

Representative Steve Eliason proposes the following substitute bill:

HOUSING AND HOMELESS REFORM INITIATIVE

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Francis D. Gibson

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies provisions related to housing and community development.

Highlighted Provisions:

This bill:

- ▶ creates a restricted account called the Homeless to Housing Reform Restricted Account;
- ▶ describes the responsibilities of the Homeless Coordinating Committee and the Housing and Community Development Division in awarding grants or contracts using money from the account;
- ▶ adds members to the Homeless Coordinating Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

This bill appropriates:

- ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account, as a one-time appropriation:
 - from the General Fund, \$7,000,000;
- ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account, as an ongoing appropriation:



26 • from the General Fund, \$3,000,000;
27 ▶ to the Department of Workforce Services -- Housing and Community Development,
28 as a one-time appropriation:

29 • from the General Fund Restricted -- Homeless to Housing Reform Restricted
30 Account, \$7,000,000; and

31 ▶ to the Department of Workforce Services -- Housing and Community Development,
32 as an ongoing appropriation:

33 • from the General Fund Restricted -- Homeless to Housing Reform Restricted
34 Account, \$3,000,000.

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **35A-8-601**, as renumbered and amended by Laws of Utah 2012, Chapter 212

40 **63I-2-235**, as enacted by Laws of Utah 2015, Chapters 104 and 460

41 ENACTS:

42 **35A-8-604**, Utah Code Annotated 1953

43 **35A-8-605**, Utah Code Annotated 1953



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

46 Section 1. Section **35A-8-601** is amended to read:

47 **35A-8-601. Creation.**

48 (1) There is created within the division the Homeless Coordinating Committee.

49 (2) (a) The committee shall consist of the following members:

50 (i) the lieutenant governor or the lieutenant governor's designee;

51 (ii) the state planning coordinator or the coordinator's designee;

52 (iii) the state superintendent of public instruction or the superintendent's designee;

53 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's
54 designee; ~~[and]~~

55 (v) the executive ~~[directors]~~ director of the ~~[Department of Human Services, the~~
56 ~~Department of Corrections, the]~~ Department of Workforce Services~~[-and the Department of~~

57 ~~Health, or their designees:] or the executive director's designee;~~

58 (vi) the executive director of the Department of Corrections or the executive director's
59 designee;

60 (vii) the executive director of the Department of Health or the executive director's
61 designee;

62 (viii) the executive director of the Department of Human Services or the executive
63 director's designee;

64 (ix) the mayor of Salt Lake City; and

65 (x) the mayor of Salt Lake County.

66 (b) (i) The lieutenant governor shall serve as the chair of the committee.

67 (ii) The lieutenant governor may appoint a vice chair from among committee members,
68 who shall conduct committee meetings in the absence of the lieutenant governor.

69 (3) The governor may appoint as members of the committee:

70 (a) representatives of local governments, local housing authorities, local law
71 enforcement agencies[~~, and of~~];

72 (b) representatives of federal and private agencies and organizations concerned with
73 the homeless, persons with a mental illness, the elderly, single-parent families, substance
74 abusers, and persons with a disability[-]; and

75 (c) a citizen from Salt Lake County.

76 (4) (a) Except as required by Subsection (4)(b), as terms of current committee members
77 appointed under Subsection (3) expire, the governor shall appoint each new member or
78 reappointed member to a four-year term.

79 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
80 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
81 committee members are staggered so that approximately half of the committee is appointed
82 every two years.

83 (c) A ~~[person]~~ member appointed under ~~[this Subsection (4)]~~ Subsection (3) may not
84 be appointed to serve more than three consecutive terms.

85 (5) When a vacancy occurs in the membership for any reason, the replacement is
86 appointed for the unexpired term.

87 (6) A member may not receive compensation or benefits for the member's service, but

88 may receive per diem and travel expenses in accordance with:

89 (a) Section 63A-3-106;

90 (b) Section 63A-3-107; and

91 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

92 63A-3-107.

93 Section 2. Section 35A-8-604 is enacted to read:

94 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

95 (1) With the concurrence of the division and in accordance with this section, the
96 Homeless Coordinating Committee members designated in Subsection 35A-8-601(2) may
97 award ongoing or one-time grants or contracts funded from the Homeless to Housing Reform
98 Restricted Account created in Section 35A-8-605.

