencing homelessness, moving individuals experiencing homelessness to permanent housing, or reducing the number of individuals who return to experiencing homelessness;
 - (b) except for a program or provider providing services to victims of domestic violence, may not approve funding to a program or provider that does not enter into a written agreement with the office to collect and share HMIS data regarding the provision of services to individuals experiencing homelessness so that the provision of services can be coordinated among state agencies, local governments, and private organizations; and
 - (c) if the homelessness council has approved a funding formula developed by the steering committee, as described in Section 35A-16-205:
 - (i) except as provided in Subsection (4)(c)(ii), shall utilize that funding formula in disbursing funds for the provision of homeless services; and
 - (ii) shall ensure that any federal funds not subject to the funding formula are disbursed in accordance with any applicable federal requirements.
 - (5) In cooperation with the board, the coordinator shall update the annual statewide budget and the strategic plan described in this section on an annual basis.
 - (6)
 - (a) On or before October 1, the coordinator shall provide a written report to the department for inclusion in the department's annual written report described in Section 35A-1-109.
 - (b) The written report shall include:
 - (i) the homeless services budget;
 - (ii) the strategic plan;
 - (iii) recommendations regarding improvements to coordinating and providing services to individuals experiencing homelessness in the state;

- (iv) in coordination with the board, a complete accounting of the office's disbursement of funds during the previous fiscal year from:
 - (A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;
 - (B) the Homeless to Housing Reform Restricted Account created in Section 35A-16-303;
 - (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;
 - (D) the COVID-19 Homeless Housing and Services Grant Program created in Section 35A-16-602; and
 - (E) any other grant program created in statute that is administered by the office; and
- (v) the data described in Section 35A-16-211.

Amended by Chapter 204, 2024 General Session
Amended by Chapter 338, 2024 General Session
Amended by Chapter 349, 2024 General Session

35A-16-204 Utah Homeless Services Board.

- (1) There is created within the office the Utah Homeless Services Board.
- (2)
 - (a) The board shall consist of the following members:
 - (i) a representative, appointed by the speaker of the House of Representatives;
 - (ii) a representative, appointed by the president of the Senate;
 - (iii) a private sector representative, appointed by the governor;
 - (iv) a representative, appointed by the governor;
 - (v) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the partnership's successor organization;
 - (vi) the mayor of Salt Lake City;
 - (vii) the chief executive officer appointed by the Shelter Cities Advisory Council in accordance with Section 35A-16-210;
 - (viii) an elected official appointed by the Utah Association of Counties or the association's successor organization;
 - (ix) a county employee who oversees behavioral health, appointed by the Utah Association of Counties or the association's successor organization;
 - (x) an individual who represents the Utah Homeless Network; and
 - (xi) the coordinator.
 - (b) The governor shall select a board member to serve as chair of the board.
- (3) The following four members of the board shall serve as the executive committee:
 - (a) the coordinator; and
 - (b) three board members chosen by the board chair, which shall include one of the members described in Subsection (2)(a)(vi) or (2)(a)(vii).
- (4)
 - (a) The board shall meet at least once per calendar quarter.
 - (b) The chair, the coordinator, or three of the board members may call a board meeting.
 - (c) The individual calling the meeting shall provide notice of the meeting to the board members at least three calendar days in advance of the meeting.
- (5) A majority of the voting members of the board constitutes a quorum of the board at any meeting, and the action of the majority of voting members present constitutes the action of the board.
- (6)

- (a) A majority of members of the executive committee constitutes a quorum of the executive committee at any meeting, and the action of the majority of members present constitutes the action of the executive committee.
 - (b) The executive committee is exempt from the requirements described in Title 52, Chapter 4, Open and Public Meetings Act.
- (7)
- (a) Except as required by Subsection (7)(c):
 - (i) each appointed member of the board, other than a board member described in Subsection (2)(a)(vii), shall serve a four-year term; and
 - (ii) the board member appointed in accordance with Subsection (2)(a)(vii) shall serve a two-year term.
 - (b) A board member may serve more than one term.
 - (c) The appointing authority, at the time of appointment or reappointment, may adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the appointed board members are appointed every two years.
- (8) When a vacancy occurs in the appointed membership for any reason, the replacement is appointed for the unexpired term.
- (9)
- (a) Except as described in Subsection (9)(b), a member may not receive compensation or benefits for the member's service but may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
 - (b) Compensation and expenses of a board member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (10) The office shall provide staff and administrative support to the board.

Repealed and Re-enacted by Chapter 338, 2024 General Session

35A-16-205 Duties of the board.

- (1) The board:
- (a) shall provide final approval for:
 - (i) a funding formula developed by the steering committee under Section 35A-16-211;
 - (ii) the homeless services budget;
 - (iii) the strategic plan; and
 - (iv) the awarding of funding for the provision of homeless services as described in Subsection 35A-16-203(1)(d);
 - (b) in cooperation with the coordinator, shall:
 - (i) develop and maintain the homeless services budget;
 - (ii) develop and maintain the strategic plan; and
 - (iii) review applications and approve funding for the provision of homeless services in the state as described in Subsection 35A-16-203(1)(d);
 - (c) shall review local and regional plans for providing services to individuals experiencing homelessness;
 - (d) shall cooperate with local homeless councils to:

