

HOMELESS SHELTER FUNDING REVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: Ronald Winterton

LONG TITLE

General Description:

This bill modifies the homeless shelter requirements for the Homeless to Housing Reform Restricted Account and the Homeless Shelter Cities Mitigation Restricted Account.

Highlighted Provisions:

This bill:

► modifies definitions of "homeless shelter" by providing a lower bed requirement for counties of the third through sixth class for purposes of:

- certain distributions from the Homeless to Housing Reform Restricted Account;
- and
- contributions to and distributions from the Homeless Shelter Cities Mitigation Restricted Account; and

► makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-8-604, as last amended by Laws of Utah 2018, Chapter 251



28 [35A-8-608](#), as enacted by Laws of Utah 2018, Chapter 312



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

31 Section 1. Section **35A-8-604** is amended to read:

32 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

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

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

41 (3) As a condition of receiving money, including any ongoing money, from the
42 restricted account, an entity awarded a grant or contract under this section shall provide
43 detailed and accurate reporting on at least an annual basis to the division and the Homeless
44 Coordinating Committee that describes:

- 45 (a) how money provided from the restricted account has been spent by the entity; and
- 46 (b) the progress towards measurable outcome-based benchmarks agreed to between the
47 entity and the Homeless Coordinating Committee before the awarding of the grant or contract.

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

- 50 (a) ensure that the services to be provided through the grant or contract will be
51 provided in a cost-effective manner;
- 52 (b) consider the advice of committee members designated in Subsection [35A-8-601](#)(3);
- 53 (c) give priority to a project or contract that will include significant additional or
54 matching funds from a private organization, nonprofit organization, or local government entity;
- 55 (d) ensure that the project or contract will target the distinct housing needs of one or
56 more at-risk or homeless subpopulations, which may include:
 - 57 (i) families with children;
 - 58 (ii) transitional-aged youth;

- 59 (iii) single men or single women;
- 60 (iv) veterans;
- 61 (v) victims of domestic violence;
- 62 (vi) individuals with behavioral health disorders, including mental health or substance
- 63 use disorders;
- 64 (vii) individuals who are medically frail or terminally ill;
- 65 (viii) individuals exiting prison or jail; or
- 66 (ix) individuals who are homeless without shelter; and
- 67 (e) consider whether the project will address one or more of the following goals:
- 68 (i) diverting homeless or imminently homeless individuals and families from
- 69 emergency shelters by providing better housing-based solutions;
- 70 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 71 (iii) providing homeless individuals and families with needed stabilization services;
- 72 (iv) decreasing the state's homeless rate;
- 73 (v) implementing a coordinated entry system with consistent assessment tools to
- 74 provide appropriate and timely access to services for homeless individuals and families;
- 75 (vi) providing access to caseworkers or other individualized support for homeless
- 76 individuals and families;
- 77 (vii) encouraging employment and increased financial stability for individuals and
- 78 families being diverted from or exiting homelessness;
- 79 (viii) creating additional affordable housing for state residents;
- 80 (ix) providing services and support to prevent homelessness among at-risk individuals
- 81 and adults;
- 82 (x) providing services and support to prevent homelessness among at-risk children,
- 83 adolescents, and young adults; and
- 84 (xi) preventing the reoccurrence of homelessness among individuals and families
- 85 exiting homelessness.
- 86 (5) In addition to the other provisions of this section, in determining the awarding of a
- 87 grant or contract under this section to design, build, create, or renovate a facility that will
- 88 provide shelter or other resources for the homeless, the Homeless Coordinating Committee,
- 89 with the concurrence of the division, may consider whether the facility will be:

90 (a) located near mass transit services;

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

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

95 (d) located in an area with access to employment, job training, and positive activities.

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

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

104 (b) the state;

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

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

109 (7) Subject to the requirements of Subsections (5) and (6), on or before March 30,
110 2017, the county executive of a county of the first class shall make a recommendation to the
111 Homeless Coordinating Committee identifying a site location for one facility within the county
112 of the first class that will provide shelter for the homeless in a location other than Salt Lake
113 City.

