{deleted text} shows text that was in HB0394S02 but was deleted in HB0394S03.

inserted text shows text that was not in HB0394S02 but was inserted into HB0394S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

{Representative Kim F} Senator Curtis S. {Coleman} 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: <u>Curtis S. Bramble</u>

#### **LONG TITLE**

#### **General Description:**

This bill modifies provisions {of Title 35A, Chapter 8,} related to the Housing and Community Development Division {(division)} and the Governor's Office of Management and Budget. {}

#### **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} director of the Housing and Community
   Development Division, including the oversight of a Homeless Management
   Information System;
  - <u>modifies the membership of</u> the Homeless Coordinating Committee (committee), including:
    - 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}:
    - <u>creates the position and describes the duties of a chief data officer within the Governor's Office of Management and Budget</u>; and
    - makes technical changes.

#### **Money Appropriated in this Bill:**

None

#### **Other Special Clauses:**

{ This bill provides a special effective date.} None

#### **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

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

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} Management Information System" or "HMIS" means an information technology system that:
- (a) is used to collect client-level data and data on the provision of housing and services to homeless individuals and families and individuals at risk of homelessness in the state; and
- (b) meets the requirements of the United States Department of Housing and Urban Development.

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

35A-8-203. State homeless services Duties of 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 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 services to individuals experiencing homelessness in the state;
- (b) approve and oversee all funding provided for the provision of 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}, with the concurrence of the Homeless Coordinating Committee { created in Section 35A-8-601.
  - (2) In approving funding for}, the provision of homeless services in the state; and
- (b) oversee, with the concurrence of Continuum of Care organizations approved by the United States Department of Housing and Urban Development, a Homeless Management Information System for the state that:
- (i) shares client-level data between state agencies, local governments, and private organizations that provide services to homeless individuals and families and individuals at risk of homelessness in the state;
  - (ii) is effective as a case management system;
- (iii) except for individuals receiving services who are victims of domestic violence, includes an effective authorization protocol for encouraging individuals who are provided with any homeless services in the state to provide accurate information to providers for inclusion in the HMIS as a condition of receiving homeless services; and
- (iv) meets the requirements of the United States Department of Housing and Urban Development and other federal requirements.
  - (2) In overseeing the provision of homeless services in the state, the director:
- (a) shall encourage the coordination of the provision of services to {individuals}
  experiencing homelessness as described in Subsection (1)(b), the homeless services director
  shall:
- (a) prioritize the funding of programs and providers that have a documented history of successfully transitioning }homeless individuals{ to self-reliance;

(b) prioritize the funding of programs and providers that require participation in appropriate services as a condition of receiving any permanent housing; (c) prioritize funding to a program or provider that has entered into a written agreement with the division to collect and share electronic data regarding the provision of services to individuals experiencing homelessness so that the provision of services can be coordinated} among state agencies, local governments, and private organizations; fand (d) ensure that data collection for (b) except for a program or provider providing services to victims of domestic violence, may not approve funding to a program or provider that does not enter into a written agreement with the division to collect and share HMIS data regarding the provision of 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 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; (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}; and (c) may deny funding to a program or provider that fails to demonstrate the effective collection and sharing of HMIS data 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} provision of services to homeless individuals. Section 3. 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; }  $\{\{\{i\}\}\}\}$  the state planning coordinator or the coordinator's designee; {{\}(iii)\{\}(vi)\}\ the state superintendent of public instruction or the superintendent's designee; {{\text{(iv)} \{\text{(vii)}\}}} the chair of the board of trustees of the Utah Housing Corporation or the chair's designee; {{\text{\text{(v)}} \frac{\text{\text{(viii)}}}{\text{\text{(viii)}}}} \text{ the executive director of the Department of Workforce Services or the