- (i) develop a common agenda and vision for reducing homelessness in each local oversight body's respective region;
- (ii) as part of the homeless services budget, develop a spending plan that coordinates the funding supplied to local stakeholders; and
- (iii) align local funding to projects that improve outcomes and target specific needs in each community;
- (e) shall coordinate gap funding with private entities for providing services to individuals experiencing homelessness;
- (f) shall recommend performance and accountability measures for service providers, including the support of collecting consistent and transparent data;
- (g) when reviewing and giving final approval for requests as described in Subsection 35A-16-203(1)(d):
 - (i) may only recommend funding if the proposed recipient has a policy to share client-level service information with other entities in accordance with state and federal law to enhance the coordination of services for individuals who are experiencing homelessness; and
 - (ii) shall identify specific targets and benchmarks that align with the strategic plan for each recommended award;
- (h) shall regularly update the state strategic plan on homelessness to reflect proven strategies to reduce homelessness among:
 - (i) the unsheltered;
 - (ii) the chronically or episodically homeless; and
 - (iii) the situationally homeless;
- (i) shall develop annual state and local goals for reducing homelessness among the target subpopulations identified by the board;
- (j) shall work with the local homeless councils to carry out the requirements of Subsection 35A-16-211(3);
- (k) shall develop metrics for measuring the effectiveness of providers in assisting clients to successfully progress through the services coordinated by a continuum of care;
- (l) shall create best practices for a service provider to administer services to an individual experiencing homelessness, including promotion of:
 - (i) a recognition of the human dignity of clients served;
 - (ii) a need to develop self-reliance;
 - (iii) the value of work;
 - (iv) personal accountability; and
 - (v) personal progress toward greater personal independence;
- (m) shall make recommendations for uniform standards for enforcing pedestrian safety and camping laws and ordinances;
- (n) shall identify best practices for responding to unsheltered individuals experiencing mental health disorder and substance use disorder;
- (o) shall make recommendations for strategies to reduce illegal drug use within homeless shelters, transitional housing, and permanent supportive housing;
- (p) shall facilitate client connection to alternative support systems, including behavioral health services, addiction recovery, and residential services;
- (q) shall facilitate participation in HMIS, where appropriate and in alignment with established HMIS policies, and data sharing agreements among all participants in a client support network, including homeless services, physical health systems, mental health systems, and the criminal justice system;

- (r) shall make recommendations to the office for defining "successful exit," "unsuccessful exit," and "neutral exit";
 - (s) shall evaluate additional opportunities for the office to become a collaborative applicant;
 - (t) shall coordinate with the continuums of care to provide for cooperative distribution of available funding;
 - (u) shall work in conjunction with the executive directors of the Department of Workforce Services, the Department of Health and Human Services, and the Department of Corrections to create best practices for helping individuals exiting from incarceration or an institution to avoid homelessness; and
 - (v) shall establish standards for the prioritization of beds located in homeless shelters in accordance with Section 35A-16-205.1.
- (2)
- (a) In approving a funding formula, as described in Subsection (1)(a)(i), the board shall take action on a proposed funding formula by a two-thirds vote.
 - (b) If the board cannot approve a proposed funding formula, the board shall refer the proposed funding formula back to the steering committee for further consideration.
- (3)
- (a) The executive committee shall act in an advisory capacity for the board and make recommendations regarding the board's duties under Subsection (1).
 - (b) The executive committee does not have authority to make decisions independent of the board.

Amended by Chapter 204, 2024 General Session

Amended by Chapter 338, 2024 General Session

Amended by Chapter 349, 2024 General Session

35A-16-205.1 Homelessness council to establish standards for the prioritization of homeless shelter beds -- Dissemination -- Compliance with standards required for receipt of state funds.

- (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the homelessness council shall make rules establishing standards for the prioritization of beds located in a homeless shelter.
- (2) In establishing standards under Subsection (1), the homelessness council shall:
 - (a) assign highest priority for available beds to:
 - (i) individuals eligible for Temporary Assistance for Needy Families funds pursuant to 42 U.S.C. Sec. 604; and
 - (ii) individuals discharged from the Utah State Hospital created in Section 26B-5-302; and
 - (b) require a homeless shelter, if feasible, to allocate an average of 85% of the total number of beds located in a homeless shelter to individuals described in Subsection (2)(a)(i).
- (3) The office shall disseminate the standards established by the homelessness council under Subsection (1) to each homeless shelter located within the state.
- (4) Notwithstanding any other provisions in this chapter, state funds may not be awarded under this chapter directly to or for the benefit of a homeless shelter located within the state unless the homeless shelter complies with the standards established by the homelessness council under Subsection (1).

Enacted by Chapter 204, 2024 General Session

35A-16-206 Utah Homeless Network Steering Committee.

- (1) There is created within the office the Utah Homeless Network Steering Committee.
- (2) The steering committee shall consist of the following members:
 - (a) the chair of each local homeless council or the chair's designee;
 - (b) one individual who has experienced homelessness, appointed by the cochairs of the steering committee;
 - (c) one representative of the collaborative applicant for the Balance of State continuum of care, appointed by the collaborative applicant;
 - (d) one representative of the collaborative applicant for the Mountainland continuum of care, appointed by the collaborative applicant;
 - (e) one representative of the collaborative applicant for the Salt Lake County continuum of care, appointed by the collaborative applicant;
 - (f) one representative of the office's program staff, appointed by the coordinator; and
 - (g) one representative of the office's data staff, appointed by the coordinator.
- (3) The steering committee shall select two members from among the members described in Subsection (2)(a) to serve as cochairs, of which:
 - (a) one cochair shall be chosen among the members representing:
 - (i) the Mountainland local homeless council;
 - (ii) the Salt Lake County local homeless council;
 - (iii) the Davis local homeless council; and
 - (iv) the Weber-Morgan local homeless council; and
 - (b) one cochair shall be chosen among the members representing all other local homeless councils that are not listed in Subsection (3)(a).
- (4) The cochairs are responsible for the call and conduct of meetings.
- (5)
 - (a) A majority of the members of the steering committee constitutes a quorum.
 - (b) The action of a majority of a quorum constitutes the action of the steering committee.
- (6) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (7) The office and the department shall provide administrative support to the steering committee.

Enacted by Chapter 403, 2022 General Session

35A-16-207 Duties of the steering committee.

