

1 **HOUSING AND HOMELESS REFORM INITIATIVE**

2 **AMENDMENTS**

3 2017 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Francis D. Gibson**

6 Senate Sponsor: Ann Millner

7 Cosponsor: Steve Eliason

8

9 **LONG TITLE**

10 **General Description:**

11 This bill modifies provisions related to homelessness and homeless shelters.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ modifies the ordinances and other regulations that a municipality may enforce for a
15 homeless shelter;

16 ▶ modifies the requirements for the Homeless Coordinating Committee and the
17 Housing and Community Development Division to award grants or contracts related
18 to a facility that will provide shelter or other services to the homeless; and

19 ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21 This bill appropriates:

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

24 • from the General Fund, \$9,850,000;

25 ▶ to the General Fund Restricted -- Homeless to Housing Reform Restricted Account,
26 as an ongoing appropriation:

27 • from the General Fund, \$250,000;

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, \$9,850,000;

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, \$250,000; and

36 ▶ to the Olene Walker Housing Loan Fund, as a one-time appropriation:

37 • from the General Fund, \$700,000.

38 **Other Special Clauses:**

39 This bill provides a special effective date.

40 **Utah Code Sections Affected:**

41 AMENDS:

42 **10-9a-526**, as enacted by Laws of Utah 2016, Chapter 131

43 **35A-8-604**, as enacted by Laws of Utah 2016, Chapter 278



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

46 Section 1. Section **10-9a-526** is amended to read:

47 **10-9a-526. Homeless shelters.**

48 (1) As used in this section, "homeless shelter" means a facility that:

49 (a) is or is proposed to be located within a municipality;

50 (b) provides or is proposed to provide temporary shelter to homeless [~~families with~~
51 ~~children~~] individuals; and

52 (c) has or is proposed to have the capacity to provide temporary shelter to at least
53 [~~200~~] 50 individuals per night[~~; and~~].

54 [~~(d) began operation on or before January 1, 2016.~~]

55 (2) A municipality may not adopt or enforce an ordinance or other regulation that
56 prohibits a homeless shelter;

57 (a) from operating year-round[;-] if the homeless shelter began operation on or before
58 January 1, 2016; or

59 (b) from being built if the site of the homeless shelter is approved by and receives
60 funding through the Homeless Coordinating Committee, with the concurrence of the Housing
61 and Community Development Division within the Department of Workforce Services, in
62 accordance with the requirements of Section 35A-8-604.

63 Section 2. Section 35A-8-604 is amended to read:

64 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

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

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

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

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

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

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

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

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

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

88 (d) ensure that the project or contract will target the distinct housing needs of one or
89 more at-risk or homeless subpopulations, which may include:

90 (i) families with children;

91 (ii) transitional-aged youth;

92 (iii) single men or single women;

93 (iv) veterans;

94 (v) victims of domestic violence;

95 (vi) individuals with behavioral health disorders, including mental health or substance
96 use disorders;

97 (vii) individuals who are medically frail or terminally ill;

98 (viii) individuals exiting prison or jail; or

99 (ix) individuals who are homeless without shelter; and

100 (e) consider whether the project will address one or more of the following goals:

101 (i) diverting homeless or imminently homeless individuals and families from emergency
102 shelters by providing better housing-based solutions;

103 (ii) meeting the basic needs of homeless individuals and families in crisis;

104 (iii) providing homeless individuals and families with needed stabilization services;

105 (iv) decreasing the state's homeless rate;

106 (v) implementing a coordinated entry system with consistent assessment tools to
107 provide appropriate and timely access to services for homeless individuals and families;

108 (vi) providing access to caseworkers or other individualized support for homeless
109 individuals and families;

110 (vii) encouraging employment and increased financial stability for individuals and
111 families being diverted from or exiting homelessness;

112 (viii) creating additional affordable housing for state residents;

113 (ix) providing services and support to prevent homelessness among at-risk individuals
114 and adults;

115 (x) providing services and support to prevent homelessness among at-risk children,
116 adolescents, and young adults; and

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

119 (5) In addition to the other provisions of this section, in determining the awarding of a
120 grant or contract under this section to design, build, create, or renovate a facility that will
121 provide shelter or other resources for the homeless, the Homeless Coordinating Committee,
122 with the concurrence of the division~~[(a)]~~, may consider whether the facility will be:

123 [(i)] (a) located near mass transit services;

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

126 [(iii)] (c) safe and welcoming both for individuals using the facility and for members of
127 the surrounding community; and

128 [(iv)] (d) located in an area with access to employment, job training, and positive
129 activities~~[-and]~~.

