

**Senator Jacob L. Anderegg** proposes the following substitute bill:

**HOMELESS SERVICES AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Jacob L. Anderegg

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the oversight and provision of services for individuals experiencing homelessness.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates within the Governor's Office of Management and Budget, the state homelessness coordinator, who is appointed by the governor and serves as an advisor to the governor on homelessness issues;
- ▶ creates the Office of Homeless Services (office) within the Department of Workforce Services;
- ▶ provides that the office is under the direction of the state homelessness coordinator;
- ▶ describes the responsibilities of the state homelessness coordinator;
- ▶ creates the Utah Homelessness Council (homelessness council);
- ▶ describes the responsibilities of the homelessness council;
- ▶ transfers the administration of existing state homelessness services programs and funds to the office and to the homelessness council; and
- ▶ makes technical changes.



26 **Money Appropriated in this Bill:**

27 This bill appropriates in fiscal year 2021:

28 ▶ to the Governor's Office -- Office of Management and Budget, as a one-time  
29 appropriation:

- 30 • from the General Fund, One-time, \$125,000.

31 This bill transfers money previously appropriated for fiscal year 2022:

32 ▶ to the Department of Workforce Services -- Office of Homeless Services:

- 33 • from the Department of Workforce Services -- Housing and Community  
34 Development, \$41,045,700.

35 This bill appropriates in fiscal year 2022:

36 ▶ to the Governor's Office -- Office of Management and Budget, as an ongoing  
37 appropriation:

- 38 • from the General Fund, One-time, \$225,000.

39 **Other Special Clauses:**

40 This bill provides a special effective date.

41 **Utah Code Sections Affected:**

42 AMENDS:

43 [35A-1-202](#), as last amended by Laws of Utah 2016, Chapters 271 and 296

44 [35A-8-101](#), as last amended by Laws of Utah 2020, Chapter 414

45 [35A-8-202](#), as renumbered and amended by Laws of Utah 2012, Chapter 212

46 [59-10-1306](#), as last amended by Laws of Utah 2012, Chapter 212

47 [59-12-205](#), as last amended by Laws of Utah 2019, Chapters 17, 136, and 399

48 [63J-1-801](#), as last amended by Laws of Utah 2019, Chapters 17 and 136

49 [63J-1-802](#), as enacted by Laws of Utah 2018, Chapter 312

50 [63J-4-202](#), as last amended by Laws of Utah 2013, Chapters 12 and 310

51 ENACTS:

52 [35A-16-101](#), Utah Code Annotated 1953

53 [35A-16-102](#), Utah Code Annotated 1953

54 [35A-16-201](#), Utah Code Annotated 1953

55 [35A-16-202](#), Utah Code Annotated 1953

56 [35A-16-203](#), Utah Code Annotated 1953

57 **35A-16-204**, Utah Code Annotated 1953

58 **35A-16-205**, Utah Code Annotated 1953

59 RENUMBERS AND AMENDS:

60 **35A-16-301**, (Renumbered from 35A-8-603, as renumbered and amended by Laws of  
61 Utah 2012, Chapter 212)

62 **35A-16-302**, (Renumbered from 35A-8-604, as last amended by Laws of Utah 2020,  
63 Chapters 226 and 387)

64 **35A-16-303**, (Renumbered from 35A-8-605, as last amended by Laws of Utah 2020,  
65 Chapter 226)

66 **35A-16-304**, (Renumbered from 35A-8-606, as enacted by Laws of Utah 2018, Chapter  
67 312)

68 **35A-16-305**, (Renumbered from 35A-8-607, as enacted by Laws of Utah 2018, Chapter  
69 312)

70 **35A-16-306**, (Renumbered from 35A-8-608, as last amended by Laws of Utah 2019,  
71 Chapters 17, 53, and 136)

72 **35A-16-307**, (Renumbered from 35A-8-609, as last amended by Laws of Utah 2019,  
73 Chapters 17 and 136)

74 REPEALS:

75 **35A-8-203**, as enacted by Laws of Utah 2020, Chapter 414

76 **35A-8-601**, as last amended by Laws of Utah 2018, Chapters 251 and 312

77 **35A-8-602**, as last amended by Laws of Utah 2020, Chapter 387



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

80 Section 1. Section **35A-1-202** is amended to read:

81 **35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,**  
82 **Child Care Advisory Committee, and economic service areas.**

83 (1) There is created within the department the following divisions:

84 (a) the Workforce Development Division to administer the development and  
85 implementation of employment assistance programs;

86 (b) the Workforce Research and Analysis Division;

87 (c) the Unemployment Insurance Division to administer Chapter 4, Employment

88 Security Act;

89 (d) the Eligibility Services Division to administer public assistance eligibility;

90 (e) the Division of Adjudication to adjudicate claims or actions in accordance with this  
91 title;

92 (f) the Housing and Community Development Division, which is described in Sections  
93 [35A-8-201](#) and [35A-8-202](#); [~~and~~]

94 (g) the Utah State Office of Rehabilitation, which is described in Section  
95 [35A-13-103](#)[~~-~~]; and

96 (h) the Office of Homeless Services, which is described in Section [35A-16-202](#).

97 (2) In addition to the divisions created under Subsection (1), within the department are  
98 the following:

99 (a) the Workforce Appeals Board created in Section [35A-1-205](#);

100 (b) the State Workforce Development Board created in Section [35A-1-206](#);

101 (c) the Employment Advisory Council created in Section [35A-4-502](#);

102 (d) the Child Care Advisory Committee created in Section [35A-3-205](#); and

103 (e) the economic service areas created in accordance with Chapter 2, Economic Service  
104 Areas.

105 Section 2. Section **35A-8-101** is amended to read:

106 **35A-8-101. Definitions.**

107 As used in this chapter:

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

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

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

113 [~~(4) "Homeless Management Information System" or "HMIS" means an information  
114 technology system that:]~~

115 [~~(a) is used to collect client-level data and data on the provision of housing and  
116 services to homeless individuals and families and individuals at risk of homelessness in the  
117 state; and]~~

118 [~~(b) meets the requirements of the United States Department of Housing and Urban~~

119 Development.]

120 Section 3. Section **35A-8-202** is amended to read:

121 **35A-8-202. Powers and duties of division.**

122 (1) The division shall:

123 (a) assist local governments and citizens in the planning, development, and  
124 maintenance of necessary public infrastructure and services;

125 (b) cooperate with, and provide technical assistance to, counties, cities, towns, regional  
126 planning commissions, area-wide clearinghouses, zoning commissions, parks or recreation  
127 boards, community development groups, community action agencies, and other agencies  
128 created for the purpose of aiding and encouraging an orderly, productive, and coordinated  
129 development of the state and its political subdivisions;

130 (c) assist the governor in coordinating the activities of state agencies which have an  
131 impact on the solution of community development problems and the implementation of  
132 community plans;

133 (d) serve as a clearinghouse for information, data, and other materials which may be  
134 helpful to local governments in discharging their responsibilities and provide information on  
135 available federal and state financial and technical assistance;

136 (e) carry out continuing studies and analyses of the problems faced by communities  
137 within the state and develop such recommendations for administrative or legislative action as  
138 appear necessary;

139 (f) assist in funding affordable housing [~~and addressing problems of homelessness~~];

140 (g) support economic development activities through grants, loans, and direct programs  
141 financial assistance;

142 (h) certify project funding at the local level in conformance with federal, state, and  
143 other requirements;

144 (i) utilize the capabilities and facilities of public and private universities and colleges  
145 within the state in carrying out its functions; and

146 (j) assist and support local governments, community action agencies, and citizens in  
147 the planning, development, and maintenance of home weatherization, energy efficiency, and  
148 antipoverty activities.