- (1) The steering committee shall:
 - (a) support connections across continuums of care, local homeless councils, and state and local governments;
 - (b) coordinate statewide emergency and crisis response in relation to services for individuals experiencing homelessness;
 - (c) provide training to providers of services for individuals experiencing homelessness, stakeholders, and policymakers;
 - (d) educate the general public and other interested persons regarding the needs, challenges, and opportunities for individuals experiencing homelessness; and
 - (e) make recommendations to the homelessness council regarding the awarding of funding for the provision of homeless services as described in Subsection 35A-16-203(1)(d).

- (2) The steering committee shall, in consultation with members of the homelessness council, the office, members of local homelessness councils, and the coordinator, develop a funding formula as described in Section 35A-16-211.

Amended by Chapter 349, 2024 General Session

35A-16-208 Reporting requirements -- Outcome measures.

- (1)
 - (a) The office shall report, for the state and for each local homeless council:
 - (i) the state's year-to-date progress toward reaching a functional zero level of homelessness for each type of homelessness and subpopulation, including:
 - (A) the number of individuals who are homeless for the first time;
 - (B) the number of individuals who returned to homelessness after having exited homelessness within the two previous years;
 - (C) the number of individuals who remained homeless since the last report;
 - (D) the number of individuals experiencing homelessness since the last report by household type;
 - (E) the number of individuals who exited by exit destination; and
 - (F) the number of individuals who are experiencing homelessness for the first time plus the number of individuals who are returning to homelessness minus the number of individuals who are exiting homelessness;
 - (ii) the percentage of individuals experiencing homelessness who:
 - (A) have a mental health disorder;
 - (B) have a substance use disorder;
 - (C) have a chronic health condition;
 - (D) have a physical disability;
 - (E) have a developmental disability;
 - (F) have HIV/AIDS;
 - (G) are survivors of domestic violence;
 - (H) are veterans; and
 - (I) are unaccompanied youth 24 years old or younger;
 - (iii) the number of individuals who exited homeless services since the last report by:
 - (A) type of homelessness;
 - (B) subpopulation; and
 - (C) exit destination; and
 - (iv) progress, by project type, on each goal established in accordance with Subsection (3).
 - (b) The reports described in this Subsection (1) shall contain aggregated, de-identified information.
- (2) The office shall report the data described in Subsection (1):
 - (a) in the annual report required by Section 35A-16-203;
 - (b) on or before October 1 of each year, through an oral presentation to the Economic Development and Workforce Services Interim Committee; and
 - (c) on a data dashboard for the public with specific additional data points recommended by the board.
- (3) The board and the local homeless councils shall jointly establish quarterly goals for each project type.
- (4) The board and the local homeless councils shall jointly make annual progress reports identifying:

- (a) the percentage of clients screened for social needs;
- (b) the percentage of clients subsequently referred to community-based providers who can:
 - (i) address the client's needs;
 - (ii) follow-up on status of addressing the client's needs; and
 - (iii) report back to the referring entity;
- (c) the number of youth receiving parent or guardian bereavement support services; and
- (d) the number of clients with:
 - (i) a successful exit;
 - (ii) an unsuccessful exit;
 - (iii) a neutral exit; and
 - (iv) continued enrollment in the project.

Enacted by Chapter 338, 2024 General Session

35A-16-209 Cost measures.

The office shall report annually for each local homeless council the following:

- (1) the cost of construction per bed for each new shelter, transitional housing, or permanent supportive housing compared to the average cost of a similar facility during the past three years; and
- (2) annual operating cost per bed of a homeless resource center or emergency shelter, including utilities, staff, and maintenance.

Enacted by Chapter 338, 2024 General Session

35A-16-210 Shelter Cities Advisory Board.

- (1) There is established the Shelter Cities Advisory Board.
- (2) The Shelter Cities Advisory Board shall consist of the following members:
 - (a) the chief executive officer of each first-tier eligible municipality, or the chief executive officer's designee; and
 - (b) the chief executive officer of each second-tier eligible municipality, or the chief executive officer's designee.
- (3)
 - (a) The Shelter Cities Advisory Board shall appoint, in accordance with this section, one chief executive officer representing a municipality as a member to the board.
 - (b) The members of the Shelter Cities Advisory Board shall make an appointment, or fill a vacancy, by a majority vote of all members of the Shelter Cities Advisory Board who are present at the meeting during which an appointment is made.
 - (c) The Shelter Cities Advisory Board may not appoint the chief executive officer described in Subsection 35A-16-204(2)(a)(vi).
 - (d) Section 35A-16-204 governs other terms of appointment.
- (4) The Shelter Cities Advisory Board may make recommendations to the board regarding improvements to coordinating and providing services to individuals experiencing homelessness in the state.
- (5) The office and an association representing at least two municipalities in the state shall jointly provide staff and administrative support to the Shelter Cities Advisory Board.

Enacted by Chapter 338, 2024 General Session

35A-16-211 Funding formula.

- (1) The steering committee shall develop a formula for the distribution of funds for the provision of homeless services.
- (2) A formula for the distribution of funds for the provision of homeless services shall:
 - (a) take into consideration:
 - (i) the various needs of regions of the state;
 - (ii) metrics and evidence of success;
 - (iii) the goals outlined in the strategic plan; and
 - (iv) any other factor the steering committee considers necessary; and
 - (b) utilize objective metrics to ensure, as much as possible, an impartial result.
- (3) A funding formula described in this section applies to federal funds received by the office for the provision of homeless services only insofar as any federal regulations governing those federal funds allow.

Enacted by Chapter 349, 2024 General Session

Part 3
Services for Individuals Experiencing Homelessness

35A-16-301 Creation of Pamela Atkinson Homeless Account.

- (1) There is created a restricted account within the General Fund known as the "Pamela Atkinson Homeless Account."
- (2) Private contributions received under this section and Section 59-10-1306 shall be deposited into the restricted account to be used only for programs described in this chapter.
- (3) Money shall be appropriated from the restricted account to the board in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.
- (4) The board may accept transfers, grants, gifts, bequests, or money made available from any source to implement this part.

