

1 **HOMELESS SERVICES AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Steve Eliason**

5 Senate Sponsor: Jacob L. Anderegg

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ creates within the Governor's Office of Management and Budget, the state
15 homelessness coordinator, who is appointed by the governor and serves as an
16 advisor to the governor on homelessness issues;
- 17 ▶ creates the Office of Homeless Services (office) within the Department of
18 Workforce Services;
- 19 ▶ provides that the office is under the direction of the state homelessness coordinator;
- 20 ▶ describes the responsibilities of the state homelessness coordinator;
- 21 ▶ creates the Utah Homelessness Council (homelessness council);
- 22 ▶ describes the responsibilities of the homelessness council;
- 23 ▶ transfers the administration of existing state homelessness services programs and
24 funds to the office and to the homelessness council; and
- 25 ▶ 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:

CHAPTER 16. OFFICE OF HOMELESS SERVICES

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 overview
180 of all homeless services available in the state described in Subsection [35A-16-203\(1\)\(b\).](#)

181 (5) "Homelessness council" means the Utah Homelessness Council created in Section
182 [35A-16-204.](#)

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

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

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

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

188 **35A-16-201. Office of Homeless Services.**

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

191 (2) The coordinator shall serve as:

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

193 (b) subject to Subsection (3), the chief administrative officer of the Office of Homeless
194 Services created in Section [35A-1-202.](#)

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

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

197 **35A-16-202. Powers and duties of the office.**

198 (1) The office shall, under the direction of the coordinator:
199 (a) assist in providing homeless services in the state;
200 (b) coordinate the provision of homeless services in the state; and
201 (c) manage, with the concurrence of Continuum of Care organizations approved by the
202 United States Department of Housing and Urban Development, a Homeless Management
203 Information System for the state that:

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

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

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

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

214 (2) The office may:

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

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

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

222 **35A-16-203. Powers and duties of the coordinator.**

223 (1) The coordinator shall:

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

225 (b) in cooperation with the homelessness council, develop and maintain a

226 comprehensive annual budget and overview of all homeless services available in the state,
227 which homeless services budget shall receive final approval by the homelessness council;

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

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

234 (i) Pamela Atkinson Homeless Account created in Section [35A-16-301](#);

235 (ii) Homeless to Housing Reform Restricted Account created in Section [35A-16-303](#);

236 and

237 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section
238 [35A-16-304](#);

239 (e) provide administrative support to and serve as a member of the homelessness
240 council;

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

243 (g) report directly to the president of the Senate and the speaker of the House of
244 Representatives at least twice each year on issues regarding homelessness in the state and the
245 provision of homeless services in the state.

246 (2) The coordinator, in cooperation with the homelessness council, shall ensure that the
247 homeless services budget described in Subsection (1)(b) includes an overview and coordination
248 plan for all funding sources for homeless services in the state, including from state agencies,
249 Continuum of Care organizations, housing authorities, local governments, federal sources, and
250 private organizations.

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

253 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in

254 the state and for coordinating services for individuals experiencing homelessness among all
255 service providers in the state;

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

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

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

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

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

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

277 (5) In cooperation with the homelessness council, the coordinator shall update the
278 annual statewide budget and the strategic plan described in this section on an annual basis.

279 (6) (a) On or before October 1, the coordinator shall provide a written report to the
280 department for inclusion in the department's annual written report described in Section
281 [35A-1-109](#).

282 (b) The written report shall include:
283 (i) the homeless services budget;
284 (ii) the strategic plan; and
285 (iii) recommendations regarding improvements to coordinating and providing services
286 to individuals experiencing homelessness in the state.

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

288 **35A-16-204. Utah Homelessness Council.**

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

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

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

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

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

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

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

300 (f) the mayor of Salt Lake County;

301 (g) the mayor of Salt Lake City;

302 (h) the mayor of Midvale;

303 (i) the mayor of South Salt Lake;

304 (j) the mayor of Ogden;

305 (k) the mayor of St. George;

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

308 (m) the executive director of the Department of Health, or the executive director's
309 designee;

310 (n) the executive director of the Department of Corrections, or the executive director's
311 designee;

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

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

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

317 (r) a member of the House of Representatives, appointed by the speaker of the House
318 of Representatives;

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

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

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

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

324 (w) the coordinator.

325 (3) The member appointed under Subsection (2)(a) and the member appointed under
326 Subsection (2)(b) shall serve as the cochair of the homelessness council.

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

329 (a) the cochair of the homelessness council as described in Subsection (3);

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

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

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

333 (e) the mayor of Salt Lake County;

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

336 (g) the coordinator.

337 (5) The cochair and the executive committee may call homelessness council meetings

338 and set agendas for committee meetings.

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

340 (7) A majority of members of the homelessness council constitutes a quorum of the
341 homelessness council at any meeting, and the action of the majority of members present
342 constitutes the action of the homelessness council.

343 (8) A majority of members of the executive committee constitutes a quorum of the
344 executive committee at any meeting, and the action of the majority of members present
345 constitutes the action of the executive committee.

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

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

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

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

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

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

359 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
360 [63A-3-107](#).

