

**HOMELESS SHELTER AND SERVICES SHARING**

**AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**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;
- ▶ describes the duties of an employee of a homeless shelter to report criminal behavior in a homeless shelter;
- ▶ describes the criminal liability for the failure of an employee of a homeless shelter to report certain criminal behavior in a homeless shelter;
- ▶ describes the strict criminal liability of a director and the board of directors of a homeless shelter if an employee of the homeless shelter fails to report certain criminal behavior; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **35A-8-101**, as renumbered and amended by Laws of Utah 2012, Chapter 212

32 ENACTS:

33 **35A-8-203**, Utah Code Annotated 1953

34 **35A-8-610**, Utah Code Annotated 1953



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

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

38 **35A-8-101. Definitions.**

39 As used in this chapter:

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

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

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

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

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

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

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

52 **35A-8-203. Duties of director.**

53 (1) The director shall:

54 (a) coordinate the provision of homeless services in the state; and

55 (b) oversee a Homeless Management Information System for the state that:

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

- 59 (ii) is effective as a case management system;
- 60 (iii) includes an effective authorization protocol for encouraging individuals who are
- 61 provided with any homeless services in the state to provide accurate information to providers
- 62 for inclusion in the HMIS as a condition of receiving homeless services; and
- 63 (iv) meets the requirements of the United States Department of Housing and Urban
- 64 Development and other federal requirements.

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

- 66 (a) shall encourage the coordination of the provision of services to homeless
- 67 individuals among state agencies, local governments, and private organizations;
- 68 (b) may not approve funding to a program or provider that does not enter into a written
- 69 agreement with the division to collect and share HMIS data regarding the provision of services
- 70 to homeless individuals; and
- 71 (c) may deny funding to a program or provider that fails to demonstrate the effective
- 72 collection and sharing of HMIS data regarding the provision of services to homeless
- 73 individuals.

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

75 **35A-8-610. Duty of an employee of a homeless shelter to report criminal behavior.**

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

77 shelter to homeless individuals and has the capacity to provide temporary shelter to at least 50

78 individuals per night.

79 (2) When an employee of a homeless shelter witnesses behavior by an individual in a

80 homeless shelter that the employee reasonably believes is criminal behavior, the employee shall

81 immediately report the criminal behavior to the nearest peace officer or law enforcement

82 agency.

83 (3) An employee of a homeless shelter who fails to immediately report suspected

84 criminal behavior related to the following is guilty of a class C misdemeanor:

- 85 (a) assault as described in Section [76-5-102](#);
  - 86 (b) a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses;
  - 87 (c) robbery as described in Title 76, Chapter 6, Part 3, Robbery; or
  - 88 (d) the suspected abuse or neglect of a child.
- 89 (4) If an employee of a homeless shelter fails to immediately report suspected criminal

90 behavior as described in Subsection (3), the director or chief executive officer of the homeless  
91 shelter and each member of the board of directors of the homeless shelter are strictly liable and  
92 vicariously liable for the failure of the employee to immediately report the suspected criminal  
93 behavior as described in Subsection (3), and each are guilty of a class C misdemeanor.