Amended by Chapter 338, 2024 General Session

35A-16-302 Uses of Homeless to Housing Reform Restricted Account.

- (1) The board may award ongoing or one-time grants or contracts funded from the Homeless to Housing Reform Restricted Account created in Section 35A-16-303.
- (2) As a condition of receiving money, including any ongoing money, from the restricted account, an entity awarded a grant or contract under this section shall provide detailed and accurate reporting on at least an annual basis to the board and the coordinator that describes:
 - (a) how money provided from the restricted account has been spent by the entity; and
 - (b) the progress towards measurable outcome-based benchmarks agreed to between the entity and the board before the awarding of the grant or contract.
- (3) In determining the awarding of a grant or contract under this section, the board and the coordinator shall:
 - (a) ensure that the services to be provided through the grant or contract will be provided in a cost-effective manner;
 - (b) give priority to a project or contract that will include significant additional or matching funds from a private organization, nonprofit organization, or local government entity;

- (c) ensure that the project or contract will target the distinct housing needs of one or more at-risk or homeless subpopulations, which may include:
 - (i) families with children;
 - (ii) transitional-aged youth;
 - (iii) single men or single women;
 - (iv) veterans;
 - (v) victims of domestic violence;
 - (vi) individuals with behavioral health disorders, including mental health or substance use disorders;
 - (vii) individuals who are medically frail or terminally ill;
 - (viii) individuals exiting prison or jail; or
 - (ix) individuals who are homeless without shelter;
 - (d) consider whether the project will address one or more of the following goals:
 - (i) diverting homeless or imminently homeless individuals and families from emergency shelters by providing better housing-based solutions;
 - (ii) meeting the basic needs of homeless individuals and families in crisis;
 - (iii) providing homeless individuals and families with needed stabilization services;
 - (iv) decreasing the state's homeless rate;
 - (v) implementing a coordinated entry system with consistent assessment tools to provide appropriate and timely access to services for homeless individuals and families;
 - (vi) providing access to caseworkers or other individualized support for homeless individuals and families;
 - (vii) encouraging employment and increased financial stability for individuals and families being diverted from or exiting homelessness;
 - (viii) creating additional affordable housing for state residents;
 - (ix) providing services and support to prevent homelessness among at-risk individuals and adults;
 - (x) providing services and support to prevent homelessness among at-risk children, adolescents, and young adults;
 - (xi) preventing the reoccurrence of homelessness among individuals and families exiting homelessness; and
 - (xii) providing medical respite care for homeless individuals where the homeless individuals can access medical care and other supportive services; and
 - (e) address the needs identified in the strategic plan described in Section 35A-16-203 for inclusion in the annual written report described in Section 35A-1-109.
- (4) In addition to the other provisions of this section, in determining the awarding of a grant or contract under this section to design, build, create, or renovate a facility that will provide shelter or other resources for the homeless, the board, with the concurrence of the coordinator, may consider whether the facility will be:
- (a) located near mass transit services;
 - (b) located in an area that meets or will meet all zoning regulations before a final dispersal of funds;
 - (c) safe and welcoming both for individuals using the facility and for members of the surrounding community; and
 - (d) located in an area with access to employment, job training, and positive activities.
- (5) In accordance with Subsection (4), and subject to the approval of the board, with the concurrence of the coordinator, the following may recommend a site location, acquire a site

location, and hold title to real property, buildings, fixtures, and appurtenances of a facility that provides or will provide shelter or other resources for the homeless:

- (a) the county executive of a county of the first class on behalf of the county of the first class, if the facility is or will be located in the county of the first class in a location other than Salt Lake City;
 - (b) the state;
 - (c) a nonprofit entity approved by the board, with the concurrence of the coordinator; and
 - (d) a mayor of a municipality on behalf of the municipality where a facility is or will be located.
- (6)
- (a) If a homeless shelter commits to provide any amount of matching funds under this Subsection (6), the board, with the concurrence of the coordinator, may award a grant for the ongoing operations of the homeless shelter.
 - (b) In awarding a grant under this Subsection (6), the board, with the concurrence of the coordinator, shall consider:
 - (i) the number of beds available at the homeless shelter;
 - (ii) the number and quality of the homeless services provided by the homeless shelter; and
 - (iii) the amount of matching funds provided by the homeless shelter.
- (7) The office may expend money from the restricted account to offset actual office and board expenses related to administering this section.

Amended by Chapter 204, 2024 General Session

Amended by Chapter 338, 2024 General Session

35A-16-303 Homeless to Housing Reform Restricted Account.

- (1) There is created a restricted account within the General Fund known as the Homeless to Housing Reform Restricted Account.
- (2) The restricted account shall be administered by the office for the purposes described in Section 35A-16-302.
- (3) The state treasurer shall invest the money in the restricted account according to the procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that interest and other earnings derived from the restricted account shall be deposited into the restricted account.
- (4) The restricted account shall be funded by:
 - (a) appropriations made to the account by the Legislature; and
 - (b) private donations, grants, gifts, bequests, or money made available from any other source to implement this section and Section 35A-16-302.
- (5) Subject to appropriation, the coordinator shall use restricted account money as described in Section 35A-16-302.

Amended by Chapter 302, 2023 General Session

Part 4
Homeless Shelter Cities Mitigation Restricted Account

35A-16-401 Definitions.

