

Senator Todd Weiler 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

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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:**

This bill appropriates:

- ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account, as a one-time appropriation:

- from the General Fund, \$2,500,000; and

- from Federal Funds, \$2,250,000;

- ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account,



26 as an ongoing appropriation:

- 27 • from the General Fund, \$4,500,000;
- 28 ▶ to the Department of Workforce Services -- Housing and Community Development,

29 as a one-time appropriation:

- 30 • from the General Fund Restricted -- Homeless to Housing Reform Restricted
- 31 Account, \$4,750,000; and

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

- 34 • from the General Fund Restricted -- Homeless to Housing Reform Restricted
- 35 Account, \$4,500,000.

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **35A-8-601**, as renumbered and amended by Laws of Utah 2012, Chapter 212

41 **63I-2-235**, as enacted by Laws of Utah 2015, Chapters 104 and 460

42 ENACTS:

43 **35A-8-604**, Utah Code Annotated 1953

44 **35A-8-605**, Utah Code Annotated 1953



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

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

48 **35A-8-601. Creation.**

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

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

- 51 (i) the lieutenant governor or the lieutenant governor's designee;
- 52 (ii) the state planning coordinator or the coordinator's designee;
- 53 (iii) the state superintendent of public instruction or the superintendent's designee;
- 54 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's
- 55 designee; [~~and~~]

56 (v) the executive [~~directors~~] director of the [~~Department of Human Services, the~~]

57 ~~Department of Corrections, the] Department of Workforce Services[, and the Department of~~  
58 ~~Health, or their designees:] or the executive director's designee;~~

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

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

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

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

66 (x) the mayor of Salt Lake County.

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

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

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

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

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

76 (c) a resident of Salt Lake County.

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

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

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

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

88 (6) A member may not receive compensation or benefits for the member's service, but  
89 may receive per diem and travel expenses in accordance with:

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

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

92 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
93 63A-3-107.

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

95 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

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

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

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

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

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

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

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

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

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

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

150 (5) In addition to the other provisions of this section, in determining the awarding of a  
151 grant or contract under this section to design, build, create, or renovate a facility that will  
152 provide shelter or other resources for the homeless, the Homeless Coordinating Committee,  
153 with the concurrence of the division:

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

155 (i) located near mass transit services;

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

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

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

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

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

166 (i) is located within a municipality;

167 (ii) provides temporary shelter to homeless individuals;

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

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

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

171 (vi) currently operates year-round.

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

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

176 (ii) to a municipality to hire a peace officer to provide greater safety to homeless  
177 individuals.

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

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

182 **35A-8-605. Homeless to Housing Reform Restricted Account.**

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

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

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

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

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

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

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

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

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

201 **63I-2-235. Repeal dates -- Title 35A.**

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

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

205 [(2)] (3) Section [35A-12-402](#) is repealed December 31, 2015.

206 Section 5. **Appropriation.**

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

212	<u>To Fund and Account Transfers -- General Fund Restricted --</u>	
213	<u>Homeless to Housing Reform Restricted Account</u>	
214	<u>From General Fund, one-time</u>	<u>\$2,500,000</u>
215	<u>From Federal Funds, one-time</u>	<u>\$2,250,000</u>
216	<u>From General Fund</u>	<u>\$4,500,000</u>
217	<u>Schedule of Programs:</u>	
218	<u>General Fund Restricted -- Homeless to Housing</u>	
219	<u>Reform Restricted Account</u>	<u>\$9,250,000</u>

220	<u>To Department of Workforce Services -- Housing and</u>	
221	<u>Community Development</u>	
222	<u>From General Fund Restricted -- Homeless to Housing</u>	
223	<u>Reform Restricted Account, one-time</u>	<u>\$4,750,000</u>
224	<u>From General Fund Restricted -- Homeless to Housing Reform</u>	
225	<u>Restricted Account</u>	<u>\$4,500,000</u>
226	<u>Schedule of Programs:</u>	
227	<u>Homeless to Housing Reform Program</u>	<u>\$9,250,000</u>

228 The Legislature intends that:

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

231 (2) the one-time appropriation under this section be used by the Housing and  
232 Community Development Division and the Homeless Coordinating Committee to award grants  
233 or contracts related to designing, building, creating, or renovating a facility in accordance with  
234 Subsection 35A-8-604(5), except that up to \$500,000 of the appropriation may be used to  
235 improve sidewalks, pathways, or roadways near a homeless shelter as described in Subsection  
236 35A-8-604(6)(b)(i); and

237 (3) the ongoing appropriation under this section be used by the Housing and  
238 Community Development Division and the Homeless Coordinating Committee to award grants  
239 or contracts in accordance with Section 35A-8-604, except that up to \$52,000 of the  
240 appropriation may be used to hire a peace officer as described in Subsection  
241 35A-8-604(6)(b)(ii).