

## HB0394S02 compared with HB0394

~~deleted text~~ shows text that was in HB0394 but was deleted in HB0394S02.

inserted text shows text that was not in HB0394 but was inserted into HB0394S02.

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Representative Kim F. Coleman proposes the following substitute bill:

### HOMELESS AND TRANSITIONAL HOUSING PROGRAM

#### AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kim F. Coleman**

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

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#### LONG TITLE

##### General Description:

This bill modifies provisions of Title 35A, Chapter 8, Housing and Community Development Division (division).

##### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the position of state homeless services director within the division;
- ▶ describes the duties of the state homeless services director;
- ▶ modifies provisions regarding the Homeless Coordinating Committee (committee), including:

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- the committee's membership; and
- that the state homeless services director has final decision making authority after considering the recommendations of the committee;
- ▶ modifies the authorized uses and oversight of the Pamela Atkinson Homeless Account, the Homeless to Housing Reform Restricted Account, and the Homeless Shelter Cities Mitigation Restricted Account; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ None }~~ This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

**35A-8-101**, as renumbered and amended by Laws of Utah 2012, Chapter 212

**35A-8-601**, as last amended by Laws of Utah 2018, Chapters 251 and 312

**35A-8-602**, as last amended by Laws of Utah 2019, Chapter 234

**35A-8-603**, as renumbered and amended by Laws of Utah 2012, Chapter 212

**35A-8-604**, as last amended by Laws of Utah 2019, Chapters 53, 94, and 234

**35A-8-605**, as last amended by Laws of Utah 2018, Chapter 251

**35A-8-606**, as enacted by Laws of Utah 2018, Chapter 312

**35A-8-607**, as enacted by Laws of Utah 2018, Chapter 312

**35A-8-608**, as last amended by Laws of Utah 2019, Chapters 17, 53, and 136

**35A-8-609**, as last amended by Laws of Utah 2019, Chapters 17 and 136

**63J-4-202**, as last amended by Laws of Utah 2013, Chapters 12 and 310

**63J-4-301**, as last amended by Laws of Utah 2018, Chapters 423 and 469

ENACTS:

**35A-8-203**, Utah Code Annotated 1953

**35A-8-204**, Utah Code Annotated 1953

**63J-4-801**, Utah Code Annotated 1953

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

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Section 1. Section **35A-8-101** is amended to read:

### **35A-8-101. Definitions.**

As used in this chapter:

(1) "Accessible housing" means housing which has been constructed or modified to be accessible, as described in the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(2) "Director" means the director of the division.

(3) "Division" means the Housing and Community Development Division.

(4) "Homeless services director" means the state homeless services director described in Section 35A-8-203.

Section 2. Section **35A-8-203** is enacted to read:

### **35A-8-203. State homeless services director.**

(1) The governor shall appoint in consultation with the executive director and director, and with the consent of the Senate, a state homeless services director who shall serve at the pleasure of the governor.

(2) The governor shall appoint a homeless services director who is experienced in administration and knowledgeable about providing services to ~~the homeless~~ individuals experiencing homelessness.

Section 3. Section **35A-8-204** is enacted to read:

### **35A-8-204. Duties of the state homeless services director.**

(1) The state homeless services director shall:

(a) coordinate the provision of ~~homeless services~~ services to individuals experiencing homelessness in the state;

(b) approve and oversee all funding provided for the provision of ~~homeless services~~ services to individuals experiencing homelessness from the:

(i) Pamela Atkinson Homeless Account created in Section 35A-8-603; and

(ii) Homeless to Housing Reform Restricted Account created in Section 35A-8-605;

and

(c) oversee the staffing and consider the recommendations of the Homeless Coordinating Committee created in Section 35A-8-601.

(2) In approving funding for the provision of ~~homeless services~~ services to

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individuals experiencing homelessness as described in Subsection (1)(b), the homeless services director shall:

(a) ~~{shall}~~ prioritize the funding of programs and providers that have a documented history of successfully transitioning homeless individuals to self-reliance;

(b) ~~{shall}~~ prioritize the funding of programs and providers that require participation in appropriate services as a condition of receiving any permanent housing;~~{and}~~

(c) ~~{may not approve}~~ prioritize funding to a program or provider that ~~{does not enter}~~ has entered into a written agreement with the division to collect and share electronic data regarding the provision of services to ~~{homeless}~~ individuals experiencing homelessness so that the provision of services can be coordinated among state agencies, local governments, and private organizations~~;~~

~~;~~ and

(d) ensure that data collection for services to homeless individuals, including sharing agreements, processes, and systems comply with a data sharing framework established by the Governor's Office of Management and Budget.

