

## HB0394S04 compared with HB0394S03

~~{deleted text}~~ shows text that was in HB0394S03 but was deleted in HB0394S04.

inserted text shows text that was not in HB0394S03 but was inserted into HB0394S04.

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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

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#### 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

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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:

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~~

‡ **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

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

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*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 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.

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

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

(1) The director shall:

(a) coordinate, with the concurrence of the Homeless Coordinating Committee, 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 homeless individuals among state agencies, local governments, and private organizations;

(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; and

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

Section 3. Section ~~{35A-8-601}~~63J-4-202 is amended to read:

~~{~~ **35A-8-601. Creation.**

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

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- ~~———— (2) (a) The committee shall consist of the following members:~~
- ~~———— (i) the lieutenant governor or the lieutenant governor's designee;~~
  - ~~———— (ii) the state planning coordinator or the coordinator's designee;~~
  - ~~———— (iii) the state superintendent of public instruction or the superintendent's designee;~~
  - ~~———— (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's designee;~~
  - ~~———— (v) the executive director of the Department of Workforce Services or the executive director's designee;~~
  - ~~———— (vi) the executive director of the Department of Corrections or the executive director's designee;~~
  - ~~———— (vii) the executive director of the Department of Health or the executive director's designee;~~
  - ~~———— (viii) 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) the mayor of Ogden or the mayor's designee;~~
  - ~~———— (xii) 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[-.];~~
  - ~~———— (xv) the mayor of Provo or the mayor's designee; and~~
  - ~~———— (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.~~
- ~~———— (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~~

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~~———— (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.~~

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

~~———— (6) 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 4. 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 ~~{5}~~4. Section **63J-4-301** is amended to read:

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

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(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

~~[(h)]~~ (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;

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(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 ~~6J~~5. 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.