114 (8) (a) As used in this Subsection (8) and in Subsection (9), "homeless shelter" means a
115 facility that:

116 (i) is located within a municipality;

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

118 (iii) has the capacity to provide temporary shelter to:

119 (A) for a county of the first or second class, at least 50 individuals per night[-]; or

120 (B) for a county of the third, fourth, fifth, or sixth class, at least 25 individuals per

121 night.

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

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

126 (ii) to a municipality to hire one or more peace officers to provide greater safety to
127 homeless individuals.

128 (9) (a) If a homeless shelter commits to provide matching funds equal to the total grant
129 awarded under this Subsection (9), the Homeless Coordinating Committee, with the
130 concurrence of the division, may award a grant for the ongoing operations of the homeless
131 shelter.

132 (b) In awarding a grant under this Subsection (9), the Homeless Coordinating
133 Committee, with the concurrence of the division, shall:

134 (i) give priority to a homeless shelter located in a county of the first class that has the
135 capacity to provide temporary shelter to at least 200 individuals per night; and

136 (ii) consider the number of beds available at the homeless shelter and the number and
137 quality of the homeless services provided by the homeless shelter.

138 (10) The division may expend money from the restricted account to offset actual
139 division and Homeless Coordinating Committee expenses related to administering this section.

140 Section 2. Section **35A-8-608** is amended to read:

141 **35A-8-608. Grant eligible entity application process for Homeless Shelter Cities**
142 **Mitigation Restricted Account funds.**

143 (1) As used in this section:

144 (a) "Account" means the restricted account created in Section [35A-8-606](#).

145 (b) "Committee" means the Homeless Coordinating Committee created in this part.

146 (c) "Grant" means an award of funds from the account.

147 (d) "Grant eligible entity" means:

148 (i) the Department of Public Safety; or

149 (ii) a city, town, or metro township that:

150 (A) has a homeless shelter within the city's, town's, or metro township's geographic
151 boundaries;

152 (B) has increased community, social service, and public safety service needs due to the
153 location of a homeless shelter within the city's, town's, or metro township's geographic
154 boundaries; and

155 (C) is certified as a grant eligible entity in accordance with Section [35A-8-609](#).

156 (e) "Homeless shelter" means a facility that:

157 (i) provides temporary shelter to homeless individuals;

158 (ii) has the capacity to provide temporary shelter to:

159 (A) for a county of the first or second class, at least 60 individuals per night; [and] or

160 (B) for a county of the third, fourth, fifth, or sixth class, at least 25 individuals per
161 night; and

162 (iii) operates year-round and is not subject to restrictions that limit the hours, days,
163 weeks, or months of operation.

164 (f) "Public safety services" means law enforcement, emergency medical services, and
165 fire protection.

166 (2) Subject to the availability of funds, a grant eligible entity may request a grant to
167 mitigate the impacts of the location of a homeless shelter:

168 (a) through employment of additional personnel to provide public safety services in
169 and around a homeless shelter; or

170 (b) for a grant eligible entity that is a city, town, or metro township, through:

171 (i) development of a community and neighborhood program within the city's, town's, or
172 metro township's boundaries; or

173 (ii) provision of social services within the city's, town's, or metro township's
174 boundaries.

175 (3) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
176 department shall make rules governing:

177 (i) the process for determining whether there is sufficient revenue to the account to
178 offer a grant program for the next fiscal year; and

179 (ii) the process for notifying grant eligible entities about the availability of grants for
180 the next fiscal year.

181 (b) (i) If the committee offers a grant program for the next fiscal year, the committee
182 shall set aside time on the agenda of a committee meeting that occurs on or after July 1 and on

183 or before November 30 to allow a grant eligible entity to present a request for account funds for
184 the next fiscal year.

185 (ii) A grant eligible entity may present a request for account funds by:

186 (A) sending an electronic copy of the request to the committee before the meeting; and

187 (B) appearing at the meeting to present the request.