(3) The homeless services director shall work to ensure that services provided to ~~{the homeless}~~ individuals experiencing homelessness by state agencies, local governments, and private organizations are provided in a safe, cost-effective, and efficient manner by:

(a) considering the recommendations of the Homeless Coordinating Committee created in Section 35A-8-601;

(b) maintaining and implementing a statewide strategic plan to minimize homelessness in the state that:

(i) outlines specific goals and measurable benchmarks for progress;

(ii) identifies gaps in service delivery to the variety of homeless populations;

(iii) provides recommendations to the governor and the Legislature on strategies, policies, procedures, and programs to address the needs of the homeless populations in the state; and

(iv) identifies best practices and recommends improvements in coordinating service delivery to the variety of homeless populations through the use of electronic databases and through data sharing among service providers in a manner that complies with a data sharing framework established by the Governor's Office of Management and Budget;

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(c) evaluating annually the progress made toward achieving the goals outlined in the plan described in Subsection (2)(b); and

(d) designating local oversight bodies that are responsible to:

(i) develop a common agenda and vision for reducing homelessness in the local oversight bodies' respective region;

(ii) develop a spending plan that coordinates the funding supplied to local stakeholders;

(iii) monitor the progress toward achieving state and local goals; and

(iv) align local funding to projects that are improving outcomes and targeting specific needs in the community.

(4) The homeless services director shall update the strategic plan described in this section on an annual basis.

(5) On or before September 15, the homeless services director shall provide an annual written report regarding the progress made implementing the strategic plan described in this section to:

(a) the Economic Development and Workforce Services Interim Committee; and

(b) the department, for inclusion in the annual written report described in Section 35A-1-109.

Section 4. Section **35A-8-601** is amended to read:

### **35A-8-601. Creation.**

(1) There is created within the division the Homeless Coordinating Committee.

(2) (a) The committee shall consist of the following members:

(i) the lieutenant governor or the lieutenant governor's designee;

(ii) two members appointed by the governor;

(iii) one member appointed by the president of the Senate;

(iv) one member appointed by the speaker of the House of Representatives;

~~[(ii)]~~ (v) the state planning coordinator or the coordinator's designee;

~~[(iii)]~~ (vi) the state superintendent of public instruction or the superintendent's designee;

~~[(iv)]~~ (vii) the chair of the board of trustees of the Utah Housing Corporation or the chair's designee;

~~[(v)]~~ (viii) the executive director of the Department of Workforce Services or the

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executive director's designee;

~~[(vi)]~~ (ix) the executive director of the Department of Corrections or the executive director's designee;

~~[(vii)]~~ (x) the executive director of the Department of Health or the executive director's designee;

~~[(viii)]~~ (xi) the executive director of the Department of Human Services or the executive director's designee;

~~[(ix)]~~ (xii) the mayor of Salt Lake City or the mayor's designee;

~~[(x)]~~ (xiii) the mayor of Salt Lake County or the mayor's designee;

~~[(xi)]~~ (xiv) the mayor of Ogden or the mayor's designee;

~~[(xii)]~~ (xv) the mayor of Midvale or the mayor's designee;

~~[(xiii)]~~ (xvi) the mayor of St. George or the mayor's designee; ~~and~~

~~[(xiv)]~~

[(xiv)] (xvii) the mayor of South Salt Lake or the mayor's designee[-];

(xviii) the mayor of Provo or the mayor's designee; and

(xix) the mayor of ~~{South Salt Lake}~~ Vernal or the mayor's designee.

(b) (i) The lieutenant governor shall serve as the chair of the committee.

(ii) The lieutenant governor may appoint a vice chair from among committee members, who shall conduct committee meetings in the absence of the lieutenant governor.

