

HB0203S02 compared with HB0203S01

~~text~~ shows text that was in HB0203S01 but was deleted in HB0203S02.

Inserted text shows text that was not in HB0203S01 but was inserted into HB0203S02.

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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

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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

35A-8-608, as enacted by Laws of Utah 2018, Chapter 312

ENACTS:

35A-8-610, Utah Code Annotated 1953

35A-8-611, Utah Code Annotated 1953

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

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

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

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

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

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

- (a) how money provided from the restricted account has been spent by the entity; and
- (b) the progress towards measurable outcome-based benchmarks agreed to between the

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entity and the Homeless Coordinating Committee before the awarding of the grant or contract.

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

- (a) ensure that the services to be provided through the grant or contract will be provided in a cost-effective manner;
- (b) consider the advice of committee members designated in Subsection 35A-8-601(3);
- (c) give priority to a project or contract that will include significant additional or matching funds from a private organization, nonprofit organization, or local government entity;
- (d) ensure that the project or contract will target the distinct housing needs of one or more at-risk or homeless subpopulations, which may include:
 - (i) families with children;
 - (ii) transitional-aged youth;
 - (iii) single men or single women;
 - (iv) veterans;
 - (v) victims of domestic violence;
 - (vi) individuals with behavioral health disorders, including mental health or substance use disorders;
 - (vii) individuals who are medically frail or terminally ill;
 - (viii) individuals exiting prison or jail; or
 - (ix) individuals who are homeless without shelter; and
- (e) consider whether the project will address one or more of the following goals:
 - (i) diverting homeless or imminently homeless individuals and families from emergency shelters by providing better housing-based solutions;
 - (ii) meeting the basic needs of homeless individuals and families in crisis;
 - (iii) providing homeless individuals and families with needed stabilization services;
 - (iv) decreasing the state's homeless rate;
 - (v) implementing a coordinated entry system with consistent assessment tools to provide appropriate and timely access to services for homeless individuals and families;
 - (vi) providing access to caseworkers or other individualized support for homeless individuals and families;
 - (vii) encouraging employment and increased financial stability for individuals and

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families being diverted from or exiting homelessness;

(viii) creating additional affordable housing for state residents;

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

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

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

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

(a) located near mass transit services;

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

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

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

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

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

(b) the state;

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

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

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

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

- (i) is located within a municipality;
- (ii) provides temporary shelter year-round to homeless individuals; and
- (iii) has the capacity to provide temporary shelter to at least 50 individuals per night.

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

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

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

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

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

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

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

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

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

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

35A-8-608. Grant eligible entity application process for Homeless Shelter Cities

Mitigation Restricted Account funds.

(1) As used in this section:

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

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

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

(d) "Grant eligible entity" means:

(i) the Department of Public Safety; or

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

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

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

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

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

(i) provides temporary shelter to homeless individuals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) the amount requested;

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

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

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

(C) the amount requested;

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

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

(B) data showing an increase in the grant eligible entity's need for public safety

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services in the next fiscal year;

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

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

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

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

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

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

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

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

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

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

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

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

(iv) any other considerations identified by the committee.

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

(A) prioritize the grant requests; and

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

(ii) The committee shall support the prioritization and recommendation described in

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Subsection (3)(f)(i) with findings on each of the factors described in Subsection (3)(e).

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Section **35A-8-610** is enacted to read:

35A-8-610. Creation of Rural Homeless Shelter Operations Restricted Account.

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

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

(3) The state treasurer shall invest the money in the restricted account according to the

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procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that interest and other earnings derived from the restricted account shall be deposited into the restricted account.

(4) The restricted account shall be funded by:

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

(b) private donations, grants, gifts, bequests, or money made available from any other source to implement this section and Section ~~35A-9-611~~35A-8-611.

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

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

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

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

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

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

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

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

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