149 (2) The division may:

150 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal  
151 Funds Procedures Act, seek federal grants, loans, or participation in federal programs;

152 (b) if any federal program requires the expenditure of state funds as a condition to  
153 participation by the state in any fund, property, or service, with the governor's approval, expend  
154 whatever funds are necessary out of the money provided by the Legislature for the use of the  
155 department;

156 (c) in accordance with Part 9, Domestic Violence Shelters, assist in developing,  
157 constructing, and improving shelters for victims of domestic violence, as described in Section  
158 77-36-1, through loans and grants to nonprofit and governmental entities; and

159 (d) assist, when requested by a county or municipality, in the development of  
160 accessible housing.

161 Section 4. Section 35A-16-101 is enacted to read:

162 **CHAPTER 16. OFFICE OF HOMELESS SERVICES**

163 **Part 1. General Provisions**

164 **35A-16-101. Title.**

165 This chapter is known as the "Office of Homeless Services."

166 Section 5. Section 35A-16-102 is enacted to read:

167 **35A-16-102. Definitions.**

168 As used in this chapter:

169 (1) "Coordinator" means the state homelessness coordinator appointed under Section  
170 63J-4-202.

171 (2) "Executive committee" means the executive committee of the homelessness council  
172 described in Section 35A-16-204.

173 (3) "Homeless Management Information System" or "HMIS" means an information  
174 technology system that:

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

177 (b) meets the requirements of the United States Department of Housing and Urban  
178 Development.

179 (4) "Homeless Services Budget" means the comprehensive annual budget and  
180 overview of all homeless services available in the state described in Subsection

181 35A-16-203(1)(b).

182 (5) "Homelessness council" means the Utah Homelessness Council created in Section

183 35A-16-204.

184 (6) "Office" means the Office of Homeless Services.

185 (7) "Strategic plan" means the statewide strategic plan to minimize homelessness in the  
186 state described in Subsection 35A-16-203(1)(c).

187 Section 6. Section **35A-16-201** is enacted to read:

188 **Part 2. Office of Homeless Services**

189 **35A-16-201. Office of Homeless Services.**

190 (1) The Office of Homeless Services is under the direction of the state homelessness  
191 coordinator appointed under Section 63J-4-202.

192 (2) The coordinator shall serve as:

193 (a) an advisor to the governor on homelessness issues; and

194 (b) subject to Subsection (3), the chief administrative officer of the Office of Homeless  
195 Services created in Section 35A-1-102.

196 (3) The executive director has administrative oversight over the office.

197 Section 7. Section **35A-16-202** is enacted to read:

198 **35A-16-202. Powers and duties of the office.**

199 (1) The office shall, under the direction of the coordinator:

200 (a) assist in providing homeless services in the state;

201 (b) coordinate the provision of homeless services in the state; and

202 (c) manage, with the concurrence of Continuum of Care organizations approved by the  
203 United States Department of Housing and Urban Development, a Homeless Management  
204 Information System for the state that:

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

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

209 (iii) except for individuals receiving services who are victims of domestic violence,  
210 includes an effective authorization protocol for encouraging individuals who are provided with  
211 any homeless services in the state to provide accurate information to providers for inclusion in

212 the HMIS; and

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

215 (2) The office may:

216 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal  
 217 Funds Procedures Act, seek federal grants, loans, or participation in federal programs; and

218 (b) for any federal program that requires the expenditure of state funds as a condition  
 219 for participation by the state in a fund, property, or service, with the governor's approval,  
 220 expend whatever funds are necessary out of the money provided by the Legislature for the use  
 221 of the office.

222 Section 8. Section **35A-16-203** is enacted to read:

223 **35A-16-203. Powers and duties of the coordinator.**

224 (1) The coordinator shall:

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

226 (b) in cooperation with the homelessness council, develop and maintain a  
 227 comprehensive annual budget and overview of all homeless services available in the state,  
 228 which homeless services budget shall receive final approval by the homelessness council;

229 (c) in cooperation with the homelessness council, create a statewide strategic plan to  
 230 minimize homelessness in the state, which strategic plan shall receive final approval by the  
 231 homelessness council;

232 (d) in cooperation with the homelessness council, oversee funding provided for the  
 233 provision of homeless services, which funding shall receive final approval by the homelessness  
 234 council, including funding from the:

235 (i) Pamela Atkinson Homeless Account created in Section [35A-8-603](#);

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

237 and

238 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section  
 239 [35A-8-606](#); ~~§~~ → **[and]** ← ~~§~~

240 (e) provide administrative support to and serve as a member of the homelessness  
 241 council ~~§~~ → **[:]** ;

241a **(f) at the governor's request, report directly to the governor on issues regarding homelessness**  
 241b **in the state and the provision of homeless services in the state; and**

241c **(g) report directly to the president of the Senate and the speaker of the House of**  
 241d **Representatives at least twice each year on issues regarding homelessness in the state and the**  
 241e **provision of homeless services in the state. ← ~~§~~**

242 (2) The coordinator, in cooperation with the homelessness council, shall ensure that the



243 homeless services budget described in Subsection (1)(b) includes an overview and coordination  
244 plan for all funding sources for homeless services in the state, including from state agencies,  
245 Continuum of Care organizations, housing authorities, local governments, federal sources, and  
246 private organizations.

247 (3) The coordinator, in cooperation with the homelessness council, shall ensure that the  
248 strategic plan described in Subsection (1)(c):

249 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in  
250 the state and for coordinating services for individuals experiencing homelessness among all  
251 service providers in the state;

252 (b) identifies best practices and recommends improvements to the provision of services  
253 to individuals experiencing homelessness in the state to ensure the services are provided in a  
254 safe, cost-effective, and efficient manner;

255 (c) identifies best practices and recommends improvements in coordinating the  
256 delivery of services to the variety of populations experiencing homelessness in the state,  
257 including through the use of electronic databases and improved data sharing among all service  
258 providers in the state; and

259 (d) identifies gaps and recommends solutions in the delivery of services to the variety  
260 of populations experiencing homelessness in the state.

261 (4) In overseeing funding for the provision of homeless services as described in  
262 Subsection (1)(d), the coordinator:

263 (a) shall prioritize the funding of programs and providers that have a documented  
264 history of successfully reducing the number of individuals experiencing homelessness,  
265 reducing the time individuals spend experiencing homelessness, moving individuals  
266 experiencing homelessness to permanent housing, or reducing the number of individuals who  
267 return to experiencing homelessness; and

268 (b) except for a program or provider providing services to victims of domestic  
269 violence, may not approve funding to a program or provider that does not enter into a written  
270 agreement with the office to collect and share HMIS data regarding the provision of services to  
271 individuals experiencing homelessness so that the provision of services can be coordinated  
272 among state agencies, local governments, and private organizations.

273 (5) In cooperation with the homelessness council, the coordinator shall update the

274 annual statewide budget and the strategic plan described in this section on an annual basis.

275 (6) (a) On or before October 1, the coordinator shall provide a written report to the  
276 department for inclusion in the department's annual written report described in Section  
277 35A-1-109.

278 (b) The written report shall include:

279 (i) the homeless services budget;

280 (ii) the strategic plan; and

281 (iii) recommendations regarding improvements to coordinating and providing services  
282 to individuals experiencing homelessness in the state.

283 Section 9. Section **35A-16-204** is enacted to read:

284 **35A-16-204. Utah Homelessness Council.**

285 (1) There is created within the office the Utah Homelessness Council.