~~[(3) The governor may appoint as members of the committee:]~~

~~[(a) representatives of local governments, local housing authorities, local law enforcement agencies;]~~

~~[(b) representatives of federal and private agencies and organizations concerned with the homeless, persons with a mental illness, the elderly, single-parent families, persons with a substance use disorder, and persons with a disability; and]~~

~~[(c) a resident of Salt Lake County.]~~

~~[(4) (a) Except as required by Subsection (4)(b), as terms of current committee members appointed under Subsection (3) expire, the governor shall appoint each new member or reappointed member to a four-year term.]~~

~~[(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of~~

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~~committee members are staggered so that approximately half of the committee is appointed every two years.]~~

~~[(c) A member appointed under Subsection (3) may not be appointed to serve more than three consecutive terms.]~~

~~[(5) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term.]~~

~~[(6) (3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:~~

~~(a) Section 63A-3-106;~~

~~(b) Section 63A-3-107; and~~

~~(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.~~

Section 5. Section **35A-8-602** is amended to read:

**35A-8-602. Purposes of Homeless Coordinating Committee -- Uses of Pamela Atkinson Homeless Account.**

~~[(1) The Homeless Coordinating Committee shall work to ensure that services provided to the homeless by state agencies, local governments, and private organizations are provided in a cost-effective and service efficient manner by:]~~

~~[(a) preparing and implementing a statewide strategic plan to minimize homelessness in the state that:]~~

~~[(i) outlines specific goals and measurable benchmarks for progress;]~~

~~[(ii) identifies gaps in service delivery to the variety of homeless populations;]~~

~~[(iii) provides recommendations to the governor and the Legislature on strategies, policies, procedures, and programs to address the needs of the homeless populations in the state; and]~~

~~[(iv) identifies best practices and recommends improvements in coordinating service delivery to the variety of homeless populations through the use of electronic databases and through data sharing among service providers;]~~

~~[(b) evaluating annually the progress made toward achieving the goals outlined in the plan described in Subsection (1)(a); and]~~

~~[(c) designating local oversight bodies that are responsible to:]~~

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~~[(i) develop a common agenda and vision for reducing homelessness in the local oversight bodies' respective region;]~~

~~[(ii) develop a spending plan that coordinates the funding supplied to local stakeholders;]~~

~~[(iii) monitor the progress toward achieving state and local goals; and]~~

~~[(iv) align local funding to projects that are improving outcomes and targeting specific needs in the community.]~~

(1) In accordance with this section, the Homeless Coordinating Committee shall prioritize and make recommendations to the ~~{homeless}~~homelessness services director regarding providing funding to programs and providers that assist the homeless from money in the Pamela Atkinson Homeless Account created in Section 35A-8-603.

(2) (a) Programs ~~[funded]~~ recommended for funding by the committee shall emphasize emergency housing and self-sufficiency, including placement in meaningful employment or occupational training activities and, where needed, special services to meet the unique needs of the homeless who:

(i) have families with children;

(ii) have a disability or a mental illness; or

(iii) suffer from other serious challenges to employment and self-sufficiency.

(b) The committee may also ~~[fund]~~ recommend funding treatment programs to ameliorate the effects of substance abuse or a disability.

~~[(3) The committee members designated in Subsection 35A-8-601(2) shall:]~~

~~[(a) award contracts funded by the Pamela Atkinson Homeless Account with the advice and input of those designated in Subsection 35A-8-601(3);]~~

~~[(b) in the evaluation of contract awards, consider whether: (i)]~~

(3) In determining the committee's funding recommendations, including the committee's recommendations regarding the awarding of a contract to a provider of homeless services, the committee:

(a) shall consider whether the proposed award addresses the needs identified in the strategic plan described in ~~[Subsection (1)]~~ Section 35A-8-204;

~~[(ii) the proposed award is aligned with the process described in Subsection (1); and]~~

~~[(iii)]~~ (b) may only recommend funding if the proposed ~~[contractor]~~ provider has a



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policy to share client-level service information with other entities in accordance with state and federal law to enhance coordinated services for those experiencing homelessness; and

(c) shall identify specific targets and benchmarks for each ~~[contract]~~ award that the committee recommends that align with the strategic plan described in ~~[Subsection (1)]~~ Section 35A-8-204.