As used in this part:

- (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.
- (2) "Authorized provider" means a nonprofit provider of homeless services that is authorized by a third-tier eligible municipality to operate a temporary winter response shelter within the municipality in accordance with Part 5, Winter Response Plan Requirements.
- (3) "Eligible municipality" means:
 - (a) a first-tier eligible municipality;
 - (b) a second-tier eligible municipality; or
 - (c) a third-tier eligible municipality.
- (4) "Eligible services" means any activities or services that mitigate the impacts of the location of an eligible shelter, including direct services, public safety services, and emergency services, as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) "Eligible shelter" means:
 - (a) for a first-tier eligible municipality, a homeless shelter that:
 - (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the office;
 - (ii) operates year-round; and
 - (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;
 - (b) for a second-tier municipality, a homeless shelter that:
 - (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by the office;
 - (ii) operates year-round; and
 - (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation; and
 - (c) for a third-tier eligible municipality, a homeless shelter that:
 - (i)
 - (A) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and
 - (B) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year; or
 - (ii)
 - (A) meets the definition of a homeless shelter under Section 35A-16-501; and
 - (B) contains beds that are utilized as part of a county's winter response plan under Section 35A-16-502.
- (6) "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to individuals experiencing homelessness.
- (7) "Municipality" means a city or town.
- (8) "Public safety services" means law enforcement, emergency medical services, or fire protection.
- (9) "Third-tier eligible municipality" means a municipality that:
 - (a) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year; and
 - (b) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services.

Amended by Chapter 204, 2024 General Session
Amended by Chapter 338, 2024 General Session
Amended by Chapter 438, 2024 General Session

35A-16-402 Homeless Shelter Cities Mitigation Restricted Account -- Formula for disbursing account funds to eligible municipalities.

- (1) There is created a restricted account within the General Fund known as the Homeless Shelter Cities Mitigation Restricted Account.
- (2) The account shall be funded by:
 - (a) local sales and use tax revenue deposited into the account in accordance with Section 59-12-205;
 - (b) interest earned on the account; and
 - (c) appropriations made to the account by the Legislature.
- (3) The office shall administer the account.
- (4)
 - (a) Subject to appropriations, the office shall annually disburse funds from the account as follows:
 - (i) 87.5% shall be disbursed to first-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:
 - (A) 70% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as determined by the office;
 - (B) 20% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as determined by the office; and
 - (C) 10% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office;
 - (ii) 2.5% shall be disbursed to second-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:
 - (A) 70% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as determined by the office;
 - (B) 20% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as determined by the office; and
 - (C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office; and
 - (iii) 10% shall be disbursed to third-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, in accordance with a formula established by the office and approved by the board.
 - (b) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the maximum amount of funds that the office may disburse each year to a single second-tier municipality may not exceed 50% of the total amount of funds disbursed under Subsection (4)(a)(ii).
 - (c) The office may disburse funds under Subsection (4)(a)(iii) to an authorized provider of a third-tier eligible municipality.
 - (d) The office may disburse funds to a third-tier municipality or an authorized provider under Subsection (4)(a)(iii) regardless of whether the municipality receives funds under Subsection

- (4)(a)(i) as a first-tier municipality or funds under Subsection (4)(a)(ii) as a second-tier municipality.
- (e) If any account funds are available to the office for disbursement under this section after making the disbursements required in Subsection (4)(a), the office may disburse the available account funds to third-tier municipalities that have been approved to receive account funds under Section 35A-16-403.
- (f)
 - (i) Notwithstanding any other provision in this section, if an eligible municipality requests account funds under Section 35A-16-403 and the request is denied for the sole reason that the municipality has failed to comply with the requirements of Subsection 35A-16-403(2)(g)(i), the office may disburse the account funds that the municipality would otherwise have received to:
 - (A) eligible municipalities in accordance with the provisions of this Subsection (4); or
 - (B) subject to Subsection (4)(f)(ii), the Department of Public Safety.
 - (ii)
 - (A) The office may not disburse account funds to the Department of Public Safety under Subsection (4)(f)(i) unless the disbursement is recommended and approved by the board.
 - (B) The Department of Public Safety shall use any account funds received under Subsection (4)(f)(i) to assist in the enforcement of state laws that promote the safety or well-being of individuals experiencing homelessness.
- (5) In disbursing account funds to municipalities under Subsection (4), the office may not consider the capacity of an eligible shelter to qualify a municipality for multiple tiers of funding.
- (6) The office may use up to 2.75% of any appropriations made to the account by the Legislature to offset the office's administrative expenses under this part.
- (7) In accordance with Section 63J-1-602.1, appropriations from the account are nonlapsing.
- (8) The office may disburse any uncommitted account funds to municipalities under this section in the following year.

Amended by Chapter 204, 2024 General Session

Amended by Chapter 338, 2024 General Session

35A-16-403 Eligible municipality application process for Homeless Shelter Cities Mitigation Restricted Account funds.

- (1) An eligible municipality may apply for account funds to mitigate the impacts of the location of an eligible shelter through the provision of eligible services within the eligible municipality's boundaries.
- (2)
 - (a) The board shall set aside time on the agenda of a board meeting that occurs before the beginning of the next fiscal year to allow an eligible municipality to present a request for account funds for that next fiscal year.
 - (b) An eligible municipality may present a request for account funds by:
 - (i) sending an electronic copy of the request to the board before the meeting; and
 - (ii) appearing at the meeting to present the request.
 - (c) The request described in Subsection (2)(b)(i) shall contain:
 - (i) a proposal outlining the need for eligible services, including a description of each eligible service for which the eligible municipality requests account funds;
 - (ii) a description of the eligible municipality's proposed use of account funds;