286 (2) The homelessness council shall consist of the following members:

287 (a) a representative of the public sector with expertise in homelessness issues,  
288 appointed by the Legislature;

289 (b) a representative of the private sector, appointed by the Utah Impact Partnership or  
290 the partnership's successor organization;

291 (c) a representative of the private sector with expertise in homelessness issues,  
292 appointed by the governor;

293 (d) a statewide philanthropic leader, appointed by the governor;

294 (e) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the  
295 partnership's successor organization;

296 (f) the mayor of Salt Lake County;

297 (g) the mayor of Salt Lake City;

298 (h) the mayor of Midvale;

299 (i) the mayor of South Salt Lake;

300 (j) the mayor of Ogden;

301 (k) the mayor of St. George;

302 (l) the executive director of the Department of Human Services, or the executive  
303 director's designee;

304 (m) the executive director of the Department of Health, or the executive director's

305 designee;

306 (n) the executive director of the Department of Corrections, or the executive director's  
307 designee;

308 (o) the executive director of the Department of Workforce Services, or the executive  
309 director's designee;

310 (p) the executive director of the Governor's Office of Management and Budget, or the  
311 executive director's designee;

312 (q) a member of the Senate, appointed by the president of the Senate;

313 (r) a member of the House of Representatives, appointed by the speaker of the House  
314 of Representatives;

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

316 (t) a faith-based leader in the state, appointed by the governor;

317 (u) five local representatives, including at least two private providers of services for  
318 people experiencing homelessness, appointed by the Utah Homeless Network;

319 (v) one individual who has experienced homelessness, appointed by the governor; and

320 (w) the coordinator.

321 (3) The member appointed under Subsection (2)(a) and the member appointed under  
322 Subsection (2)(b) shall serve as the cochairs of the homelessness council.

323 (4) The following eight members of the homelessness council shall serve as the  
324 executive committee of the homelessness council:

325 (a) the cochairs of the homelessness council as described in Subsection (3);

326 (b) the private sector representative appointed under Subsection (2)(c);

327 (c) the statewide philanthropic leader appointed under Subsection (2)(d);

328 (d) the statewide philanthropic leader appointed under Subsection (2)(e);

329 (e) the mayor of Salt Lake County;

330 (f) a mayor chosen among the member mayors described in Subsections (2)(g) through  
331 (2)(k), appointed by the member mayors; and

332 (g) the coordinator.

333 (5) The cochairs and the executive committee may call homelessness council meetings  
334 and set agendas for committee meetings.

335 (6) The homelessness council shall meet at least four times per year.

336 (7) A majority of members of the homelessness council constitutes a quorum of the  
337 homelessness council at any meeting, and the action of the majority of members present  
338 constitutes the action of the homelessness council.

339 (8) A majority of members of the executive committee constitutes a quorum of the  
340 executive committee at any meeting, and the action of the majority of members present  
341 constitutes the action of the executive committee.

342 (9) (a) Except as required by Subsection (9)(b), appointed members of the  
343 homelessness council shall serve a term of four years.

344 (b) Notwithstanding the requirements of Subsection (9)(a), the appointing authority, at  
345 the time of appointment or reappointment, may adjust the length of terms to ensure that the  
346 terms of homelessness council members are staggered so that approximately half of appointed  
347 homelessness council members are appointed every two years.

348 (10) When a vacancy occurs in the appointed membership for any reason, the  
349 replacement is appointed for the unexpired term.

350 (11) (a) Except as described in Subsection (11)(b), a member may not receive  
351 compensation or benefits for the member's service, but may receive per diem and travel  
352 expenses in accordance with:

353 (i) Section [63A-3-106](#);

354 (ii) Section [63A-3-107](#); and

355 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
356 [63A-3-107](#).

357 (b) Compensation and expenses of a commission member who is a legislator are  
358 governed by Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and  
359 Expenses.

360 (12) The office and the department shall provide administrative support to the  
361 homelessness council.

362 Section 10. Section **35A-16-205** is enacted to read:

363 **35A-16-205. Duties of the homelessness council.**

364 The homelessness council:

365 (1) shall provide final approval for:

366 (a) the homeless services budget;

- 367           (b) the strategic plan; and
- 368           (c) the awarding of funding for the provision of homeless services as described in
- 369 Subsection [35A-16-203\(1\)\(d\)](#);
- 370           (2) in cooperation with the coordinator, shall:
- 371           (a) develop and maintain the homeless services budget;
- 372           (b) develop and maintain the strategic plan; and
- 373           (c) review applications and approve funding for the provision of homeless services in
- 374 the state as described in Subsection [35A-16-203\(1\)\(d\)](#);
- 375           (3) shall review local and regional plans for providing services to individuals
- 376 experiencing homelessness;
- 377           (4) shall cooperate with local homeless councils as designated by the Utah Homeless
- 378 Network to:
- 379           (a) develop a common agenda and vision for reducing homelessness in each local
- 380 oversight body's respective region;
- 381           (b) as part of the homeless services budget, develop a spending plan that coordinates
- 382 the funding supplied to local stakeholders; and
- 383           (c) align local funding to projects that improve outcomes and target specific needs in
- 384 each community;
- 385           (5) shall coordinate gap funding with private entities for providing services to
- 386 individuals experiencing homelessness;
- 387           (6) shall recommend performance and accountability measures for service providers,
- 388 including the support of collecting consistent and transparent data; and
- 389           (7) when reviewing and giving final approval for requests as described in Subsection
- 390 [35A-16-203\(1\)\(d\)](#);
- 391           (a) may only recommend funding if the proposed recipient has a policy to share
- 392 client-level service information with other entities in accordance with state and federal law to
- 393 enhance the coordination of services for individuals who are experiencing homelessness; and
- 394           (b) shall identify specific targets and benchmarks that align with the strategic plan for
- 395 each recommended award.

396           Section 11. Section **35A-16-301**, which is renumbered from Section 35A-8-603 is  
397 renumbered and amended to read:

398 **Part 3. Services for Individuals Experiencing Homelessness**399 ~~[35A-8-603].~~ **35A-16-301. Creation of Pamela Atkinson Homeless**400 **Account.**401 (1) There is created a restricted account within the General Fund known as the "Pamela  
402 Atkinson Homeless Account."403 (2) Private contributions received under this section and Section 59-10-1306 shall be  
404 deposited into the restricted account to be used only for programs described in [Section  
405 35A-8-602] this chapter.406 (3) Money shall be appropriated from the restricted account to the [~~State Homeless~~  
407 ~~Coordinating Committee~~] homelessness council in accordance with Title 63J, Chapter 1,  
408 Budgetary Procedures Act.409 (4) The [~~State Homeless Coordinating Committee~~] homelessness council may accept  
410 transfers, grants, gifts, bequests, or money made available from any source to implement this  
411 part.412 Section 12. Section **35A-16-302**, which is renumbered from Section 35A-8-604 is  
413 renumbered and amended to read:414 ~~[35A-8-604].~~ **35A-16-302. Uses of Homeless to Housing Reform Restricted**415 **Account.**416 (1) [~~With the concurrence of the division and in accordance with this section, the~~  
417 ~~Homeless Coordinating Committee members designated in Subsection 35A-8-601(2)] The  
418 homelessness council may award ongoing or one-time grants or contracts funded from the  
419 Homeless to Housing Reform Restricted Account created in Section [~~35A-8-605~~] 35A-16-303.~~420 (2) Before final approval of a grant or contract awarded under this section, the  
421 [~~Homeless Coordinating Committee and the division~~] homelessness council and the  
422 coordinator shall provide written information regarding the grant or contract to, and shall  
423 consider the recommendations of, the Executive Appropriations Committee.424 (3) As a condition of receiving money, including any ongoing money, from the  
425 restricted account, an entity awarded a grant or contract under this section shall provide  
426 detailed and accurate reporting on at least an annual basis to the [~~division and the Homeless~~  
427 ~~Coordinating Committee~~] homelessness council and the coordinator that describes:

428 (a) how money provided from the restricted account has been spent by the entity; and

429 (b) the progress towards measurable outcome-based benchmarks agreed to between the  
430 entity and the [~~Homeless Coordinating Committee~~] homelessness council before the awarding  
431 of the grant or contract.