(4) In accordance with the provisions of this section and Section 35A-8-204, and after considering the recommendations of the committee, the homeless services director may award contracts and provide funding from the Pamela Atkinson Homeless Account.

~~[(4)]~~ (5) (a) In any fiscal year, the homeless services director may allocate no more than 80% of the funds in the Pamela Atkinson Homeless Account ~~[may be allocated]~~ to organizations that provide services only in Salt Lake, Davis, Weber, and Utah Counties.

(b) The ~~[committee]~~ homeless services director may~~[-(i)]~~ expend up to 3% of ~~[its]~~ the annual appropriation to the Pamela Atkinson Homeless Account for administrative costs associated with the allocation of funds from the Pamela Atkinson Homeless Account, and up to 2% of ~~[its]~~ the annual appropriation for marketing the account and soliciting donations to the account~~[-and]~~.

~~[(ii) pay for the initial costs of the State Tax Commission in implementing Section 59-10-1306 from the account.]~~

~~[(5)]~~ (6) If there are decreases in contributions to the account, the [committee] homeless services director may expend money held in the account to provide program stability, but the [committee] homeless services director shall reimburse the amount of those expenditures to the account.

~~[(6) The committee shall make an annual report to the department regarding the progress made implementing the strategic plan described in Subsection (1) for inclusion in the annual written report described in Section 35A-1-109.]~~

~~[(7) The committee shall update the strategic plan described in Subsection (1)(a) on an annual basis.]~~

~~[(8) The state treasurer shall invest the money in the Pamela Atkinson Homeless Account according to the 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 in the restricted account.]~~

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Section 6. Section **35A-8-603** is amended to read:

### **35A-8-603. Creation of Pamela Atkinson Homeless Account.**

(1) There is created a restricted account within the General Fund known as the "Pamela Atkinson Homeless Account."

(2) Private contributions received under this section and Section 59-10-1306 shall be deposited into the restricted account to be used only for programs described in Section 35A-8-602.

(3) Money shall be appropriated from the restricted account to the [~~State Homeless Coordinating Committee~~] homeless services director in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.

(4) The [~~State Homeless Coordinating Committee~~] homeless services director may accept transfers, grants, gifts, bequests, or money made available from any source to implement this part.

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

Section 7. 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~~] After considering the recommendations of the Homeless Coordinating Committee, the [~~Homeless Coordinating Committee members designated in Subsection 35A-8-601(2)~~] homeless services director 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~~] homeless services director 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~~] homeless services

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director 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

entity and the [~~Homeless Coordinating Committee~~] homeless services director 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,~~] homeless services director 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)]~~ (b) 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)]~~ (c) 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;

~~[(e)]~~ (d) 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;

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- (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 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;
  - (xi) preventing the reoccurrence of homelessness among individuals and families exiting homelessness; and
  - (xii) providing medical respite care for homeless individuals where the homeless individuals can access medical care and other supportive services; and
- ~~[(f)]~~ (e) address the needs identified in the strategic plan described in ~~[Subsection 35A-8-602(1)(a) for inclusion in the annual written report described in Section 35A-1-109]~~ Section 35A-8-204.

(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]~~ homeless services director, after considering the recommendations of the Homeless Coordinating Committee, 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.

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~~[(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:]~~

~~[(7)] (6) (a) As used in this Subsection ~~[(7)] (6)~~ and in Subsection ~~[(8)] (7)~~, "homeless shelter" means a facility that:~~

~~(i) is located within a municipality; and~~

~~(ii) provides temporary shelter year-round to homeless individuals, including an emergency shelter or medical respite facility.~~

~~(b) In addition to the other provisions of this section, ~~[the Homeless Coordinating Committee, with the concurrence of the division]~~ the homeless services director, after considering the recommendations of the Homeless Coordinating Committee, 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.~~

~~[(8)] (7) (a) If a homeless shelter commits to provide matching funds equal to the total grant awarded under this Subsection ~~[(8)] (7)~~, the homeless services director, after considering the recommendations of the Homeless Coordinating Committee, ~~[with the concurrence of the division;]~~ may award a grant for the ongoing operations of the homeless shelter.~~

~~(b) In awarding a grant under this Subsection ~~[(8)] (7)~~, the ~~[Homeless Coordinating~~~~

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~~Committee, with the concurrence of the division]~~ homeless services director, after considering the recommendations of the Homeless Coordinating Committee, shall consider the number of beds available at the homeless shelter and the number and quality of the homeless services provided by the homeless shelter.

