

## HB0436S01 compared with HB0436

~~deleted text~~ shows text that was in HB0436 but was deleted in HB0436S01.

inserted text shows text that was not in HB0436 but was inserted into HB0436S01.

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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: \_\_\_\_\_

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#### 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:

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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:
  - from the General Fund, \$3,000,000;
- ▶ to the Department of Workforce Services -- Housing and Community Development, as a one-time appropriation:
  - from the General Fund Restricted -- Homeless to Housing Reform Restricted Account, \$7,000,000; and
- ▶ to the Department of Workforce Services -- Housing and Community Development, as an ongoing appropriation:
  - from the General Fund Restricted -- Homeless to Housing Reform Restricted Account, \$3,000,000.

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

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

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

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

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

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

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

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

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

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- (ii) the state planning coordinator or the coordinator's designee;
  - (iii) the state superintendent of public instruction or the superintendent's designee;
  - (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's designee; ~~[and]~~
  - (v) the executive ~~[directors]~~ director of the ~~[Department of Human Services, the Department of Corrections, the]~~ Department of Workforce Services~~[-, and the Department of Health, or their designees.]~~ or the executive director's designee;
  - (vi) the executive director of the Department of Corrections or the executive director's designee;
  - (vii) the executive director of the Department of Health or the executive director's designee;
  - (viii) the executive director of the Department of Human Services or the executive director's designee;
  - (ix) the mayor of Salt Lake City; and
  - (x) the mayor of Salt Lake County.
- (b) (i) The lieutenant governor shall serve as the chair of the committee.
- (ii) The lieutenant governor may appoint a vice chair from among committee members, who shall conduct committee meetings in the absence of the lieutenant governor.
- (3) The governor may appoint as members of the committee:
- (a) representatives of local governments, local housing authorities, local law enforcement agencies~~[-, and of];~~
  - (b) representatives of federal and private agencies and organizations concerned with the homeless, persons with a mental illness, the elderly, single-parent families, substance abusers, and persons with a disability~~[-]; and~~
  - (c) a citizen from Salt Lake County.
- (4) (a) Except as required by Subsection (4)(b), as terms of current committee members appointed under Subsection (3) expire, the governor shall appoint each new member or reappointed member to a four-year term.
- (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of committee members are staggered so that approximately half of the committee is appointed

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every two years.

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

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

(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.

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

**35A-8-604. Uses of ~~{Housing and }~~Homeless to Housing Reform Restricted**

### **Account.**

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

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

(3) As a condition of receiving money, including any ongoing money, from the Homeless to Housing Reform 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 division and the Homeless Coordinating Committee that describes:

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

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

(4) In determining the awarding of a grant or contract under this section, the Homeless

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Coordinating Committee, with the concurrence of the division, shall:

- (a) ensure that the services to be provided through the grant or contract will be provided in a cost-effective manner;
- (b) consider the advice of committee members designated in Subsection 35A-8-601(3);
- (c) give priority to a project or contract that will include significant additional or matching funds from a private organization or local government entity;
- (d) 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; and
- (e) 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;

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(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; and

(xi) preventing the reoccurrence of homelessness among individuals and families exiting homelessness.

(5) 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 Homeless Coordinating Committee, with the concurrence of the division:

(a) may consider whether the facility will be:

(i) located near mass transit services;

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

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

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

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

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

(i) is located within a municipality;

(ii) provides temporary shelter to homeless individuals;

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

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

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

(vi) currently operates year-round.

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

(i) to a municipality to improve sidewalks or pathways near a homeless shelter to

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provide greater safety to homeless individuals; and

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

(~~f6~~7) The division may expend money from the Homeless to Housing Reform **Restricted** Account to offset actual division and Homeless Coordinating Committee expenses related to administering this section.

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

**35A-8-605. 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 division for the purposes described in Section 35A-8-604.

(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 in 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-8-604.

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

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

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

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

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

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

(~~2~~) (3) Section 35A-12-402 is repealed December 31, 2015.

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### Section ~~(4)~~5. Appropriation.

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

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

##### Homeless to Housing Reform Restricted Account

From General Fund, one-time \$7,000,000

From General Fund \$3,000,000

##### Schedule of Programs:

##### General Fund Restricted -- Homeless to Housing

Reform Restricted Account \$10,000,000

#### To Department of Workforce Services -- Housing and

##### Community Development

##### From General Fund Restricted -- Homeless to Housing

Reform Restricted Account, one-time \$7,000,000

##### From General Fund Restricted -- Homeless to Housing Reform

Restricted Account \$3,000,000

##### Schedule of Programs:

Homeless to Housing Reform Program \$10,000,000

The Legislature intends that:

(1) under Section 63J-1-603 appropriations provided under this section not lapse at the close of fiscal year 2017;

(2) the one-time appropriation under this section be used by the Housing and Community Development Division and the Homeless Coordinating Committee to award grants or contracts related to designing, building, creating, or renovating a facility in accordance with Subsection 35A-8-604(5), except that up to \$500,000 of the appropriation may be used to improve sidewalks or pathways near a homeless shelter as described in Subsection 35A-8-604(6)(b)(i); and

(3) the ongoing appropriation under this section be used by the Housing and



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Community Development Division and the Homeless Coordinating Committee to award grants or contracts in accordance with Section 35A-8-604.

### Legislative Review Note

Office of Legislative Research and General Counsel, except that up to \$52,000 of the appropriation may be used to hire an off-duty peace officer as described in Subsection 35A-8-604(6)(b)(ii).