

**Representative Scott H. Chew** proposes the following substitute bill:

**HOMELESS SHELTER FUNDING REVISIONS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott H. Chew**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to homeless shelter funding.

**Highlighted Provisions:**

This bill:

- ▶ modifies the definition of "homeless shelter" for purposes of certain distributions from the Homeless to Housing Reform Restricted Account;
- ▶ creates the Rural Homeless Shelter Operations Restricted Account;
- ▶ creates a grant program for rural homeless shelters to receive matching funds from the Rural Homeless Shelter Operations Restricted Account;
- ▶ modifies the definition of "homeless shelter" for purposes of 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:



26 [35A-8-604](#), as last amended by Laws of Utah 2018, Chapter 251

27 [35A-8-608](#), as enacted by Laws of Utah 2018, Chapter 312

28 ENACTS:

29 [35A-8-610](#), Utah Code Annotated 1953

30 [35A-8-611](#), Utah Code Annotated 1953

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

33 Section 1. Section [35A-8-604](#) is amended to read:

34 **[35A-8-604. Uses of Homeless to Housing Reform Restricted Account.](#)**

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

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

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

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

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

- 52 (a) ensure that the services to be provided through the grant or contract will be  
53 provided in a cost-effective manner;
- 54 (b) consider the advice of committee members designated in Subsection [35A-8-601](#)(3);
- 55 (c) give priority to a project or contract that will include significant additional or  
56 matching funds from a private organization, nonprofit organization, or local government entity;

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

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

92 (a) located near mass transit services;

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

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

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

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

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

106 (b) the state;

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

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

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

116 (8) (a) As used in this Subsection (8) [~~and in Subsection (9)~~], "homeless shelter" means  
117 a facility that:

118 (i) is located within a municipality;

- 119 (ii) provides temporary shelter year-round to homeless individuals; and
- 120 (iii) has the capacity to provide temporary shelter to at least 50 individuals per night.

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

- 123 (i) to a municipality to improve sidewalks, pathways, or roadways near a homeless  
 124 shelter to provide greater safety to homeless individuals; and
- 125 (ii) to a municipality to hire one or more peace officers to provide greater safety to  
 126 homeless individuals.

127 (9) (a) For purposes of this Subsection (9), "homeless shelter" means the same as that  
 128 term is defined in Subsection (8), except that the facility shall be located in a municipality in a  
 129 county of the first or second class.

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

134 [~~(b)~~] (c) In awarding a grant under this Subsection (9), the Homeless Coordinating  
 135 Committee, with the concurrence of the division, shall:

- 136 (i) give priority to a homeless shelter located in a county of the first class that has the  
 137 capacity to provide temporary shelter to at least 200 individuals per night; and
- 138 (ii) consider the number of beds available at the homeless shelter and the number and  
 139 quality of the homeless services provided by the homeless shelter.

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

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

143 **35A-8-608. Grant eligible entity application process for Homeless Shelter Cities**  
 144 **Mitigation Restricted Account funds.**

- 145 (1) As used in this section:
- 146 (a) "Account" means the restricted account created in Section [35A-8-606](#).
- 147 (b) "Committee" means the Homeless Coordinating Committee created in this part.
- 148 (c) "Grant" means an award of funds from the account.
- 149 (d) "Grant eligible entity" means:

- 150 (i) the Department of Public Safety; or  
151 (ii) a city, town, or metro township that:  
152 (A) has a homeless shelter within the city's, town's, or metro township's geographic  
153 boundaries;  
154 (B) has increased community, social service, and public safety service needs due to the  
155 location of a homeless shelter within the city's, town's, or metro township's geographic  
156 boundaries; and  
157 (C) is certified as a grant eligible entity in accordance with Section [35A-8-609](#).  
158 (e) "Homeless shelter" means a facility that:  
159 (i) provides temporary shelter to homeless individuals;  
160 (ii) has the capacity to provide temporary shelter to:  
161 (A) for a county of the first or second class, at least 60 individuals per night; [and] or  
162 (B) for a county of the third, fourth, fifth, or sixth class, at least 25 individuals per  
163 night; and  
164 (iii) operates year-round and is not subject to restrictions that limit the hours, days,  
165 weeks, or months of operation.  
166 (f) "Public safety services" means law enforcement, emergency medical services, and  
167 fire protection.  
168 (2) Subject to the availability of funds, a grant eligible entity may request a grant to  
169 mitigate the impacts of the location of a homeless shelter:  
170 (a) through employment of additional personnel to provide public safety services in  
171 and around a homeless shelter; or  
172 (b) for a grant eligible entity that is a city, town, or metro township, through:  
173 (i) development of a community and neighborhood program within the city's, town's, or  
174 metro township's boundaries; or  
175 (ii) provision of social services within the city's, town's, or metro township's  
176 boundaries.  
177 (3) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the  
178 department shall make rules governing:  
179 (i) the process for determining whether there is sufficient revenue to the account to  
180 offer a grant program for the next fiscal year; and

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

183 (b) (i) If the committee offers a grant program for the next fiscal year, the committee  
184 shall set aside time on the agenda of a committee meeting that occurs on or after July 1 and on  
185 or before November 30 to allow a grant eligible entity to present a request for account funds for  
186 the next fiscal year.

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

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

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

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

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

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

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

194 (C) the amount requested;

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

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

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

198 (C) the amount requested;

199 (iii) for a grant request to employ additional personnel to provide public safety  
200 services:

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

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

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

206 (D) the amount requested; [~~and~~] or

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

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

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

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

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

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

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

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

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

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

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

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

232 (A) prioritize the grant requests; and

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

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

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

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

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

242 (4) (a) Subject to Subsection (4)(b), the department shall disburse the revenue in the



243 account as a grant to a grant eligible entity:

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

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

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

247 Section [63J-1-802](#); and

248 (B) in the amount that the Legislature approves to a grant eligible entity under Section

249 [63J-1-802](#).

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

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

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

257 (b) include information regarding the disbursement of money from the account under  
258 this section in the annual report described in Section [35A-1-109](#).

259 Section 3. Section [35A-8-610](#) is enacted to read:

260 **[35A-8-610](#). Creation of Rural Homeless Shelter Operations Restricted Account.**

261 (1) There is created a restricted account within the General Fund known as the Rural  
262 Homeless Shelter Operations Restricted Account.

263 (2) The restricted account shall be administered by the division for the purposes  
264 described in Section [35A-8-611](#).

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

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

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

271 (b) private donations, grants, gifts, bequests, or money made available from any other  
272 source to implement this section and Section [35A-9-611](#).

273 (5) Subject to appropriation, the director shall use restricted account money as

274 described in Section [35A-8-611](#).

275 (6) The Homeless Coordinating Committee, in cooperation with the division, shall  
276 submit an annual written report to the department that gives a complete accounting of the use  
277 of money from the restricted account for inclusion in the annual report described in Section  
278 [35A-1-109](#).

279 Section 4. Section **35A-8-611** is enacted to read:

280 **35A-8-611. Uses of Rural Homeless Shelter Operations Restricted Account.**

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

282 (a) is located within a municipality in a county of the third, fourth, fifth, or sixth class;

283 (b) provides temporary shelter year-round to homeless individuals; and

284 (c) has the capacity to provide temporary shelter to at least 25 individuals per night.

285 (2) If a homeless shelter commits to providing matching funds equal to the total grant  
286 awarded under this Subsection (2), the Homeless Coordinating Committee, with the  
287 concurrence of the division, may award a grant from the Rural Homeless Shelter Operations  
288 Restricted Account, created in Section [35A-8-610](#), for the ongoing operations of the homeless  
289 shelter.