432 (4) In determining the awarding of a grant or contract under this section, [~~the Homeless~~  
433 ~~Coordinating Committee, with the concurrence of the division,~~] the homelessness council and  
434 the coordinator shall:

435 (a) ensure that the services to be provided through the grant or contract will be  
436 provided in a cost-effective manner;

437 [~~(b) consider the advice of committee members designated in Subsection~~  
438 ~~35A-8-601(3);~~]

439 [~~(c)~~] (b) give priority to a project or contract that will include significant additional or  
440 matching funds from a private organization, nonprofit organization, or local government entity;

441 [~~(d)~~] (c) ensure that the project or contract will target the distinct housing needs of one  
442 or more at-risk or homeless subpopulations, which may include:

443 (i) families with children;

444 (ii) transitional-aged youth;

445 (iii) single men or single women;

446 (iv) veterans;

447 (v) victims of domestic violence;

448 (vi) individuals with behavioral health disorders, including mental health or substance  
449 use disorders;

450 (vii) individuals who are medically frail or terminally ill;

451 (viii) individuals exiting prison or jail; or

452 (ix) individuals who are homeless without shelter;

453 [~~(e)~~] (d) consider whether the project will address one or more of the following goals:

454 (i) diverting homeless or imminently homeless individuals and families from  
455 emergency shelters by providing better housing-based solutions;

456 (ii) meeting the basic needs of homeless individuals and families in crisis;

457 (iii) providing homeless individuals and families with needed stabilization services;

458 (iv) decreasing the state's homeless rate;

459 (v) implementing a coordinated entry system with consistent assessment tools to

460 provide appropriate and timely access to services for homeless individuals and families;

461 (vi) providing access to caseworkers or other individualized support for homeless  
462 individuals and families;

463 (vii) encouraging employment and increased financial stability for individuals and  
464 families being diverted from or exiting homelessness;

465 (viii) creating additional affordable housing for state residents;

466 (ix) providing services and support to prevent homelessness among at-risk individuals  
467 and adults;

468 (x) providing services and support to prevent homelessness among at-risk children,  
469 adolescents, and young adults;

470 (xi) preventing the reoccurrence of homelessness among individuals and families  
471 exiting homelessness; and

472 (xii) providing medical respite care for homeless individuals where the homeless  
473 individuals can access medical care and other supportive services; and

474 ~~[(f)]~~ (e) address the needs identified in the strategic plan described in ~~[Subsection~~  
475 ~~35A-8-602(2)]~~ Section 35A-16-203 for inclusion in the annual written report described in  
476 Section 35A-1-109.

477 (5) In addition to the other provisions of this section, in determining the awarding of a  
478 grant or contract under this section to design, build, create, or renovate a facility that will  
479 provide shelter or other resources for the homeless, ~~[the Homeless Coordinating Committee,~~  
480 ~~with the concurrence of the division]~~ the homelessness council, with the concurrence of the  
481 coordinator, may consider whether the facility will be:

482 (a) located near mass transit services;

483 (b) located in an area that meets or will meet all zoning regulations before a final  
484 dispersal of funds;

485 (c) safe and welcoming both for individuals using the facility and for members of the  
486 surrounding community; and

487 (d) located in an area with access to employment, job training, and positive activities.

488 (6) In accordance with Subsection (5), and subject to the approval ~~[of the Homeless~~  
489 ~~Coordinating Committee with the concurrence of the division]~~ the homelessness council, with  
490 the concurrence of the coordinator, the following may recommend a site location, acquire a site



491 location, and hold title to real property, buildings, fixtures, and appurtenances of a facility that  
492 provides or will provide shelter or other resources for the homeless:

493 (a) the county executive of a county of the first class on behalf of the county of the first  
494 class, if the facility is or will be located in the county of the first class in a location other than  
495 Salt Lake City;

496 (b) the state;

497 (c) a nonprofit entity approved by the [~~Homeless Coordinating Committee with the~~  
498 ~~concurrence of the division~~] homelessness council, with the concurrence of the coordinator;  
499 and

500 (d) a mayor of a municipality on behalf of the municipality where a facility is or will be  
501 located.

502 (7) (a) If a homeless shelter commits to provide matching funds equal to the total grant  
503 awarded under this Subsection (7), [~~the Homeless Coordinating Committee, with the~~  
504 ~~concurrence of the division~~] the homelessness council, with the concurrence of the coordinator,  
505 may award a grant for the ongoing operations of the homeless shelter.

506 (b) In awarding a grant under this Subsection (7), [~~the Homeless Coordinating~~  
507 ~~Committee, with the concurrence of the division~~] the homelessness council, with the  
508 concurrence of the coordinator, shall consider the number of beds available at the homeless  
509 shelter and the number and quality of the homeless services provided by the homeless shelter.

510 (8) The [~~division~~] office may expend money from the restricted account to offset actual  
511 [~~division and Homeless Coordinating Committee~~] office and homelessness council expenses  
512 related to administering this section.

513 (9) In addition to other provisions of this section, the [~~Homeless Coordinating~~  
514 ~~Committee, with the concurrence of the division~~] homelessness council, with the concurrence  
515 of the coordinator, may award one-time money from the state's sale of the land at 210 South  
516 Rio Grande Street, Salt Lake City, which was the location of a former emergency homeless  
517 shelter, to a nonprofit entity that owns three or more homeless shelters in a county of the first  
518 class to assist the entity in paying off a loan taken out by the entity to build a homeless shelter  
519 located in a county of the first class in a location other than Salt Lake City.

520 Section 13. Section **35A-16-303**, which is renumbered from Section 35A-8-605 is  
521 renumbered and amended to read:

522 ~~[35A-8-605].~~ 35A-16-303. Homeless to Housing Reform Restricted

523 **Account.**

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

526 (2) The restricted account shall be administered by the ~~[division]~~ office for the  
527 purposes described in Section ~~[35A-8-604]~~ 35A-16-302.

528 (3) The state treasurer shall invest the money in the restricted account according to the  
529 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that  
530 interest and other earnings derived from the restricted account shall be deposited in the  
531 restricted account.

532 (4) The restricted account shall be funded by:

533 (a) appropriations made to the account by the Legislature; and

534 (b) private donations, grants, gifts, bequests, or money made available from any other  
535 source to implement this section and Section ~~[35A-8-604]~~ 35A-16-302.

536 (5) Subject to appropriation, the ~~[director]~~ coordinator shall use restricted account  
537 money as described in Section ~~[35A-8-604]~~ 35A-16-302.

538 (6) The ~~[Homeless Coordinating Committee, in cooperation with the division]~~  
539 coordinator, in cooperation with the homelessness council, shall submit an annual written  
540 report to the department that gives a complete accounting of the use of money from the  
541 restricted account for inclusion in the annual report described in Section 35A-1-109.

542 (7) In addition to the funding sources described in Subsection (4), the restricted  
543 account shall be funded by the one-time deposit of the proceeds of the state's sale of land  
544 located at 210 South Rio Grande Street, Salt Lake City, on or after March 1, 2020, which was  
545 the former location of an emergency homeless shelter.