~~(9)~~ (8) The ~~[division]~~ homeless services director may expend money from the restricted account to offset actual ~~[division and Homeless Coordinating Committee]~~ expenses related to administering this section.

Section 8. Section **35A-8-605** is amended to read:

### **35A-8-605. Homeless to Housing Reform Restricted Account.**

(1) There is created a restricted account within the General Fund known as the Homeless to Housing Reform Restricted Account.

(2) The restricted account shall be administered by the ~~[division]~~ homeless services director for the purposes described in Section 35A-8-604.

(3) The state treasurer shall invest the money in the restricted account according to the 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 in 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-8-604.

(5) Subject to appropriation, the ~~[director]~~ homeless services director shall use restricted account money as described in Section 35A-8-604.

(6) The ~~[Homeless Coordinating Committee]~~ homeless services director, in cooperation with the ~~[division]~~ Homeless Coordinating Committee, 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 department's annual report described in Section 35A-1-109.

Section 9. Section **35A-8-606** is amended to read:

### **35A-8-606. Homeless Shelter Cities Mitigation Restricted Account.**

(1) As used in this section:

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(a) "Annual local contribution" means:

(i) for a participating local government, the lesser of \$200,000 or an amount equal to 1.8% of the participating local government's tax revenue distribution amount under Subsection 59-12-205(2)(a) for the previous fiscal year; or

(ii) for an eligible municipality or a grant eligible entity that is certified in accordance with Section 35A-8-609, \$0.

(b) "Eligible municipality" means the same as that term is defined in Section 35A-8-607.

(c) "Grant eligible entity" means the same as that term is defined in Section 35A-8-608.

(d) "Participating local government" means a county or municipality, as defined in Section 10-1-104, that is not an eligible municipality or grant eligible entity as certified by the department in accordance with Section 35A-8-609.

(2) There is created a restricted account within the General Fund known as the Homeless Shelter Cities Mitigation Restricted Account.

(3) The account shall be funded by:

(a) local sales and use tax revenue deposited into the account in accordance with Section 59-12-205; and

(b) interest earned on the account.

(4) (a) The [~~department~~] homeless services director shall administer the account.

(b) Subject to appropriation, the [~~department~~] homeless services director shall disburse funds from the account to:

(i) eligible municipalities in accordance with Sections 35A-8-607 and 63J-1-802; and

(ii) grant eligible entities in accordance with Sections 35A-8-608 and 63J-1-802.

Section 10. Section **35A-8-607** is amended to read:

**35A-8-607. Eligible municipality 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) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a metro township that:

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(i) has, or is proposed to have, a homeless shelter within the city's, town's, or metro township's geographic boundaries;

(ii) due to the location of a homeless shelter within the city's, town's, or metro township's geographic boundaries, needs more public safety services than the city, town, or metro township needed before the location of the homeless shelter within the city's, town's, or metro township's geographic boundaries; and

(iii) is certified as an eligible municipality in accordance with Section 35A-8-609.

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

(i) provides or is proposed to provide temporary shelter to homeless individuals;

(ii) has or is proposed to have the capacity to provide temporary shelter to at least 200 individuals per night; and

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

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

(2) (a) An eligible municipality may request account funds to employ and equip additional personnel to provide public safety services in and around a homeless shelter within the eligible municipality's geographic boundaries.

(b) (i) An eligible municipality that builds or has proposed to build a homeless shelter on or after July 1, 2018, shall be eligible to receive at least 40% of the account funds, if the eligible municipality meets the requirements of this section.

(ii) An eligible municipality that built a homeless shelter on or before June 30, 2018, shall be eligible to receive at least 20% of the account funds, if the eligible municipality meets the requirements of this section.

(3) (a) This Subsection (3) applies to an eligible municipality's request for account funds for the fiscal year beginning on July 1, 2018, only.

(b) An eligible municipality may make a request for account funds by:

(i) sending an electronic copy of the request to the committee before the first meeting of the committee on or after July 1, 2018; and

(ii) appearing at the first meeting of the committee on or after July 1, 2018, to present the request.