- (iii) a description of the outcomes that the funding would be used to achieve, including indicators that would be used to measure progress toward the specified outcomes; and
 - (iv) the amount of account funds requested.
- (d)
- (i) On or before September 30, an eligible municipality that received account funds during the previous fiscal year shall file electronically with the board a report that includes:
 - (A) a summary of the amount of account funds that the eligible municipality expended and the eligible municipality's specific use of those funds;
 - (B) an evaluation of the eligible municipality's effectiveness in using the account funds to address the eligible municipality's needs due to the location of an eligible shelter;
 - (C) an evaluation of the eligible municipality's progress regarding the outcomes and indicators described in Subsection (2)(c)(iii); and
 - (D) any proposals for improving the eligible municipality's effectiveness in using account funds that the eligible municipality may receive in future fiscal years.
 - (ii) The board may request additional information as needed to make the evaluation described in Subsection (2)(e).
- (e) The board shall evaluate a request made in accordance with this Subsection (2) and may take the following factors into consideration in determining whether to approve or deny the request:
- (i) the strength of the proposal that the eligible municipality provided to support the request;
 - (ii) if the eligible municipality received account funds during the previous fiscal year, the efficiency with which the eligible municipality used any account funds during the previous fiscal year;
 - (iii) the availability of funding for the eligible municipality under Subsection 35A-16-402(4);
 - (iv) the availability of alternative funding for the eligible municipality to address the eligible municipality's needs due to the location of an eligible shelter; and
 - (v) any other considerations identified by the board.
- (f) After making the evaluation described in Subsection (2)(e), and subject to Subsection (2)(g), the board shall vote to either approve or deny an eligible municipality's request for account funds.
- (g)
- (i) In addition to the evaluation under Subsection (2)(e), the board may not approve an eligible municipality's request to receive account funds under this section unless the eligible municipality:
 - (A) enforces an ordinance that prohibits camping;
 - (B) enforces an ordinance or other applicable state law prohibiting conduct that impedes or blocks traffic in violation of Subsection 41-6a-1009(4); and
 - (C) demonstrates improvement in reducing the conduct described in Subsections (2)(g)(i)(A) and (B).
 - (ii) In determining whether an eligible municipality has demonstrated improvement under Subsection (2)(g)(i)(C), the board shall consider:
 - (A) the specific measures taken by the municipality to reduce the conduct described in Subsections (2)(g)(i)(A) and (B), and the effectiveness of those measures in reducing the conduct;
 - (B) the strategies utilized by the municipality in managing and improving public spaces within the municipality, and the impact of these strategies on safety, cleanliness, and the well-being of the community; and

- (C) the gap between the number of individuals experiencing homelessness within the municipality and the availability of beds at homeless shelters to which the individuals experiencing homelessness have reasonable access, and any changes to this gap over time.
- (iii) The board may coordinate with the Department of Public Safety for the receipt of quantitative and qualitative data to determine compliance with applicable state and local laws.
- (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and with the approval of the board, the office shall make rules establishing standards for the information required by an eligible municipality to demonstrate improvement under Subsection (2)(g)(i) (C).
- (h) If the board approves an eligible municipality's request to receive account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the amount of funds for disbursement to the eligible municipality under Subsection 35A-16-402(4).
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules governing the process for calculating the amount of funds that an eligible municipality may receive under Subsection 35A-16-402(4).

Amended by Chapter 204, 2024 General Session

Amended by Chapter 338, 2024 General Session

35A-16-404 Certification of eligible municipality.

On or before October 1 of each year, the office shall:

- (1) certify the municipalities that meet the requirements of a first-tier eligible municipality or a second-tier eligible municipality as of July 1; and
- (2) provide a list of the municipalities that the office has certified as meeting the requirements of a first-tier eligible municipality or a second-tier eligible municipality for the year to the State Tax Commission.

Amended by Chapter 302, 2023 General Session

35A-16-405 Information to report to State Tax Commission regarding third-tier eligible municipalities.

On or before October 1 of each year, the office shall provide the following information to the State Tax Commission:

- (1) a list of the municipalities that the office:
 - (a) has not certified as an eligible municipality in accordance with Section 35A-16-404; and
 - (b) determines to have a homeless shelter located within the municipality's geographic boundaries; and
- (2) the number of beds available at all homeless shelters located within each municipality described in Subsection (1).

Enacted by Chapter 302, 2023 General Session

**Part 5
Winter Response Plan Requirements**

35A-16-501 Definitions.

As used in this part:

- (1) "Applicable county" means a county of the first or second class.
- (2) "Applicable local homeless council" means the local homeless council that is responsible for coordinating homeless response within an applicable county.
- (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide overnight shelter to under a conditional use permit.
- (4) "Chief executive officer" means the same as that term is defined in Section 11-51-102.
- (5) "Community location" means the same as that term is defined in Section 10-8-41.6.
- (6) "Conference of mayors" means an association consisting of the mayor of each municipality located within a county.
- (7) "Council of governments" means the same as that term is defined in Section 72-2-117.5.
- (8) "County winter response task force" or "task force" means a task force described in Section 35A-16-501.5.
- (9) "Homeless shelter" means a facility that:
 - (a) provides temporary shelter to individuals experiencing homelessness;
 - (b) operates year-round; and
 - (c) is not subject to restrictions that limit the hours, days, weeks, or months of operation.
- (10) "Municipality" means a city or town.
- (11) "State facility" means the same as that term is defined in Section 63A-5b-1001.
- (12) "Subsequent winter response period" means the winter response period that begins on October 15 of the year in which a county winter response task force is required to submit a winter response plan to the office under Section 35A-16-502.
- (13) "Targeted winter response bed count" means the targeted bed count number for an applicable county during the winter response period, as determined jointly by the applicable local homeless council and the office.
- (14) "Temporary winter response shelter" means a facility that:
 - (a) provides temporary emergency shelter to individuals experiencing homelessness during a winter response period; and
 - (b) does not operate year-round.
- (15) "Winter response period" means the period beginning October 15 and ending April 30 of the following year.
- (16) "Winter response plan" means the plan described in Section 35A-16-502.

Amended by Chapter 438, 2024 General Session

35A-16-501.5 County winter response task force.