546 Section 14. Section 35A-16-304, which is renumbered from Section 35A-8-606 is  
547 renumbered and amended to read:

548 ~~[35A-8-606].~~ 35A-16-304. Homeless Shelter Cities Mitigation Restricted

549 **Account.**

550 (1) As used in this section:

551 (a) "Annual local contribution" means:

552 (i) for a participating local government, the lesser of \$200,000 or an amount equal to

553 1.8% of the participating local government's tax revenue distribution amount under Subsection  
554 [59-12-205](#)(2)(a) for the previous fiscal year; or

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

557 (b) "Eligible municipality" means the same as that term is defined in Section  
558 [~~35A-8-607~~] [35A-16-305](#).

559 (c) "Grant eligible entity" means the same as that term is defined in Section  
560 [~~35A-8-608~~] [35A-16-306](#).

561 (d) "Participating local government" means a county or municipality, as defined in  
562 Section [10-1-104](#), that is not an eligible municipality or grant eligible entity as certified by the  
563 department in accordance with Section [~~35A-8-609~~] [35A-16-307](#).

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

566 (3) The account shall be funded by:

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

569 (b) interest earned on the account.

570 (4) (a) The [~~department~~] office shall administer the account.

571 (b) Subject to appropriation, the [~~department~~] office shall disburse funds from the  
572 account to:

573 (i) eligible municipalities in accordance with Sections [~~35A-8-607~~] [35A-16-305](#) and  
574 [63J-1-802](#); and

575 (ii) grant eligible entities in accordance with Sections [~~35A-8-608~~] [35A-16-306](#) and  
576 [63J-1-802](#).

577 Section 15. Section **35A-16-305**, which is renumbered from Section 35A-8-607 is  
578 renumbered and amended to read:

579 [~~35A-8-607~~]. **35A-16-305. Eligible municipality application process for**  
580 **Homeless Shelter Cities Mitigation Restricted Account funds.**

581 (1) As used in this section:

582 (a) "Account" means the restricted account created in Section [~~35A-8-606~~]  
583 [35A-16-304](#).

584 ~~[(b) "Committee" means the Homeless Coordinating Committee created in this part.]~~

585 ~~[(e)]~~ (b) "Eligible municipality" means a city of the third, fourth, or fifth class, a town,  
586 or a metro township that:

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

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

593 (iii) is certified as an eligible municipality in accordance with Section ~~[35A-8-609]~~  
594 [35A-16-307](#).

595 ~~[(d)]~~ (c) "Homeless shelter" means a facility that:

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

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

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

601 ~~[(e)]~~ (d) "Public safety services" means law enforcement, emergency medical services,  
602 and fire protection.

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

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

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

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

614 ~~[(b) An eligible municipality may make a request for account funds by:]~~

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

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

619 ~~[(c) The request described in Subsection (3)(b) shall contain:]~~

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

623 ~~[(A) crime statistics; and]~~

624 ~~[(B) calls for public safety services;]~~

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

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

628 ~~[(iv) a copy of the eligible municipality's budget, which includes a request in a specific~~  
629 ~~amount for additional personnel to provide public safety services;]~~

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

632 ~~[(i) the strength and reliability of the data that the eligible municipality provides to~~  
633 ~~support the request;]~~

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

636 ~~[(iii) any other considerations identified by the committee.]~~

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

639 ~~[(A) fund the eligible municipality's request; or]~~

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

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

644 ~~[(f) (i) An eligible municipality that receives an award of account funds under this~~  
645 ~~Subsection (3) shall submit an invoice of the eligible municipality's expenses, with supporting~~

646 ~~documentation, to the department monthly for reimbursement.]~~

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

650  ~~[(4)] (3) (a) This Subsection [(4)] (3) applies to a fiscal year beginning on or after July~~  
651  ~~1, 2019.~~

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

656 (ii) An eligible municipality may present a request for account funds by:

657 (A) sending an electronic copy of the request to the ~~[committee]~~ homelessness council  
658 before the meeting; and

659 (B) appearing at the meeting to present the request.

660 (c) The request described in Subsection ~~[(4)] (3)~~(b) shall contain:

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

664 (A) crime statistics; and

665 (B) calls for public safety services;

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

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

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

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

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

676 (B) an evaluation of the eligible municipality's effectiveness in using the account funds

677 to address the eligible municipality's public safety needs; and

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

680 (ii) The [~~committee~~] homelessness council may request additional information as  
681 needed to make the evaluation described in Subsection [~~(4)~~] (3)(e).

682 (e) The [~~committee~~] homelessness council shall evaluate a request made in accordance  
683 with this Subsection [~~(4)~~] (3) using the following factors:

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

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

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

691 (iv) any other considerations identified by the [~~committee~~] homelessness council.

692 (f) (i) After making the evaluation described in Subsection [~~(4)~~] (3)(e) and subject to  
693 other provisions of this Subsection [~~(4)~~] (3)(f), the [~~committee~~] homelessness council shall  
694 vote to recommend that an eligible municipality's request be:

695 (A) funded as requested; or

696 (B) funded at a reduced level, as determined by the [~~committee~~] homelessness council.

697 (ii) The [~~committee~~] homelessness council shall support the recommendation described  
698 in Subsection [~~(4)~~] (3)(f)(i) with findings on each of the factors described in Subsection [~~(4)~~]  
699 (3)(e).

700 (g) The committee shall submit the recommendation described in Subsection [~~(4)~~]  
701 (3)(f) to:

702 (i) the governor for inclusion in the governor's budget to be submitted to the  
703 Legislature; and

704 (ii) the Social Services Appropriations [~~Subcommittee~~] Subcommittee of the  
705 Legislature for approval in accordance with Section 63J-1-802.

706 (h) (i) An eligible municipality that is approved to receive account funds under Section  
707 63J-1-802 shall submit an invoice of the eligible municipality's expenses, with supporting

708 documentation, to the [department] office monthly for reimbursement.

709 (ii) Each month, the [department] office shall disburse the revenue in the account to  
710 reimburse an eligible municipality that submits the information described in Subsection [(4)]  
711 (3)(h)(i) for the amount on the invoice or contract.

712 [(5)] (4) On or before October 1, the [department] coordinator, in cooperation with the  
713 [committee] homelessness council, shall:

714 (a) submit an annual written report electronically to the Social Services Appropriations  
715 Subcommittee of the Legislature that gives a complete accounting of the [department's] office's  
716 disbursement of the money from the account under this section for the previous fiscal year; and

717 (b) include information regarding the disbursement of money from the account under  
718 this section in the annual report described in Section 35A-1-109.

719 Section 16. Section 35A-16-306, which is renumbered from Section 35A-8-608 is  
720 renumbered and amended to read:

721 ~~35A-8-608].~~ **35A-16-306. Grant eligible entity application process for**  
722 **Homeless Shelter Cities Mitigation Restricted Account funds.**

723 (1) As used in this section:

724 (a) "Account" means the restricted account created in Section ~~35A-8-606~~  
725 35A-16-304.

726 ~~[(b) "Committee" means the Homeless Coordinating Committee created in this part.]~~

727 ~~[(c)]~~ (b) "Grant" means an award of funds from the account.

728 ~~[(d)]~~ (c) "Grant eligible entity" means:

729 (i) the Department of Public Safety; or

730 (ii) a city, town, or metro township that:

731 (A) has a homeless shelter within the city's, town's, or metro township's geographic  
732 boundaries;

733 (B) has increased community, social service, or public safety service needs due to the  
734 location of a homeless shelter within the city's, town's, or metro township's geographic  
735 boundaries; and

736 (C) is certified as a grant eligible entity in accordance with Section ~~35A-8-609~~  
737 35A-16-307.