188 (c) The request described in Subsection (3)(b) shall contain:

189 (i) for a grant request to develop a community and neighborhood program:

190 (A) a proposal outlining the components of a community and neighborhood program;

191 (B) a summary of the grant eligible entity's proposed use of any grant awarded; and

192 (C) the amount requested;

193 (ii) for a grant request to provide social services:

194 (A) a proposal outlining the need for additional social services;

195 (B) a summary of the grant eligible entity's proposed use of any grant awarded; and

196 (C) the amount requested;

197 (iii) for a grant request to employ additional personnel to provide public safety

198 services:

199 (A) data relating to the grant eligible entity's public safety services for the current fiscal
200 year, including crime statistics and calls for public safety services;

201 (B) data showing an increase in the grant eligible entity's need for public safety
202 services in the next fiscal year;

203 (C) a summary of the grant eligible entity's proposed use of any grant awarded; and

204 (D) the amount requested; ~~and~~ or

205 (iv) for a grant request to provide some combination of the activities described in
206 Subsections (3)(c)(i) through (iii), the information required by this Subsection (3) for each
207 activity for which the grant eligible entity requests a grant.

208 (d) (i) On or before November 30, a grant eligible entity that received a grant during
209 the previous fiscal year shall file electronically with the committee a report that includes:

210 (A) a summary of the amount of the grant that the grant eligible entity received and the
211 grant eligible entity's specific use of those funds;

212 (B) an evaluation of the grant eligible entity's effectiveness in using the grant to
213 address the grant eligible entity's increased needs due to the location of a homeless shelter; and

214 (C) any proposals for improving the grant eligible entity's effectiveness in using a grant
215 that the grant eligible entity may receive in future fiscal years.

216 (ii) The committee may request additional information as needed to make the
217 evaluation described in Subsection (3)(e).

218 (e) The committee shall evaluate a grant request made in accordance with this
219 Subsection (3) using the following factors:

220 (i) the strength of the proposal that the grant eligible entity provides to support the
221 request;

222 (ii) if the grant eligible entity received a grant during the previous fiscal year, the
223 efficiency with which the grant eligible entity used the grant during the previous fiscal year;

224 (iii) the availability of alternative funding for the grant eligible entity to address the
225 grant eligible entity's needs due to the location of a homeless shelter; and

226 (iv) any other considerations identified by the committee.

227 (f) (i) After making the evaluation described in Subsection (3)(e) for each grant eligible
228 entity that makes a grant request and subject to other provisions of this Subsection (3)(f), the
229 committee shall vote to:

230 (A) prioritize the grant requests; and

231 (B) recommend a grant amount for each grant eligible entity.

232 (ii) The committee shall support the prioritization and recommendation described in
233 Subsection (3)(f)(i) with findings on each of the factors described in Subsection (3)(e).

234 (g) The committee shall submit a list that prioritizes the grant requests and
235 recommends a grant amount for each grant eligible entity that requested a grant to:

236 (i) the governor for inclusion in the governor's budget to be submitted to the
237 Legislature; and

238 (ii) the Social Services Appropriations Subcommittee of the Legislature for approval in
239 accordance with Section [63J-1-802](#).

240 (4) (a) Subject to Subsection (4)(b), the department shall disburse the revenue in the
241 account as a grant to a grant eligible entity:

242 (i) after making the disbursements required by Section [35A-8-607](#); and

243 (ii) subject to the availability of funds in the account:

244 (A) in the order of priority that the Legislature gives to each eligible grant entity under

245 Section 63J-1-802; and

246 (B) in the amount that the Legislature approves to a grant eligible entity under Section
247 63J-1-802.

248 (b) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
249 department shall make rules governing the process for the department to determine the timeline
250 within the fiscal year for funding the grants.

251 (5) On or before October 1, the department, in cooperation with the committee, shall:

252 (a) submit an annual written report electronically to the Social Services Appropriations
253 Subcommittee of the Legislature that gives a complete accounting of the department's
254 disbursement of the money from the account under this section for the previous fiscal year; and

255 (b) include information regarding the disbursement of money from the account under
256 this section in the annual report described in Section 35A-1-109.