- (1) Subject to the requirements of Section 35A-16-502, the council of governments of each applicable county shall annually convene a county winter response task force.
- (2)
 - (a) The task force for Salt Lake County shall consist of the following 14 voting members:
 - (i) the chief executive officer of Salt Lake County, or the chief executive officer's designee;
 - (ii) the chief executive officer, or the chief executive officer's designee, of each of the following 11 municipalities:
 - (A) Draper;
 - (B) Midvale;
 - (C) Millcreek;

- (D) Murray;
 - (E) Salt Lake City;
 - (F) Sandy;
 - (G) South Jordan;
 - (H) South Salt Lake;
 - (I) Taylorsville;
 - (J) West Jordan; and
 - (K) West Valley City; and
- (iii) the chief executive officer, or the chief executive officer's designee, of any two municipalities located in Salt Lake County that are not described in Subsection (2)(a)(ii), appointed by the conference of mayors of Salt Lake County.
- (b) A task force for an applicable county not described in Subsection (2)(a) shall consist of the following voting members:
- (i) the chief executive officer of the applicable county, or the chief executive officer's designee; and
 - (ii) the chief executive officer, or the chief executive officer's designee, of a number of municipalities located in the applicable county that the conference of mayors of the applicable county considers to be appropriate, appointed by the conference of mayors of the applicable county.
- (3) In addition to the voting members required in Subsection (2), a task force shall include the following nonvoting members:
- (a) the coordinator, or the coordinator's designee;
 - (b) one representative of the Utah League of Cities and Towns, appointed by the Utah League of Cities and Towns, or the representative's designee;
 - (c) one representative of the Utah Association of Counties, appointed by the Utah Association of Counties, or the representative's designee;
 - (d) two individuals experiencing homelessness or having previously experienced homelessness, appointed by the applicable local homeless council;
 - (e) three representatives of the applicable local homeless council, appointed by the applicable local homeless council, or the representative's designee; and
 - (f) any other individual appointed by the council of governments of the applicable county.
- (4)
- (a) Any vacancy on a task force shall be filled in the same manner as the appointment of the member whose vacancy is being filled.
 - (b) Each member of a task force shall serve until a successor is appointed.
- (5) A majority of the voting members of a task force constitutes a quorum and may act on behalf of the task force.
- (6) A task force shall:
- (a) select officers from the task force's members as the task force finds necessary; and
 - (b) meet as necessary to effectively conduct the task force's business and duties as prescribed by statute.
- (7) A task force may establish one or more working groups as is deemed appropriate to assist on specific issues related to the task force's duties, including a working group for site selection of temporary winter response shelters.
- (8)
- (a) A task force member may not receive compensation or benefits for the task force member's service.
 - (b) A task force member may receive per diem and travel expenses in accordance with:

- (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and 63A-3-107.
- (9) The applicable county for which a task force is convened shall provide administrative support to the task force.
- (10) Meetings of the task force are not subject to Title 52, Chapter 4, Open and Public Meetings Act.

Amended by Chapter 338, 2024 General Session

35A-16-502 Winter response plan required -- Contents -- Review -- Consequences after determination of noncompliance.

- (1)
- (a) The task force for an applicable county that is a county of the first class shall annually prepare and submit to the office a winter response plan on or before August 1 in calendar years 2023, 2024, and 2025.
 - (b) Except as provided in Subsection (3), the task force for an applicable county not described in Subsection (1)(a) shall annually prepare and submit to the office a winter response plan on or before August 1 in calendar years 2024 and 2025.
- (2) The winter response plan shall:
- (a) provide assurances to the office that the applicable county will meet the applicable county's targeted winter response plan or other accommodations during the subsequent winter response period by establishing plans for the requisite need during the subsequent winter response period;
 - (b) ensure that any temporary winter response shelter planned for operation within the applicable county will meet all local zoning requirements;
 - (c) include a detailed transportation plan, budget, revenue sources, including in-kind sources, and any other component specified by the office under Subsection (3) as a requirement for the applicable county to achieve compliance with this section;
 - (d) include a detailed county plan for a code blue event as defined in Section 35A-16-701, including the number and location of available beds for individuals experiencing homelessness for the duration of the code blue event; and
 - (e) be approved by the chief executive officer of:
 - (i) any municipality located within the applicable county in which a temporary winter response shelter is planned for operation during the subsequent winter response period; and
 - (ii) the applicable county, if a temporary winter response shelter is planned for operation within an unincorporated area of the county.
- (3) The requirements of Subsection (1)(b) do not apply to an applicable county if:
- (a) on or before August 1, 2024, the applicable county submits to the office:
 - (i) documentation demonstrating that the applicable county is developing a plan to address the needs of individuals experiencing homelessness within the county throughout the entire year, as opposed to only during the winter response period; and
 - (ii) a county plan for a code blue event as described in Subsection (2)(d);
 - (b) on or before August 1, 2025, the applicable county submits to the office the year-round plan developed under Subsection (3)(a)(i); and
 - (c) the office determines that the applicable county's year-round plan meets the requirements of a winter response plan as described in Subsection (2) for the entire year.