738 ~~[(e)]~~ (d) "Homeless shelter" means a facility that:



- 739 (i) provides temporary shelter to homeless individuals;
- 740 (ii) has the capacity to provide temporary shelter to:
- 741 (A) for a county of the first or second class, at least 60 individuals per night; or
- 742 (B) for a county of the third, fourth, fifth, or sixth class, at least 25 individuals per
- 743 night; and
- 744 (iii) operates year-round and is not subject to restrictions that limit the hours, days,
- 745 weeks, or months of operation.
- 746 ~~(f)~~ (e) "Public safety services" means law enforcement, emergency medical services,
- 747 and fire protection.
- 748 (2) Subject to the availability of funds, a grant eligible entity may request a grant to
- 749 mitigate the impacts of the location of a homeless shelter:
- 750 (a) through employment of additional personnel to provide public safety services in
- 751 and around a homeless shelter; or
- 752 (b) for a grant eligible entity that is a city, town, or metro township, through:
- 753 (i) development of a community and neighborhood program within the city's, town's, or
- 754 metro township's boundaries; or
- 755 (ii) provision of social services within the city's, town's, or metro township's
- 756 boundaries.
- 757 (3) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
- 758 ~~department~~ office shall make rules governing:
- 759 (i) the process for determining whether there is sufficient revenue to the account to
- 760 offer a grant program for the next fiscal year; and
- 761 (ii) the process for notifying grant eligible entities about the availability of grants for
- 762 the next fiscal year.
- 763 (b) (i) If the ~~committee~~ homelessness council offers a grant program for the next
- 764 fiscal year, the ~~committee~~ homelessness council shall set aside time on the agenda of a
- 765 ~~committee~~ homelessness council meeting that occurs on or after July 1 and on or before
- 766 November 30 to allow a grant eligible entity to present a request for account funds for the next
- 767 fiscal year.
- 768 (ii) A grant eligible entity may present a request for account funds by:
- 769 (A) sending an electronic copy of the request to the ~~committee~~ homelessness council

770 before the meeting; and

771 (B) appearing at the meeting to present the request.

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

773 (i) for a grant request to develop a community and neighborhood program:

774 (A) a proposal outlining the components of a community and neighborhood program;

775 (B) a summary of the grant eligible entity's proposed use of any grant awarded; and

776 (C) the amount requested;

777 (ii) for a grant request to provide social services:

778 (A) a proposal outlining the need for additional social services;

779 (B) a summary of the grant eligible entity's proposed use of any grant awarded; and

780 (C) the amount requested;

781 (iii) for a grant request to employ additional personnel to provide public safety

782 services:

783 (A) data relating to the grant eligible entity's public safety services for the current fiscal  
784 year, including crime statistics and calls for public safety services;

785 (B) data showing an increase in the grant eligible entity's need for public safety  
786 services in the next fiscal year;

787 (C) a summary of the grant eligible entity's proposed use of any grant awarded; and

788 (D) the amount requested; or

789 (iv) for a grant request to provide some combination of the activities described in  
790 Subsections (3)(c)(i) through (iii), the information required by this Subsection (3) for each  
791 activity for which the grant eligible entity requests a grant.

792 (d) (i) On or before November 30, a grant eligible entity that received a grant during  
793 the previous fiscal year shall file electronically with the [~~committee~~] homelessness council a  
794 report that includes:

795 (A) a summary of the amount of the grant that the grant eligible entity received and the  
796 grant eligible entity's specific use of those funds;

797 (B) an evaluation of the grant eligible entity's effectiveness in using the grant to  
798 address the grant eligible entity's increased needs due to the location of a homeless shelter; and

799 (C) any proposals for improving the grant eligible entity's effectiveness in using a grant  
800 that the grant eligible entity may receive in future fiscal years.

801 (ii) The [~~committee~~] homelessness council may request additional information as  
802 needed to make the evaluation described in Subsection (3)(e).

803 (e) The [~~committee~~] homelessness council shall evaluate a grant request made in  
804 accordance with this Subsection (3) using the following factors:

805 (i) the strength of the proposal that the grant eligible entity provides to support the  
806 request;

807 (ii) if the grant eligible entity received a grant during the previous fiscal year, the  
808 efficiency with which the grant eligible entity used the grant during the previous fiscal year;

809 (iii) the availability of alternative funding for the grant eligible entity to address the  
810 grant eligible entity's needs due to the location of a homeless shelter; and

811 (iv) any other considerations identified by the committee.

812 (f) (i) After making the evaluation described in Subsection (3)(e) for each grant eligible  
813 entity that makes a grant request and subject to other provisions of this Subsection (3)(f), the  
814 [~~committee~~] homelessness council shall vote to:

815 (A) prioritize the grant requests; and

816 (B) recommend a grant amount for each grant eligible entity.

817 (ii) The [~~committee~~] homelessness council shall support the prioritization and  
818 recommendation described in Subsection (3)(f)(i) with findings on each of the factors  
819 described in Subsection (3)(e).

820 (g) The [~~committee~~] homelessness council shall submit a list that prioritizes the grant  
821 requests and recommends a grant amount for each grant eligible entity that requested a grant to:

822 (i) the governor for inclusion in the governor's budget to be submitted to the  
823 Legislature; and

824 (ii) the Social Services Appropriations [~~Subcommittee~~] Subcommittee of the  
825 Legislature for approval in accordance with Section [63J-1-802](#).

826 (4) (a) Subject to Subsection (4)(b), the [~~department~~] office shall disburse the revenue  
827 in the account as a grant to a grant eligible entity:

828 (i) after making the disbursements required by Section [~~35A-8-607~~] [35A-16-305](#); and

829 (ii) subject to the availability of funds in the account:

830 (A) in the order of priority that the Legislature gives to each eligible grant entity under  
831 Section [63J-1-802](#); and

832 (B) in the amount that the Legislature approves to a grant eligible entity under Section  
833 63J-1-802.

834 (b) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the  
835 [department] office shall make rules governing the process for the [department] office to  
836 determine the timeline within the fiscal year for funding the grants.

837 (5) On or before October 1, the [department] office, in cooperation with the  
838 [committee] homelessness council, shall:

839 (a) submit an annual written report electronically to the Social Services Appropriations  
840 Subcommittee of the Legislature that gives a complete accounting of the [department's] office's  
841 disbursement of the money from the account under this section for the previous fiscal year; and

842 (b) include information regarding the disbursement of money from the account under  
843 this section in the annual report described in Section 35A-1-109.

844 Section 17. Section 35A-16-307, which is renumbered from Section 35A-8-609 is  
845 renumbered and amended to read:

846 ~~35A-8-609~~. **35A-16-307. Certification of eligible municipality or grant**  
847 **eligible entity.**

848 (1) The [department] office shall certify each year, on or after July 1 and before the  
849 first meeting of the ~~[Homeless Coordinating Committee]~~ homelessness council after July 1, the  
850 cities or towns that meet the requirements of an eligible municipality or a grant eligible entity  
851 as of July 1.

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

856 Section 18. Section 59-10-1306 is amended to read:

857 **59-10-1306. Homeless contribution -- Credit to Pamela Atkinson Homeless**  
858 **Account.**

859 (1) Except as provided in Section 59-10-1304, a resident or nonresident individual that  
860 files an individual income tax return under this chapter may designate on the resident or  
861 nonresident individual's individual income tax return a contribution to the Pamela Atkinson  
862 Homeless Account as provided in this part.

863 (2) The commission shall:

864 (a) determine annually the total amount of contributions designated in accordance with  
865 this section; and

866 (b) credit the amount described in Subsection (2)(a) to the Pamela Atkinson Homeless  
867 Account created by Section [~~35A-8-603~~] [35A-16-301](#).

868 Section 19. Section **59-12-205** is amended to read:

869 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
870 **tax revenue -- Determination of population.**

871 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
872 [59-12-204](#), a county, city, or town shall adopt amendments to the county's, city's, or town's  
873 sales and use tax ordinances:

874 (a) within 30 days of the day on which the state makes an amendment to an applicable  
875 provision of Part 1, Tax Collection; and

876 (b) as required to conform to the amendments to Part 1, Tax Collection.