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)\} the mayor of Salt Lake City or the mayor's designee;
```

 $\{(x)\}$  the mayor of Salt Lake County or the mayor's designee;

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

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

- { [(xii)] (xv) the mayor of Midvale or the mayor's designee;
- $\{(xiii)\}$  the mayor of St. George or the mayor's designee; [and]

 $\{\{\}\}$  (xiv) $\{\{\}\}$  the mayor of South Salt Lake or the mayor's designee  $[\,\cdot\,]$ ;

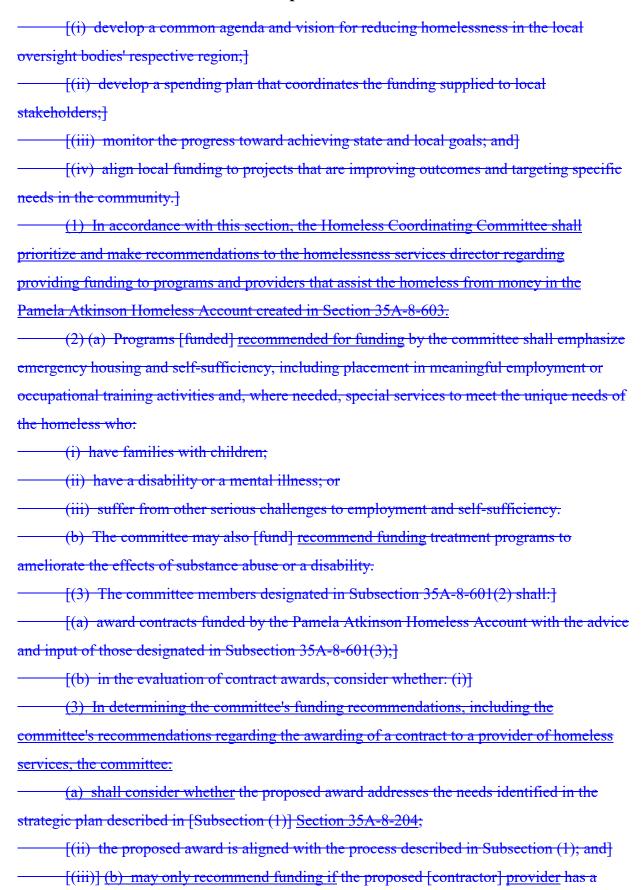
({xviii}xv) the mayor of Provo or the mayor's designee; and

({xix}xvi) the mayor of Vernal or the mayor's designee.

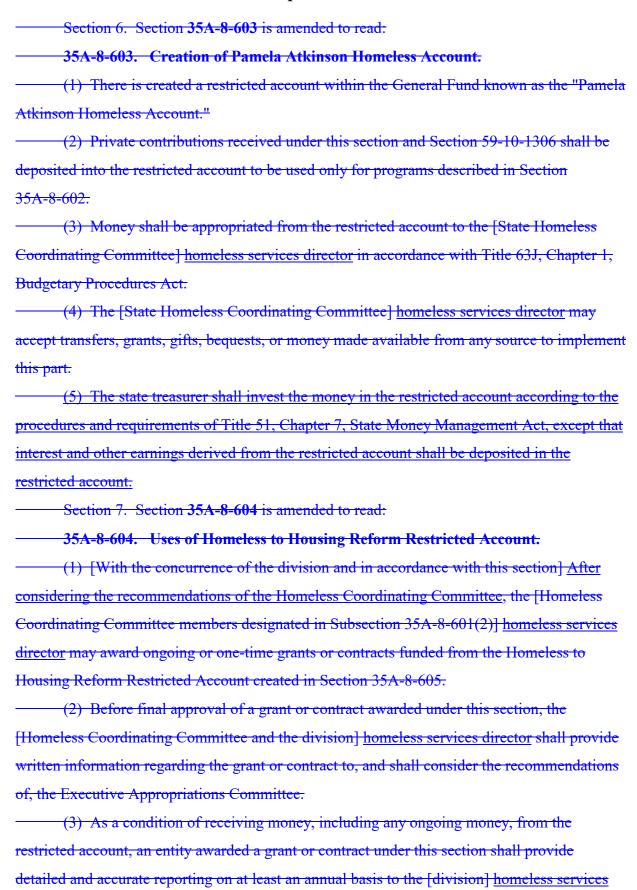
- (b) (i) The lieutenant governor shall serve as the chair of the committee.