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

(i) data relating to the eligible municipality's public safety services for the last fiscal year before a homeless shelter was located or proposed to be located within the eligible municipality's boundaries, including:

(A) crime statistics; and

(B) calls for public safety services;

(ii) data showing the eligible municipality's need for public safety services in the next fiscal year;

(iii) a summary of the eligible municipality's proposed use of account funds; and

(iv) a copy of the eligible municipality's budget, which includes a request in a specific amount for additional personnel to provide public safety services.

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

(i) the strength and reliability of the data that the eligible municipality provides to support the request;

(ii) the availability of alternative funding for the eligible municipality to address the eligible municipality's need for public safety services; and

(iii) any other considerations identified by the committee.

(e) (i) After making the evaluation described in Subsection (3)(d) and subject to appropriation, the committee shall vote to:

(A) fund the eligible municipality's request; or

(B) fund the eligible municipality's request at a reduced level, as determined by the committee.

(ii) The committee shall support the vote described in Subsection (3)(e)(i) with findings on each of the factors described in Subsection (3)(d).

(f) (i) An eligible municipality that receives an award of account funds under this Subsection (3) shall submit an invoice of the eligible municipality's expenses, with supporting documentation, to the department monthly for reimbursement.

(ii) Each month, beginning in January 2019, the department shall disburse the revenue in the account to reimburse the eligible municipality that submits the information described in Subsection (3)(f)(i) for the amount on the invoice or contract.

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(4) (a) This Subsection (4) applies to a fiscal year beginning on or after July 1, 2019.

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

(ii) An eligible municipality 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 (4)(b) shall contain:

(i) data relating to the eligible municipality's public safety services for the last fiscal year before a homeless shelter was located or proposed to be located within the eligible municipality's boundaries, including:

(A) crime statistics; and

(B) calls for public safety services;

(ii) data showing the eligible municipality's need for public safety services in the next fiscal year;

(iii) a summary of the eligible municipality's proposed use of account funds; and

(iv) a copy of the eligible municipality's budget, which includes a request in a specific amount for additional personnel to provide public safety services.

(d) (i) On or before November 30, an eligible municipality that received account funds during the previous fiscal year shall file electronically with the [~~committee~~] homeless services director a report that includes:

(A) a summary of the amount of account funds that the eligible municipality expended and the eligible municipality's specific use of those funds;

(B) an evaluation of the eligible municipality's effectiveness in using the account funds to address the eligible municipality's public safety needs; and

(C) any proposals for improving the eligible municipality's effectiveness in using account funds that the eligible municipality may receive in future fiscal years.

(ii) The committee may request additional information as needed to make the evaluation described in Subsection (4)(e).

(e) The committee shall evaluate a request made in accordance with this Subsection (4) using the following factors:

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(i) the strength and reliability of the data that the eligible municipality provided to support the request;

(ii) if the eligible municipality received account funds during the previous fiscal year, the efficiency with which the eligible municipality used any account funds during the previous fiscal year;

(iii) the availability of alternative funding for the eligible municipality to address the eligible municipality's need for public safety services; and

(iv) any other considerations identified by the committee.

(f) (i) After making the evaluation described in Subsection (4)(e) and subject to other provisions of this Subsection (4)(f), the committee shall vote to recommend that an eligible municipality's request be:

(A) funded as requested; or

(B) funded at a reduced level, as determined by the committee.

(ii) The committee shall support the recommendation described in Subsection (4)(f)(i) with findings on each of the factors described in Subsection (4)(e).

(g) ~~[The]~~ After approval of the recommendation by the homeless services director, the committee shall submit the recommendation described in Subsection (4)(f) 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.

(h) (i) An eligible municipality that is approved to receive account funds under Section 63J-1-802 shall submit an invoice of the eligible municipality's expenses, with supporting documentation, to the ~~[department]~~ homeless services director monthly for reimbursement.

(ii) Each month, the ~~[department]~~ homeless services director shall disburse the revenue in the account to reimburse an eligible municipality that submits the information described in Subsection (4)(h)(i) for the amount on the invoice or contract.

