

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: _____

Cosponsor: Steve Eliason

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



25 **Utah Code Sections Affected:**

26 AMENDS:

27 **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

29 ENACTS:

30 **35A-8-610**, Utah Code Annotated 1953

31 **35A-8-611**, Utah Code Annotated 1953

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

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

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

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

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

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

48 (a) how money provided from the restricted account has been spent by the entity; and

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

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

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

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

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

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

60 (i) families with children;

61 (ii) transitional-aged youth;

62 (iii) single men or single women;

63 (iv) veterans;

64 (v) victims of domestic violence;

65 (vi) individuals with behavioral health disorders, including mental health or substance
66 use disorders;

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

68 (viii) individuals exiting prison or jail; or

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

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

71 (i) diverting homeless or imminently homeless individuals and families from

72 emergency shelters by providing better housing-based solutions;

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

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

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

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

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

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

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

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

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

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

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

93 (a) located near mass transit services;

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

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

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

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

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

107 (b) the state;

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

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

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

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

118 a facility that:

- 119 (i) is located within a municipality;
- 120 (ii) provides temporary shelter year-round to homeless individuals; and
- 121 (iii) has the capacity to provide temporary shelter to at least 50 individuals per 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) For purposes of this Subsection (9), "homeless shelter" means the same as that
129 term is defined in Subsection (8), except that the facility shall be located in a municipality in a
130 county of the first or second class.

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

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

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

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

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

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

146 (1) As used in this section:

- 147 (a) "Account" means the restricted account created in Section [35A-8-606](#).
- 148 (b) "Committee" means the Homeless Coordinating Committee created in this part.

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

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

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

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

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

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

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

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

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

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

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

195 (C) the amount requested;

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

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

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

199 (C) the amount requested;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

233 (A) prioritize the grant requests; and

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

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

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

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

241 (ii) the Social Services Appropriations Subcommittee of the Legislature for approval in

242 accordance with Section [63J-1-802](#).

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

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

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

247 (A) in the order of priority that the Legislature gives to each eligible grant entity under
248 Section [63J-1-802](#); and

249 (B) in the amount that the Legislature approves to a grant eligible entity under Section
250 [63J-1-802](#).

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

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

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

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

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

261 **[35A-8-610](#). Creation of Rural Homeless Shelter Operations Restricted Account.**

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

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

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

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

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

272 (b) private donations, grants, gifts, bequests, or money made available from any other

273 source to implement this section and Section [35A-8-611](#).

274 (5) Subject to appropriation, the director shall use restricted account money as
275 described in Section [35A-8-611](#).

276 (6) The Homeless Coordinating Committee, in cooperation with the division, shall
277 submit an annual written report to the department that gives a complete accounting of the use
278 of money from the restricted account for inclusion in the annual report described in Section
279 [35A-1-109](#).

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

281 **35A-8-611. Uses of Rural Homeless Shelter Operations Restricted Account.**

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

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

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

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

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