- (ii) The lieutenant governor may appoint a vice chair from among committee members, who shall conduct committee meetings in the absence of the lieutenant governor.
  - $\{\{\}\}\$  The governor may appoint as members of the 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

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.  $\{f\}$  (5) When a vacancy occurs in the membership for any reason, the replacement is appointed for the unexpired term.  $\{\{\}\}$  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  $\frac{5}{4}$ . Section  $\frac{35A-8-6}{63J-4-2}$ 02 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]

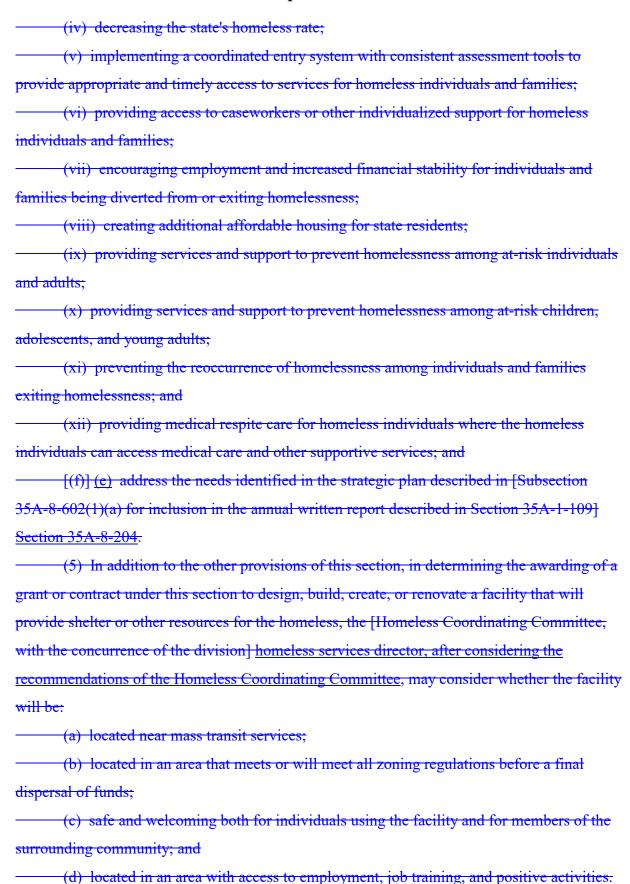
[(c) designating local oversight bodies that are responsible to:]