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

133 (6) In accordance with Subsection (5), and subject to the approval of the Homeless
134 Coordinating Committee with the concurrence of the division, the following may recommend a
135 site location, acquire a site location, and hold title to real property, buildings, fixtures, and
136 appurtenances of a facility that provides or will provide shelter or other resources for the
137 homeless:

138 (a) the county executive of a county of the first class on behalf of the county of the first
139 class, if the facility is or will be located in the county of the first class in a location other than
140 Salt Lake City;

141 (b) the state;

142 (c) a nonprofit entity approved by the Homeless Coordinating Committee with the
143 concurrence of the division; and

144 (d) a mayor of a municipality on behalf of the municipality where a facility is or will be
145 located.

146 (7) Subject to the requirements of Subsections (5) and (6), on or before March 30,
147 2017, the county executive of a county of the first class shall make a recommendation to the
148 Homeless Coordinating Committee identifying a site location for one facility within the county
149 of the first class that will provide shelter for the homeless in a location other than Salt Lake
150 City.

151 ~~[(6)]~~ (8) (a) As used in this Subsection ~~[(6)]~~ (8), "homeless shelter" means a facility
152 that:

153 (i) is located within a municipality;

154 (ii) provides temporary shelter year-round to homeless individuals; and

155 (iii) has the capacity to provide temporary shelter to at least ~~[200]~~ 50 individuals per
156 night[;].

157 ~~[(iv) began operation on or before January 1, 2016;]~~

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

159 ~~[(vi) currently operates year-round.]~~

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

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

164 (ii) to a municipality to hire ~~[a]~~ one or more peace ~~[officer]~~ officers to provide greater
165 safety to homeless individuals.

166 ~~[(7)]~~ (9) The division may expend money from the Homeless to Housing Reform
167 Restricted Account to offset actual division and Homeless Coordinating Committee expenses
168 related to administering this section.

169 Section 3. **Appropriation.**

170 For Item 1 and Item 2, the following sums of money are appropriated for the fiscal year
171 beginning July 1, 2017, and ending June 30, 2018. These are additions to amounts previously
172 appropriated for fiscal year 2018. Under the terms and conditions of Title 63J, Chapter 1,
173 Budgetary Procedures Act, the Legislature appropriates the following sums of money from the
174 funds or accounts indicated for the use and support of the government of the state of Utah.

175 ITEM 1

176 To Fund and Account Transfers -- General Fund Restricted -- Homeless to
177 Housing Reform Restricted Account

178 From General Fund, One-time \$9,850,000

179 From General Fund \$250,000

180 Schedule of Programs:

181 General Fund Restricted -- Homeless to Housing Reform

182 Restricted Account \$10,100,000

183 ITEM 2

184 To Department of Workforce Services -- Housing and Community Development

185 From General Fund Restricted -- Homeless to Housing

186 Reform Restricted Account, One-time \$9,850,000

187 From General Fund Restricted -- Homeless to Housing

188 Reform Restricted Account \$250,000

189 Schedule of Programs:

190 Homeless to Housing Reform Program \$10,100,000

191 For Item 3, the following sums of money are appropriated for the fiscal year beginning
192 July 1, 2016, and ending June 30, 2017. These are additions to amounts previously appropriated
193 for fiscal year 2017. Under the terms and conditions of Title 63J, Chapter 1, Budgetary
194 Procedures Act, the Legislature appropriates the following sums of money from the funds or
195 accounts indicated for the use and support of the government of the state of Utah.

196 ITEM 3

197 To Fund and Account Transfers -- Olene Walker Housing Loan Fund
 198 From General Fund, One-time \$700,000
 199 Schedule of Programs:
 200 Olene Walker Housing Loan Fund \$700,000

201 The Legislature intends that:

202 (1) under Section 63J-1-603 appropriations provided under this section not lapse at the
 203 close of fiscal year 2017 or 2018;

204 (2) the one-time appropriation to the Olene Walker Housing Loan Fund be used by the
 205 Olene Walker Housing Loan Fund Board to provide a grant in fiscal year 2017 to a homeless
 206 shelter and soup kitchen located in a city of the second class and in a county of the second class
 207 that:

208 (a) is open year-round;

209 (b) provides meals and other services to homeless families and individuals; and

210 (c) has the capacity to provide temporary shelter to at least 250 individuals per night;

211 and

212 (3) any ongoing or future appropriations to the Homeless to Housing Reform
 213 Restricted Account that may be awarded by the Homeless Coordinating Committee for the
 214 purpose of funding one or more homeless shelters in a city of the first class or a county of the
 215 first class are contingent upon city and county leaders working with stakeholders to close the
 216 Salt Lake Community Shelter located at 210 South Rio Grande Street, Salt Lake City, Utah, on
 217 or before June 30, 2019.

218 **Section 4. Effective date.**

219 If approved by two-thirds of all the members elected to each house, this bill takes effect
 220 upon approval by the governor, or the day following the constitutional time limit of Utah
 221 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
 222 the date of veto override.