- (4) To assist a task force in preparing a winter response plan, by no later than March 30 of the year in which the winter response plan is due, the applicable local homeless council, in coordination with the office, shall provide the following information to the task force:
 - (a) the targeted winter response bed count;
 - (b) the requirements for the plan described in Subsection (2)(d);
 - (c) the availability of funds that can be used to mitigate the winter response plan; and
 - (d) any component required for the winter response plan to achieve compliance that is not described in Subsection (2).
- (5) In preparing the winter response plan, the task force shall coordinate with:
 - (a) the office;
 - (b) the applicable local homeless council;
 - (c) for Salt Lake County, the conference of mayors for Salt Lake County; and
 - (d) for an applicable county not described in Subsection (5)(c), the council of governments for the applicable county.
- (6) In conducting site selection for a temporary winter response shelter under a winter response plan, the task force shall prioritize:
 - (a) a site located more than one mile from any homeless shelter;
 - (b) a site located more than one mile from any permanent supportive housing, as verified by the office; and
 - (c) a site located in a municipality or unincorporated area of the applicable county that does not have a homeless shelter.
- (7)
 - (a) On or before August 15 of the year in which a winter response plan is submitted, the office shall:
 - (i) conduct a review of the winter response plan for compliance with this section; and
 - (ii) send a written notice of the office's determination regarding compliance to:
 - (A) the task force for the applicable county;
 - (B) the council of governments for the applicable county;
 - (C) the applicable local homeless council; and
 - (D) the legislative body of each municipality located within the applicable county.
 - (b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance with this section if:
 - (i) the applicable county's task force fails to submit a timely winter response plan under this section; or
 - (ii) the office determines that the winter response plan prepared for the applicable county does not comply with this section.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office may make rules establishing requirements for an applicable county's compliance with this section.

Amended by Chapter 204, 2024 General Session

Amended by Chapter 338, 2024 General Session

35A-16-502.5 County noncompliance with winter response plan requirements.

- (1) This section applies to an applicable county that is in noncompliance with Section 35A-16-502.
- (2) Subject to Subsection (3), the following provisions apply within the applicable county during the subsequent winter response period:
 - (a) the office may authorize:
 - (i) the expansion of a homeless shelter's capacity limit by up to 25%; and

- (ii) the operation of one or more temporary winter response shelters; and
 - (b) the applicable county, and any municipality located within the applicable county, may not enact or enforce an ordinance or otherwise take any action that limits or restricts the office's authority under Subsection (2)(a).
- (3)
- (a) The office may not authorize the expansion of a homeless shelter's capacity under Subsection (2)(a) unless:
 - (i) the homeless shelter is in compliance with the applicable building code and fire code; and
 - (ii) the fire code official approves the layout of the homeless shelter.
 - (b) In authorizing the operation of a temporary winter response shelter under Subsection (2)(a), the office:
 - (i) may not authorize the siting of a temporary winter response shelter within a three-fourths mile radius of any homeless shelter; and
 - (ii) shall consider:
 - (A) a site located more than 500 feet from any community location;
 - (B) a site located in a municipality in which a homeless shelter is not located;
 - (C) the locations of permanent supportive housing;
 - (D) authorizing the operation of a temporary winter response shelter before authorizing the expansion of a homeless shelter's capacity limit;
 - (E) the potential impacts of a temporary winter response shelter on community locations; and
 - (F) any recommendations included in the applicable county's winter response plan, regardless of the office's determination of noncompliance.
- (4) A temporary winter response shelter authorized by the office under this section may not be converted into a permanent facility after April 15, 2026, without the consent of the municipality in which the facility is located.

Enacted by Chapter 302, 2023 General Session

35A-16-503 Rules.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules governing:

- (1) the submission of a winter response plan under Subsection 35A-16-502(1);
- (2) the review of a winter response plan for purposes of determining compliance under Subsection 35A-16-502(4);
- (3) the process of sending a notice of noncompliance under Subsection 35A-16-502(6); and
- (4) the location, establishment, and operation of a temporary winter response shelter under Section 35A-16-502.

Amended by Chapter 381, 2024 General Session

Part 6
Covid-19 Homeless Housing and Services Grant Program

35A-16-601 Definitions.

As used in this part:

- (1) "COVID-19" means:

- (a) severe acute respiratory syndrome coronavirus 2; or
- (b) the disease caused by severe acute respiratory syndrome coronavirus 2.
- (2) "COVID-19 emergency" means the spread of COVID-19 that the World Health Organization declared a pandemic on March 11, 2020.
- (3) "Grant program" means the COVID-19 Homeless Housing and Services Grant Program established in Section 35A-16-602.

Enacted by Chapter 467, 2022 General Session

35A-16-602 COVID-19 Homeless Housing and Services Grant Program.

- (1) There is established the COVID-19 Homeless Housing and Services Grant Program, a competitive grant program administered by the office and funded in accordance with 42 U.S.C. Sec. 802.
- (2) The office shall distribute money to fund one or more projects that:
 - (a) include affordable housing units for households:
 - (i) whose income is no more than 30% of the area median income for households of the same size in the county or municipality where the project is located;
 - (ii) at rental rates no greater than 30% of the income described in Subsection (2)(a)(i) for a household of:
 - (A) one person if the unit is an efficiency unit;
 - (B) two people if the unit is a one-bedroom unit;
 - (C) four people if the unit is a two-bedroom unit;
 - (D) five people if the unit is a three-bedroom unit;
 - (E) six people if the unit is a four-bedroom unit; or
 - (F) eight people if the unit is a five-bedroom or larger unit; and
 - (iii) that have been impacted by the COVID-19 emergency in accordance with 42 U.S.C. Sec. 802; and
 - (b) have been approved by the board.
- (3) The office shall:
 - (a) administer the grant program, including:
 - (i) reviewing grant applications and making recommendations to the board; and
 - (ii) distributing grant money to approved grant recipients; and
 - (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer the program, including:
 - (i) grant application requirements;
 - (ii) procedures to approve a grant; and
 - (iii) procedures for distributing money to grant recipients.
- (4) When reviewing an application for approval, the board shall consider:
 - (a) an applicant's rental income plan;
 - (b) proposed case management and service plans for households;
 - (c) any matching funds proposed by an applicant;
 - (d) proposed restrictions, including deed restrictions, and the duration of restrictions on housing units to facilitate long-term assistance to households;
 - (e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802; and
 - (f) any other considerations as adopted by the board.
- (5) A grant award under this section shall comply with the requirements of 42 U.S.C. Sec. 802.

Amended by Chapter 338, 2024 General Session

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 shall 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 338, 2024 General Session

Amended by Chapter 381, 2024 General Session