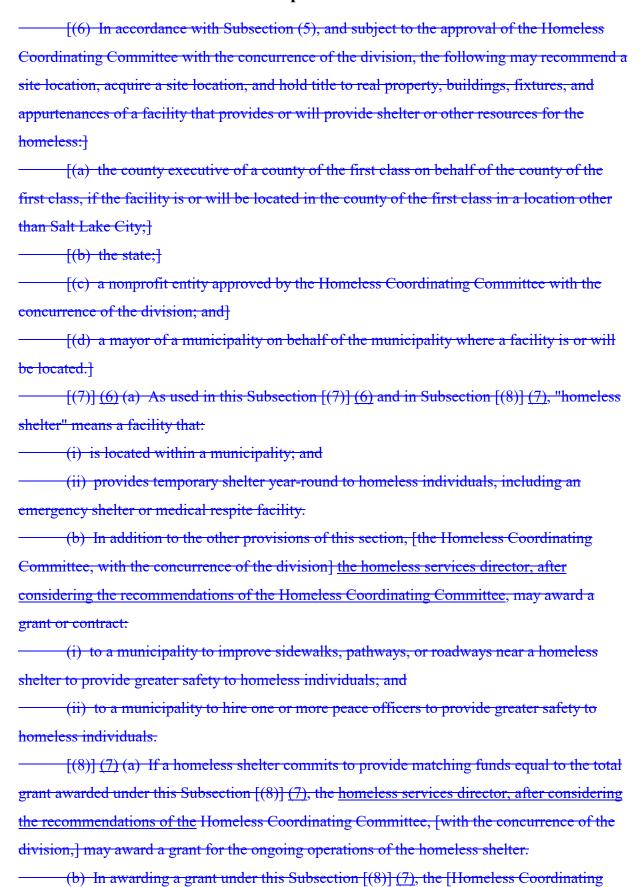


policy to share client-level service information with other entities in accordance with state and federal law to enhance coordinated services for those experiencing homelessness; and (c) shall identify specific targets and benchmarks for each [contract] award that the committee recommends that align 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 <del>59-10-1306 from the account.</del> [(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.]

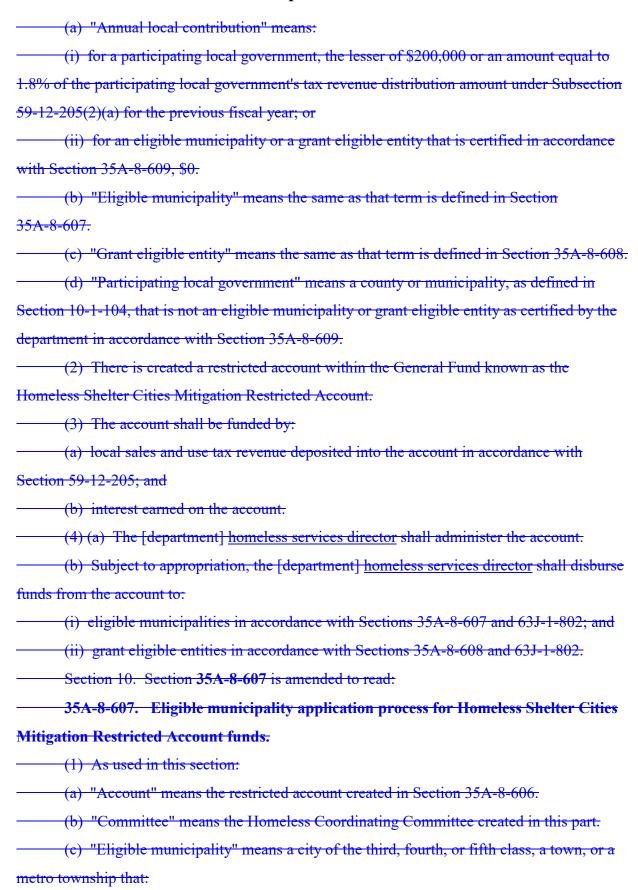


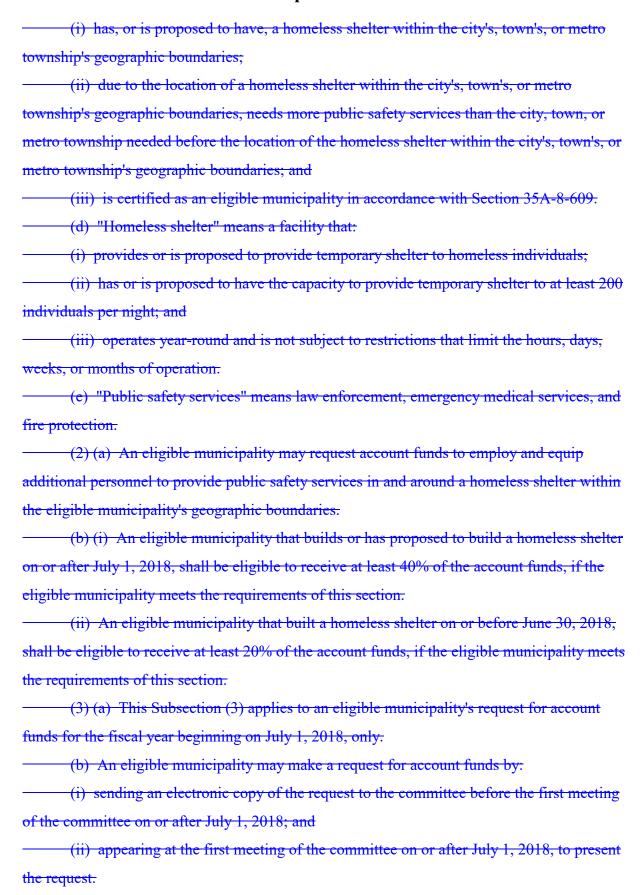
director and the Homeless Coordinating Committee that describes: (a) how money provided from the restricted account has been spent by the entity; and (b) the progress towards measurable outcome-based benchmarks agreed to between