99 (2) Before final approval of a grant or contract awarded under this section, the
100 Homeless Coordinating Committee and the division shall provide information regarding the
101 grant or contract to, and shall consider the recommendations of, the Legislative Management
102 Committee and the Executive Appropriations Committee.

103 (3) As a condition of receiving money, including any ongoing money, from the
104 Homeless to Housing Reform Restricted Account, an entity awarded a grant or contract under
105 this section shall provide detailed and accurate reporting on at least an annual basis to the
106 division and the Homeless Coordinating Committee that describes:

107 (a) how money provided from the Homeless to Housing Reform Restricted Account
108 has been spent by the entity; and

109 (b) the progress towards measurable outcome-based benchmarks agreed to between the
110 entity and the Homeless Coordinating Committee before the awarding of the grant or contract.

111 (4) In determining the awarding of a grant or contract under this section, the Homeless
112 Coordinating Committee, with the concurrence of the division, shall:

113 (a) ensure that the services to be provided through the grant or contract will be
114 provided in a cost-effective manner;

115 (b) consider the advice of committee members designated in Subsection 35A-8-601(3);

116 (c) give priority to a project or contract that will include significant additional or
117 matching funds from a private organization or local government entity;

118 (d) ensure that the project or contract will target the distinct housing needs of one or

- 119 more at-risk or homeless subpopulations, which may include:
- 120 (i) families with children;
- 121 (ii) transitional-aged youth;
- 122 (iii) single men or single women;
- 123 (iv) veterans;
- 124 (v) victims of domestic violence;
- 125 (vi) individuals with behavioral health disorders, including mental health or substance
- 126 use disorders;
- 127 (vii) individuals who are medically frail or terminally ill;
- 128 (viii) individuals exiting prison or jail; or
- 129 (ix) individuals who are homeless without shelter; and
- 130 (e) consider whether the project will address one or more of the following goals:
- 131 (i) diverting homeless or imminently homeless individuals and families from
- 132 emergency shelters by providing better housing-based solutions;
- 133 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 134 (iii) providing homeless individuals and families with needed stabilization services;
- 135 (iv) decreasing the state's homeless rate;
- 136 (v) implementing a coordinated entry system with consistent assessment tools to
- 137 provide appropriate and timely access to services for homeless individuals and families;
- 138 (vi) providing access to caseworkers or other individualized support for homeless
- 139 individuals and families;
- 140 (vii) encouraging employment and increased financial stability for individuals and
- 141 families being diverted from or exiting homelessness;
- 142 (viii) creating additional affordable housing for state residents;
- 143 (ix) providing services and support to prevent homelessness among at-risk individuals
- 144 and adults;
- 145 (x) providing services and support to prevent homelessness among at-risk children,
- 146 adolescents, and young adults; and
- 147 (xi) preventing the reoccurrence of homelessness among individuals and families
- 148 exiting homelessness.
- 149 (5) In addition to the other provisions of this section, in determining the awarding of a

150 grant or contract under this section to design, build, create, or renovate a facility that will
151 provide shelter or other resources for the homeless, the Homeless Coordinating Committee,
152 with the concurrence of the division:

153 (a) may consider whether the facility will be:

154 (i) located near mass transit services;

155 (ii) located in an area that meets or will meet all zoning regulations before a final
156 dispersal of funds;

157 (iii) safe and welcoming both for individuals using the facility and for members of the
158 surrounding community; and

159 (iv) located in an area with access to employment, job training, and positive activities;

160 and

161 (b) may not award a grant or contract under this Subsection (5), unless the grant or
162 contract is endorsed by the county and, if applicable, the municipality where the facility will be
163 located.

164 (6) (a) As used in this Subsection (6), "homeless shelter" means a facility that:

165 (i) is located within a municipality;

166 (ii) provides temporary shelter to homeless individuals;

167 (iii) has capacity to provide temporary shelter to at least 200 individuals per night;

168 (iv) began operation on or before January 1, 2016;

169 (v) did not operate more than nine-months per year before January 1, 2016; and

170 (vi) currently operates year-round.

171 (b) In addition to the other provisions of this section, the Homeless Coordinating
172 Committee, with the concurrence of the division, may award a grant or contract:

173 (i) to a municipality to improve sidewalks or pathways near a homeless shelter to
174 provide greater safety to homeless individuals; and

175 (ii) to a homeless shelter to hire one or more off-duty peace officers to provide greater
176 safety to homeless individuals.