877 (2) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

878 (a) 50% of each dollar collected from the sales and use tax authorized by this part shall  
879 be distributed to each county, city, and town on the basis of the percentage that the population  
880 of the county, city, or town bears to the total population of all counties, cities, and towns in the  
881 state; and

882 (b) (i) except as provided in Subsections (2)(b)(ii) and (iii), 50% of each dollar  
883 collected from the sales and use tax authorized by this part shall be distributed to each county,  
884 city, and town on the basis of the location of the transaction as determined under Sections  
885 [59-12-211](#) through [59-12-215](#);

886 (ii) 50% of each dollar collected from the sales and use tax authorized by this part  
887 within a project area described in a project area plan adopted by the military installation  
888 development authority under Title 63H, Chapter 1, Military Installation Development  
889 Authority Act, shall be distributed to the military installation development authority created in  
890 Section [63H-1-201](#); and

891 (iii) 50% of each dollar collected from the sales and use tax authorized by this part  
892 within a project area under Title 11, Chapter 58, Utah Inland Port Authority Act, shall be  
893 distributed to the Utah Inland Port Authority, created in Section [11-58-201](#).

894 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall  
895 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

896 (i) the county, city, or town is a:

897 (A) county of the third, fourth, fifth, or sixth class;

898 (B) city of the fifth class; or

899 (C) town;

900 (ii) the county, city, or town received a distribution under this section for the calendar  
901 year beginning on January 1, 2008, that was less than the distribution under this section that the  
902 county, city, or town received for the calendar year beginning on January 1, 2007;

903 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located  
904 within the unincorporated area of the county for one or more days during the calendar year  
905 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,  
906 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North  
907 American Industry Classification System of the federal Executive Office of the President,  
908 Office of Management and Budget; or

909 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
910 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during  
911 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry  
912 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the  
913 2002 North American Industry Classification System of the federal Executive Office of the  
914 President, Office of Management and Budget; and

915 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment  
916 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for  
917 one or more days during the calendar year beginning on January 1, 2008, was not the holder of  
918 a direct payment permit under Section [59-12-107.1](#); or

919 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
920 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a  
921 city or town for one or more days during the calendar year beginning on January 1, 2008, was  
922 not the holder of a direct payment permit under Section [59-12-107.1](#).

923 (b) The commission shall make the distribution required by this Subsection (3) to a  
924 county, city, or town described in Subsection (3)(a):

- 925 (i) from the distribution required by Subsection (2)(a); and  
926 (ii) before making any other distribution required by this section.
- 927 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by  
928 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.
- 929 (ii) For purposes of Subsection (3)(c)(i):  
930 (A) the numerator of the fraction is the difference calculated by subtracting the  
931 distribution a county, city, or town described in Subsection (3)(a) received under this section  
932 for the calendar year beginning on January 1, 2008, from the distribution under this section that  
933 the county, city, or town received for the calendar year beginning on January 1, 2007; and  
934 (B) the denominator of the fraction is \$333,583.
- 935 (d) A distribution required by this Subsection (3) is in addition to any other distribution  
936 required by this section.
- 937 (4) (a) As used in this Subsection (4):  
938 (i) "Eligible county, city, or town" means a county, city, or town that:  
939 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)  
940 equal to the amount described in Subsection (4)(b)(ii); and  
941 (B) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,  
942 2016.
- 943 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue  
944 distributions an eligible county, city, or town received from a tax imposed in accordance with  
945 this part for fiscal year 2004-05.
- 946 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax  
947 imposed in accordance with this part equal to the greater of:  
948 (i) the payment required by Subsection (2); or  
949 (ii) the minimum tax revenue distribution.
- 950 (5) (a) For purposes of this Subsection (5):  
951 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to  
952 1.8% of the participating local government's tax revenue distribution amount under Subsection  
953 (2)(a) for the previous fiscal year.
- 954 (ii) "Participating local government" means a county or municipality, as defined in  
955 Section [10-1-104](#), that is not an eligible municipality or grant eligible entity certified in

956 accordance with Section [~~35A-8-609~~] [35A-16-307](#).

957 (b) For revenue collected from the tax authorized by this part that is distributed on or  
958 after January 1, 2019, the commission, before making a tax revenue distribution under  
959 Subsection (2)(a) to a participating local government, shall:

960 (i) subtract one-twelfth of the annual local contribution for each participating local  
961 government from the participating local government's tax revenue distribution under  
962 Subsection (2)(a); and

963 (ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter  
964 Cities Mitigation Restricted Account created in Section [~~35A-8-606~~] [35A-16-304](#).

965 (c) For a participating local government that qualifies to receive a distribution  
966 described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection  
967 (5) after the commission applies the provisions of Subsections (3) and (4).

968 (6) (a) Population figures for purposes of this section shall be based on the most recent  
969 official census or census estimate of the United States Bureau of the Census.

970 (b) If a needed population estimate is not available from the United States Bureau of  
971 the Census, population figures shall be derived from the estimate from the Utah Population  
972 Committee.

973 (c) The population of a county for purposes of this section shall be determined only  
974 from the unincorporated area of the county.

975 Section 20. Section **63J-1-801** is amended to read:

976 **63J-1-801. Definitions.**

977 As used in this part:

978 (1) [~~"Committee"~~] "Council" means the [~~Homeless Coordinating Committee~~] Utah  
979 Homelessness Council created in Section [~~35A-8-601~~] [35A-16-204](#).

980 (2) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a  
981 metro township that:

982 (a) has, or is proposed to have, a homeless shelter within the city's, town's, or metro  
983 township's geographic boundaries that:

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

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



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

989 (b) due to the location of a homeless shelter within the city's, town's, or metro  
990 township's geographic boundaries, needs more public safety services than the city, town, or  
991 metro township needed before the location of the homeless shelter within the city's, town's, or  
992 metro township's geographic boundaries.

993 (3) "Grant eligible entity" means:

994 (a) the Department of Public Safety; or

995 (b) a city, town, or metro township that has:

996 (i) a homeless shelter within the city's, town's, or metro township's geographic  
997 boundaries that:

998 (A) provides temporary shelter to homeless individuals;

999 (B) has the capacity to provide temporary shelter to at least 60 individuals per night;

1000 and

1001 (C) operates year-round and is not subject to restrictions that limit the hours, days,  
1002 weeks, or months of operation; and

1003 (ii) increased community, social service, or public safety service needs due to the  
1004 location of a homeless shelter within the city's, town's, or metro township's geographic  
1005 boundaries.

1006 Section 21. Section **63J-1-802** is amended to read:

1007 **63J-1-802. Submission of council recommendations -- Adoption, procedure, and**  
1008 **approval -- Appropriation.**

1009 (1) (a) On or before December 31, the [~~committee~~] council shall submit the  
1010 [~~committee's~~] council's recommendation under [~~Subsection 35A-8-607(4)~~] Section 35A-16-305  
1011 for each eligible municipality that made a request:

1012 (i) to the Social Services Appropriations Subcommittee of the Legislature; and

1013 (ii) as an appropriations request.

1014 (b) For each recommendation that the [~~committee~~] council submits, the Social Services  
1015 Appropriations Subcommittee shall:

1016 (i) approve the amount as recommended;

1017 (ii) increase or decrease the amount and then approve the modified amount; or

1018 (iii) reject the amount.  
1019 (2) (a) On or before December 31, the [committee] council shall submit the  
1020 [committee's] council's list prioritizing the grant requests and recommending a grant amount  
1021 for each grant eligible entity that requested a grant:

1022 (i) to the Social Services Appropriations Subcommittee of the Legislature; and  
1023 (ii) as an appropriations request.

