

Senator Curtis S. Bramble proposes the following substitute bill:

HOMELESS AND TRANSITIONAL HOUSING PROGRAM

AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to the Housing and Community Development Division and the Governor's Office of Management and Budget.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ describes duties of the director of the Housing and Community Development Division, including the oversight of a Homeless Management Information System;
- ▶ modifies the membership of the Homeless Coordinating Committee;
- ▶ creates the position and describes the duties of a chief data officer within the Governor's Office of Management and Budget; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **35A-8-101**, as renumbered and amended by Laws of Utah 2012, Chapter 212

28 **35A-8-601**, as last amended by Laws of Utah 2018, Chapters 251 and 312

29 **63J-4-202**, as last amended by Laws of Utah 2013, Chapters 12 and 310

30 **63J-4-301**, as last amended by Laws of Utah 2018, Chapters 423 and 469

31 ENACTS:

32 **35A-8-203**, Utah Code Annotated 1953

33 **63J-4-801**, Utah Code Annotated 1953



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

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

37 **35A-8-101. Definitions.**

38 As used in this chapter:

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

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

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

44 (4) "Homeless Management Information System" or "HMIS" means an information
45 technology system that:

46 (a) is used to collect client-level data and data on the provision of housing and services
47 to homeless individuals and families and individuals at risk of homelessness in the state; and

48 (b) meets the requirements of the United States Department of Housing and Urban
49 Development.

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

51 **35A-8-203. Duties of director.**

52 (1) The director shall:

53 (a) coordinate, with the concurrence of the Homeless Coordinating Committee, the
54 provision of homeless services in the state; and

55 (b) oversee, with the concurrence of Continuum of Care organizations approved by the
56 United States Department of Housing and Urban Development, a Homeless Management

57 Information System for the state that:

58 (i) shares client-level data between state agencies, local governments, and private
 59 organizations that provide services to homeless individuals and families and individuals at risk
 60 of homelessness in the state;

61 (ii) is effective as a case management system;

62 (iii) except for individuals receiving services who are victims of domestic violence,
 63 includes an effective authorization protocol for encouraging individuals who are provided with
 64 any homeless services in the state to provide accurate information to providers for inclusion in
 65 the HMIS as a condition of receiving homeless services; and

66 (iv) meets the requirements of the United States Department of Housing and Urban
 67 Development and other federal requirements.

68 (2) In overseeing the provision of homeless services in the state, the director:

69 (a) shall encourage the coordination of the provision of services to homeless
 70 individuals among state agencies, local governments, and private organizations;

71 (b) except for a program or provider providing services to victims of domestic
 72 violence, may not approve funding to a program or provider that does not enter into a written
 73 agreement with the division to collect and share HMIS data regarding the provision of services
 74 to homeless individuals; and

75 (c) may deny funding to a program or provider that fails to demonstrate the effective
 76 collection and sharing of HMIS data regarding the provision of services to homeless
 77 individuals.

78 Section 3. Section **35A-8-601** is amended to read:

79 **35A-8-601. Creation.**

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

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

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

83 (ii) the state planning coordinator or the coordinator's designee;

84 (iii) the state superintendent of public instruction or the superintendent's designee;

85 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's
 86 designee;

87 (v) the executive director of the Department of Workforce Services or the executive

88 director's designee;

89 (vi) the executive director of the Department of Corrections or the executive director's
90 designee;

91 (vii) the executive director of the Department of Health or the executive director's
92 designee;

93 (viii) the executive director of the Department of Human Services or the executive
94 director's designee;

95 (ix) the mayor of Salt Lake City or the mayor's designee;

96 (x) the mayor of Salt Lake County or the mayor's designee;

97 (xi) the mayor of Ogden or the mayor's designee;

98 (xii) the mayor of Midvale or the mayor's designee;

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

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

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

102 (xvi) the mayor of Vernal or the mayor's designee.

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

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

106 (3) The governor may appoint as members of the committee:

107 (a) representatives of local governments, local housing authorities, local law
108 enforcement agencies;

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

112 (c) a resident of Salt Lake County.

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

116 (b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the
117 time of appointment or reappointment, adjust the length of terms to ensure that the terms of
118 committee members are staggered so that approximately half of the committee is appointed

119 every two years.

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

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

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

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

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

128 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
129 63A-3-107.

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

131 **63J-4-202. Appointment of executive director, state planning coordinator, and**
132 **inspector general of Medicaid Services.**

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

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

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

136 (iii) a chief data officer.

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

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

141 Section 5. Section 63J-4-301 is amended to read:

142 **63J-4-301. Duties of the executive director and office.**

143 (1) The executive director and the office shall:

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

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

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

149 (d) establish benchmarking practices for measuring operational costs, quality of

150 service, and effectiveness across all state agencies and programs;

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

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

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

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

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

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

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

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

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

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

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

178 Section 6. Section 63J-4-801 is enacted to read:

179 **Part 8. State Data Coordination**

180 **63J-4-801. Duties of the chief data officer.**

181 The chief data officer shall:

182 (1) advise and support the executive director and the office in fulfilling the
183 responsibilities described in Subsections [63J-4-301\(1\)\(d\), \(e\), \(g\), and \(h\)](#); and

184 (2) perform other duties as assigned by the executive director.