177 (7) The division may expend money from the Homeless to Housing Reform Restricted
178 Account to offset actual division and Homeless Coordinating Committee expenses related to
179 administering this section.

180 Section 3. Section **35A-8-605** is enacted to read:

181 **35A-8-605. Homeless to Housing Reform Restricted Account.**

182 (1) There is created a restricted account within the General Fund known as the
183 Homeless to Housing Reform Restricted Account.

184 (2) The restricted account shall be administered by the division for the purposes
185 described in Section [35A-8-604](#).

186 (3) The state treasurer shall invest the money in the restricted account according to the
187 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that
188 interest and other earnings derived from the restricted account shall be deposited in the
189 restricted account.

190 (4) The restricted account shall be funded by:

191 (a) appropriations made to the account by the Legislature; and

192 (b) private donations, grants, gifts, bequests, or money made available from any other
193 source to implement this section and Section [35A-8-604](#).

194 (5) Subject to appropriation, the director shall use account money as described in
195 Section [35A-8-604](#).

196 (6) The Homeless Coordinating Committee, in cooperation with the division, shall
197 submit an annual written report to the department that gives a complete accounting of the use
198 of money from the account for inclusion in the annual report described in Section [35A-1-109](#).

199 Section 4. Section **63I-2-235** is amended to read:

200 **63I-2-235. Repeal dates -- Title 35A.**

201 (1) Subsection [35A-8-604](#)(6) is repealed October 1, 2020.

202 [(+)] (2) Title 35A, Chapter 8, Part 11, Methamphetamine Housing Reconstruction and
203 Rehabilitation Account Act, is repealed July 1, 2015.

204 [(2)] (3) Section [35A-12-402](#) is repealed December 31, 2015.

205 Section 5. **Appropriation.**

206 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
207 the fiscal year beginning July 1, 2016, and ending June 30, 2017, the following sums of money
208 are appropriated from resources not otherwise appropriated, or reduced from amounts
209 previously appropriated, out of the funds or accounts indicated. These sums of money are in
210 addition to amounts previously appropriated for fiscal year 2017.

211 To Fund and Account Transfers -- General Fund Restricted --

212	<u>Homeless to Housing Reform Restricted Account</u>	
213	<u>From General Fund, one-time</u>	<u>\$7,000,000</u>
214	<u>From General Fund</u>	<u>\$3,000,000</u>
215	<u>Schedule of Programs:</u>	
216	<u>General Fund Restricted -- Homeless to Housing</u>	
217	<u>Reform Restricted Account</u>	<u>\$10,000,000</u>
218	<u>To Department of Workforce Services -- Housing and</u>	
219	<u>Community Development</u>	
220	<u>From General Fund Restricted -- Homeless to Housing</u>	
221	<u>Reform Restricted Account, one-time</u>	<u>\$7,000,000</u>
222	<u>From General Fund Restricted -- Homeless to Housing Reform</u>	
223	<u>Restricted Account</u>	<u>\$3,000,000</u>
224	<u>Schedule of Programs:</u>	
225	<u>Homeless to Housing Reform Program</u>	<u>\$10,000,000</u>
226	<u>The Legislature intends that:</u>	
227	<u>(1) under Section 63J-1-603 appropriations provided under this section not lapse at the</u>	
228	<u>close of fiscal year 2017;</u>	
229	<u>(2) the one-time appropriation under this section be used by the Housing and</u>	
230	<u>Community Development Division and the Homeless Coordinating Committee to award grants</u>	
231	<u>or contracts related to designing, building, creating, or renovating a facility in accordance with</u>	
232	<u>Subsection 35A-8-604(5), except that up to \$500,000 of the appropriation may be used to</u>	
233	<u>improve sidewalks or pathways near a homeless shelter as described in Subsection</u>	
234	<u>35A-8-604(6)(b)(i); and</u>	
235	<u>(3) the ongoing appropriation under this section be used by the Housing and</u>	
236	<u>Community Development Division and the Homeless Coordinating Committee to award grants</u>	
237	<u>or contracts in accordance with Section 35A-8-604, except that up to \$52,000 of the</u>	
238	<u>appropriation may be used to hire an off-duty peace officer as described in Subsection</u>	
239	<u>35A-8-604(6)(b)(ii).</u>	