1024 (b) The Social Services Appropriations Subcommittee shall:

1025 (i) approve the [committee's] council's list;  
1026 (ii) modify the [committee's] council's list and then approve the modified list; or  
1027 (iii) reject the [committee's] council's list.

1028 (3) The Social Services Appropriations Subcommittee may submit the subcommittee's  
1029 approvals under this section from the Homeless Shelter Cities Mitigation Restricted Account  
1030 for inclusion in an appropriations act to be considered by the full Legislature.

1031 Section 22. Section **63J-4-202** is amended to read:

1032 **63J-4-202. Appointment of executive director, state planning coordinator, and**  
1033 **state homelessness coordinator.**

1034 (1) (a) The governor shall appoint, to serve at the governor's pleasure:

1035 (i) an executive director of the Governor's Office of Management and Budget; [~~and~~]  
1036 (ii) a state planning coordinator[-]; and  
1037 (iii) a state homelessness coordinator.

1038 (b) The state planning coordinator is considered part of the office for purposes of  
1039 administration.

1040 (c) The state homelessness coordinator shall serve as:

1041 (i) an advisor to the governor on homelessness issues; and  
1042 (ii) the chief administrative officer of the Office of Homeless Services created in

1043 Section [35A-1-102](#).

1044 (2) The governor shall establish the executive director's salary within the salary range  
1045 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1046 Section 23. **Repealer.**

1047 This bill repeals:

1048 Section [35A-8-203](#), **Duties of director.**

1049 Section **35A-8-601, Creation.**

1050 Section **35A-8-602, Purposes of Homeless Coordinating Committee -- Uses of**  
 1051 **Pamela Atkinson Homeless Account.**

1052 Section 24. **Appropriation.**

1053 Subsection 24(a). **Fiscal Year 2021 Appropriations.**

1054 The following sums of money are appropriated for the fiscal year beginning July 1,  
 1055 2020, and ending June 30, 2021. These are additions to amounts otherwise appropriated for  
 1056 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 1057 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 1058 indicated for the use and support of the government of the state of Utah.

1059 ITEM 1

1060 To Governor's Office -- Office of Management and Budget

1061 From General Fund, One-time \$125,000

1062 Schedule of Programs:

1063 Administration \$125,000

1064 Subsection 24(b). **Fiscal Year 2022 Appropriations.**

1065 The following sums of money are appropriated for the fiscal year beginning July 1,  
 1066 2021, and ending June 30, 2022. These are additions to amounts previously appropriated for  
 1067 fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures  
 1068 Act, the Legislature appropriates the following sums of money from the funds or accounts  
 1069 indicated for the use and support of the government of the state of Utah.

1070 ITEM 2

1071 To Department of Workforce Services -- Housing and Community Development

1072 From General Fund (\$1,710,000)

1073 From General Fund, One-time (\$500)

1074 From Federal Funds (\$4,659,400)

1075 From Federal Funds, One-time (\$900)

1076 From Federal Funds -- CARES Act, One-time (\$14,149,300)

1077 From Dedicated Credits Revenue (\$19,600)

1078 From General Fund Restricted -- Pamela Atkinson

1079 Homeless Account (\$2,397,800)

1080	<u>From General Fund Restricted -- Pamela Atkinson</u>	
1081	<u>Homeless Account, One-time</u>	<u>(\$500)</u>
1082	<u>From General Fund Restricted -- Homeless Housing Reform</u>	
1083	<u>Restricted Account</u>	<u>(\$12,797,400)</u>
1084	<u>From General Fund Restricted -- Homeless Housing Reform</u>	
1085	<u>Restricted Account, One-time</u>	<u>(\$2,500)</u>
1086	<u>From General Fund Restricted -- Homeless Shelter Cities Mitigation</u>	
1087	<u>Restricted Account</u>	<u>(\$5,306,700)</u>
1088	<u>From General Fund Restricted -- Homeless Shelter Cities Mitigation</u>	
1089	<u>Restricted Account, One-time</u>	<u>(\$1,100)</u>
1090	<u>Schedule of Programs:</u>	
1091	<u>Homeless Committee</u>	<u>(\$41,631,500)</u>
1092	<u>Housing Development</u>	<u>\$405,300</u>
1093	<u>Community Services</u>	<u>\$180,500</u>
1094	<u>ITEM 3</u>	
1095	<u>To Department of Workforce Services -- Office of Homeless Services</u>	
1096	<u>From General Fund</u>	<u>\$1,710,000</u>
1097	<u>From General Fund, One-time</u>	<u>\$500</u>
1098	<u>From Federal Funds</u>	<u>\$4,659,400</u>
1099	<u>From Federal Funds, One-time</u>	<u>\$900</u>
1100	<u>From Federal Funds -- CARES Act, One-time</u>	<u>\$14,149,300</u>
1101	<u>From Dedicated Credits Revenue</u>	<u>\$19,600</u>
1102	<u>From General Fund Restricted -- Pamela Atkinson</u>	
1103	<u>Homeless Account</u>	<u>\$2,397,800</u>
1104	<u>From General Fund Restricted -- Pamela Atkinson</u>	
1105	<u>Homeless Account, One-time</u>	<u>\$500</u>
1106	<u>From General Fund Restricted -- Homeless Housing Reform</u>	
1107	<u>Restricted Account</u>	<u>\$12,797,400</u>
1108	<u>From General Fund Restricted -- Homeless Housing Reform</u>	
1109	<u>Restricted Account, One-time</u>	<u>\$2,500</u>
1110	<u>From General Fund Restricted -- Homeless Shelter Cities</u>	

1111 Mitigation Restricted Account \$5,306,700

1112 From General Fund Restricted -- Homeless Shelter Cities

1113 Mitigation Restricted Account, One-time \$1,100

1114 Schedule of Programs:

1115 Homeless Services \$41,045,700

1116 The Legislature intends that:

1117 (1) all the nonlapsing authority approved for retaining funds in fiscal year 2022 that  
1118 were appropriated in fiscal year 2021 for the Department of Workforce Services' Housing and  
1119 Community Development line item related to homelessness services, projects, and activities be  
1120 authorized for use in the new line item for the Homeless Services Office in the Department of  
1121 Workforce Services in fiscal year 2022;

1122 (2) under Section 63J-1-603, up to \$500,000 of General Fund appropriations provided  
1123 in Item 72 of Chapter 5, Laws of Utah 2020, for the Department of Workforce Services'  
1124 Housing and Community Development line item, not lapse at the close of fiscal year 2021;

1125 (3) the use of any nonlapsing funds described in Subsection (2) is limited to the  
1126 purchase of equipment and software, one-time studies, one-time projects, time-limited,  
1127 temporary personnel or contractor costs, and one-time training; and

1128 (4) in accordance with Section 63J-1-201, the Department of Workforce Services report  
1129 performance measures for the Office of Homeless Services line item, including that the  
1130 Department of Workforce Services shall report to the Office of the Legislative Fiscal Analyst  
1131 and to the Governor's Office of Management and Budget the current status of the following  
1132 performance measure for fiscal year 2022: (1) Homelessness Programs -- reduce the average  
1133 length of stay in emergency shelters (target 10%).

1134 ITEM 4

1135 To Governor's Office -- Office of Management and Budget

1136 From General Fund \$225,000

1137 Schedule of Programs:

1138 Administration \$225,000

1139 **Section 25. Effective date.**

1140 (1) The amendments to Section 63J-4-202 and the appropriations described in Section  
1141 24, Subsection 24(a), Fiscal Year 2021 Appropriations, in this bill take effect on May 5, 2021.

1142

(2) Except as provided in Subsection (1), this bill takes effect on July 1, 2021.