the entity and the [Homeless Coordinating Committee] homeless services director 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;

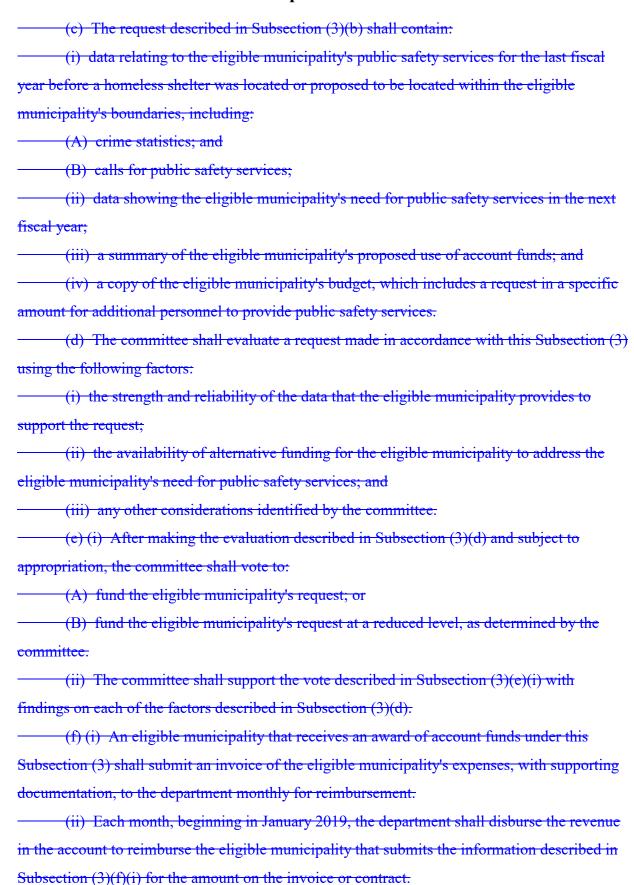


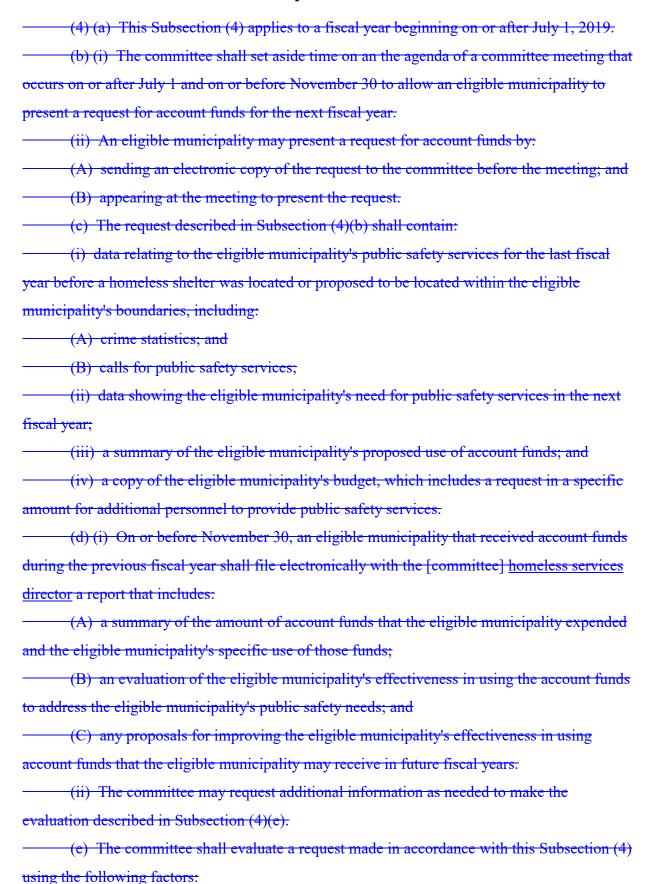


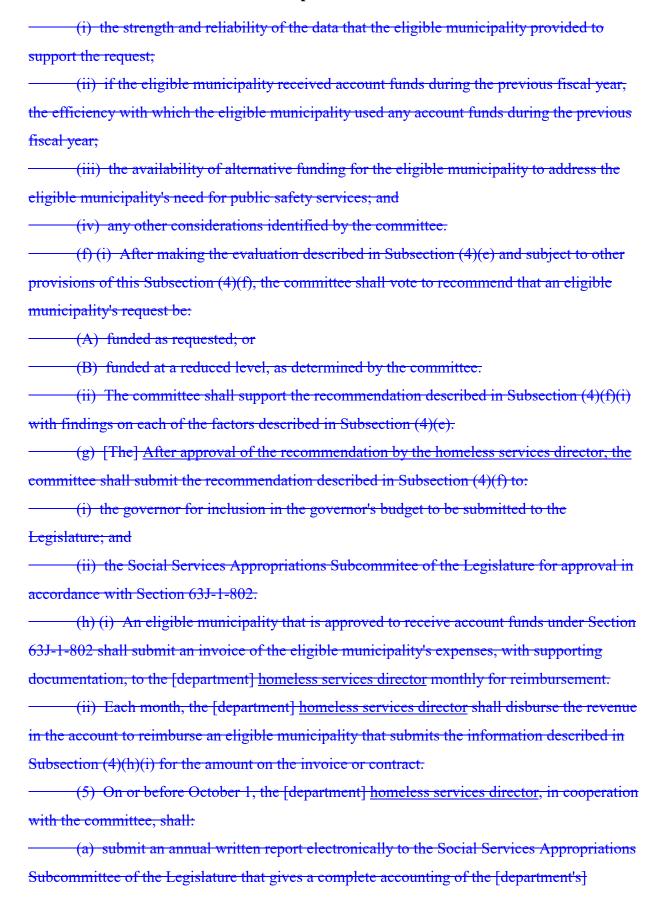
Committee, with the concurrence of the division] homeless services director, after considering the recommendations of the Homeless Coordinating Committee, shall consider the number of beds available at the homeless shelter and the number and quality of the homeless services provided by the homeless shelter.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



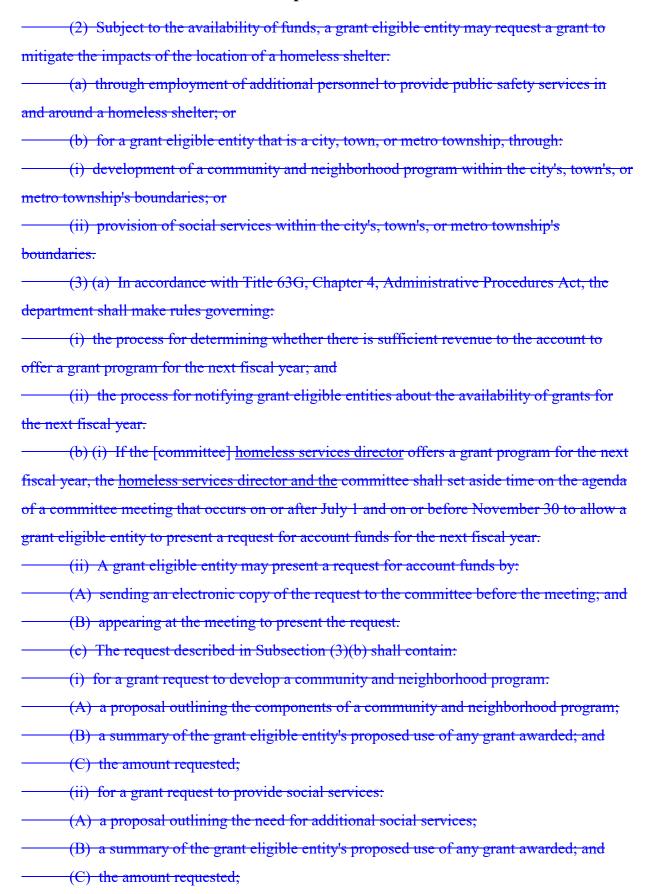


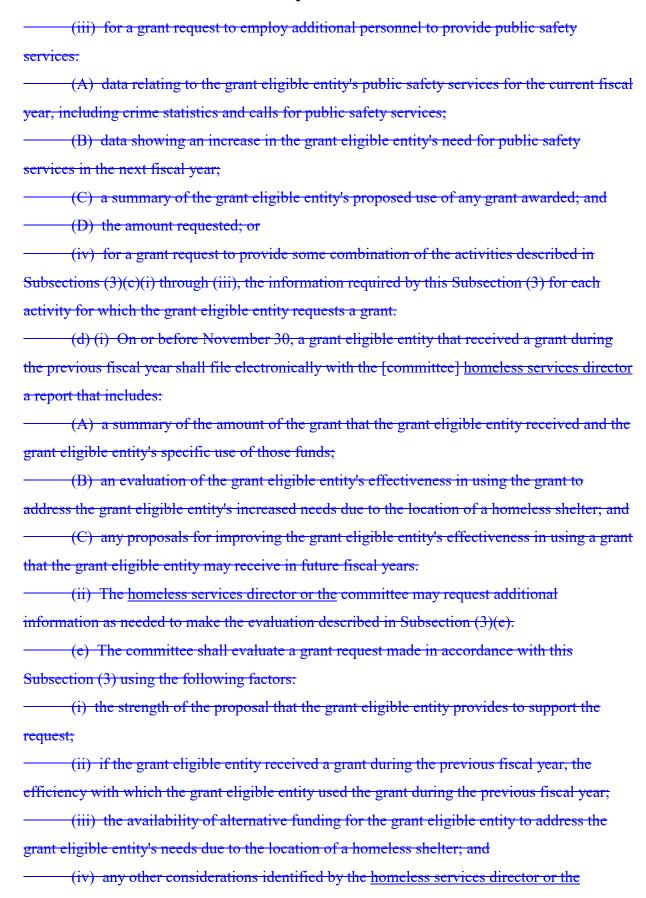






homeless services director's disbursement of the money from the account under this section for the previous fiscal year; and (b) [include] provide information regarding the disbursement of money from the account under this section [in the] to the department for inclusion in the department's annual report 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.





# 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

- (b) [include] <u>provide</u> 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] <u>homeless services director</u> 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  $\frac{14}{5}$ . 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;

- (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 <del>{15}6</del>. Section **63J-4-801** is enacted to read:

#### **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.

}