(5) On or before October 1, the ~~[department]~~ homeless services director, 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]~~

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homeless services director's disbursement of the money from the account under this section for the previous fiscal year; and

(b) [~~include~~] provide information regarding the disbursement of money from the account under this section [~~in the~~] to the department for inclusion in the department's annual report described in Section 35A-1-109.

Section 11. 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, or 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; 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.

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(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:

(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~~] homeless services director offers a grant program for the next fiscal year, the homeless services director and 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;

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(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 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; 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~~] homeless services director 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 homeless services director or 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 homeless services director or the

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

(g) ~~[The]~~ After approval of the recommendation by the homeless services director, 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]~~ homeless services director 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]~~ homeless services director to determine the timeline within the fiscal year for funding the grants.

(5) On or before October 1, the ~~[department]~~ homeless services director, 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

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(b) ~~[include]~~ provide information regarding the disbursement of money from the account under this section ~~[in the]~~ to the department for inclusion in the department's annual report described in Section 35A-1-109.

Section 12. Section **35A-8-609** is amended to read:

### **35A-8-609. Certification of eligible municipality or grant eligible entity.**

(1) The ~~[department]~~ homeless services director shall certify each year, on or after July 1 and before the first meeting of the Homeless Coordinating Committee after July 1, the cities or towns that meet the requirements of an eligible municipality or a grant eligible entity as of July 1.

(2) On or before October 1, the ~~[department]~~ homeless services director shall provide a list of the cities, towns, or metro townships that the department has certified as meeting the requirements of an eligible municipality or a grant eligible entity for the year to the State Tax Commission.

Section 13. Section **63J-4-202** is amended to read:

### **63J-4-202. Appointment of executive director, state planning coordinator, and inspector general of Medicaid Services.**

(1) (a) The governor shall appoint, to serve at the governor's pleasure:

(i) an executive director of the Governor's Office of Management and Budget; ~~[and]~~

(ii) a state planning coordinator~~[-]~~; and

(iii) a chief data officer.

(b) The state planning coordinator is considered part of the office for purposes of administration.

(2) The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Section 14. Section **63J-4-301** is amended to read:

### **63J-4-301. Duties of the executive director and office.**

(1) The executive director and the office shall:

(a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary Procedures Act;

(b) under the direct supervision of the governor, assist the governor in the preparation of the governor's budget recommendations;



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(c) review agency budget execution plans as specified in Section 63J-1-209;

(d) establish benchmarking practices for measuring operational costs, quality of service, and effectiveness across all state agencies and programs;

(e) assist agencies with the development of an operational plan that uses continuous improvement tools and operational metrics to increase statewide capacity and improve interagency integration;

(f) review and assess agency budget requests and expenditures using a clear set of goals and measures;

(g) develop and maintain enterprise portfolio and electronic information systems to select and oversee the execution of projects, ensure a return on investment, and trace and report performance metrics;

(h) coordinate efforts to facilitate the sharing of data between state agencies, local government entities, and other organizations receiving state funding in a manner that improves outcomes and objectives;

~~(h)~~ (i) coordinate with the executive directors of the Department of Workforce Services and the Governor's Office of Economic Development to review data and metrics to be reported to the Legislature as described in Subsection 63J-4-708(2)(d); and

~~(i)~~ (j) perform other duties and responsibilities as assigned by the governor.

(2) (a) The executive director of the Governor's Office of Management and Budget or the executive director's designee is the Federal Assistance Management Officer.

(b) In acting as the Federal Assistance Management Officer, the executive director or designee shall:

(i) study the administration and effect of federal assistance programs in the state and advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and the Executive Appropriations Committee, of alternative recommended methods and procedures for the administration of these programs;

(ii) assist in the coordination of federal assistance programs that involve or are administered by more than one state agency; and

(iii) analyze and advise on applications for new federal assistance programs submitted to the governor for approval as required by Chapter 5, Federal Funds Procedures Act.

Section 15. Section 63J-4-801 is enacted to read:

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### **Part 8. State Data Coordination**

#### **63J-4-801. Duties of the chief data officer.**

The chief data officer shall:

- (1) advise and support the executive director and the office in fulfilling the responsibilities described in Subsections 63J-4-301(1)(d), (e), (g), and (h); and
- (2) perform other duties as assigned by the executive director.

#### **Section 16. Effective date.**

This bill takes effect on July 1, 2021.