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

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

366 Section 10. Section **35A-16-205** is enacted to read:
367 **35A-16-205. Duties of the homelessness council.**
368 The homelessness council:
369 (1) shall provide final approval for:
370 (a) the homeless services budget;
371 (b) the strategic plan; and
372 (c) the awarding of funding for the provision of homeless services as described in
373 Subsection [35A-16-203\(1\)\(d\)](#);
374 (2) in cooperation with the coordinator, shall:
375 (a) develop and maintain the homeless services budget;
376 (b) develop and maintain the strategic plan; and
377 (c) review applications and approve funding for the provision of homeless services in
378 the state as described in Subsection [35A-16-203\(1\)\(d\)](#);
379 (3) shall review local and regional plans for providing services to individuals
380 experiencing homelessness;
381 (4) shall cooperate with local homeless councils as designated by the Utah Homeless
382 Network to:
383 (a) develop a common agenda and vision for reducing homelessness in each local
384 oversight body's respective region;
385 (b) as part of the homeless services budget, develop a spending plan that coordinates
386 the funding supplied to local stakeholders; and
387 (c) align local funding to projects that improve outcomes and target specific needs in
388 each community;
389 (5) shall coordinate gap funding with private entities for providing services to
390 individuals experiencing homelessness;
391 (6) shall recommend performance and accountability measures for service providers,
392 including the support of collecting consistent and transparent data; and
393 (7) when reviewing and giving final approval for requests as described in Subsection

394 [35A-16-203\(1\)\(d\)](#):

395 (a) may only recommend funding if the proposed recipient has a policy to share
396 client-level service information with other entities in accordance with state and federal law to
397 enhance the coordination of services for individuals who are experiencing homelessness; and

398 (b) shall identify specific targets and benchmarks that align with the strategic plan for
399 each recommended award.

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

402 **Part 3. Services for Individuals Experiencing Homelessness**

403 ~~[35A-8-603].~~ **35A-16-301. Creation of Pamela Atkinson Homeless**

404 **Account.**

405 (1) There is created a restricted account within the General Fund known as the "Pamela
406 Atkinson Homeless Account."

407 (2) Private contributions received under this section and Section [59-10-1306](#) shall be
408 deposited into the restricted account to be used only for programs described in [~~Section~~
409 [35A-8-602](#)] this chapter.

410 (3) Money shall be appropriated from the restricted account to the [~~State Homeless~~
411 ~~Coordinating Committee~~] homelessness council in accordance with Title 63J, Chapter 1,
412 Budgetary Procedures Act.

413 (4) The [~~State Homeless Coordinating Committee~~] homelessness council may accept
414 transfers, grants, gifts, bequests, or money made available from any source to implement this
415 part.

416 Section 12. Section **35A-16-302**, which is renumbered from Section 35A-8-604 is
417 renumbered and amended to read:

418 ~~[35A-8-604].~~ **35A-16-302. Uses of Homeless to Housing Reform Restricted**

419 **Account.**

420 (1) [~~With the concurrence of the division and in accordance with this section, the~~
421 ~~Homeless Coordinating Committee members designated in Subsection [35A-8-601\(2\)](#)] The~~

422 homelessness council may award ongoing or one-time grants or contracts funded from the
423 Homeless to Housing Reform Restricted Account created in Section ~~[35A-8-605]~~ 35A-16-303.

424 (2) Before final approval of a grant or contract awarded under this section, the
425 ~~[Homeless Coordinating Committee and the division]~~ homelessness council and the
426 coordinator shall provide written information regarding the grant or contract to, and shall
427 consider the recommendations of, the Executive Appropriations Committee.

428 (3) As a condition of receiving money, including any ongoing money, from the
429 restricted account, an entity awarded a grant or contract under this section shall provide
430 detailed and accurate reporting on at least an annual basis to the ~~[division and the Homeless~~
431 ~~Coordinating Committee]~~ homelessness council and the coordinator that describes:

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

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

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

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

441 ~~[(b) consider the advice of committee members designated in Subsection~~
442 35A-8-601(3);]

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

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

447 (i) families with children;

448 (ii) transitional-aged youth;

449 (iii) single men or single women;

- 450 (iv) veterans;
- 451 (v) victims of domestic violence;
- 452 (vi) individuals with behavioral health disorders, including mental health or substance
- 453 use disorders;
- 454 (vii) individuals who are medically frail or terminally ill;
- 455 (viii) individuals exiting prison or jail; or
- 456 (ix) individuals who are homeless without shelter;
- 457 [~~(e)~~] (d) consider whether the project will address one or more of the following goals:
- 458 (i) diverting homeless or imminently homeless individuals and families from
- 459 emergency shelters by providing better housing-based solutions;
- 460 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 461 (iii) providing homeless individuals and families with needed stabilization services;
- 462 (iv) decreasing the state's homeless rate;
- 463 (v) implementing a coordinated entry system with consistent assessment tools to
- 464 provide appropriate and timely access to services for homeless individuals and families;
- 465 (vi) providing access to caseworkers or other individualized support for homeless
- 466 individuals and families;
- 467 (vii) encouraging employment and increased financial stability for individuals and
- 468 families being diverted from or exiting homelessness;
- 469 (viii) creating additional affordable housing for state residents;
- 470 (ix) providing services and support to prevent homelessness among at-risk individuals
- 471 and adults;
- 472 (x) providing services and support to prevent homelessness among at-risk children,
- 473 adolescents, and young adults;
- 474 (xi) preventing the reoccurrence of homelessness among individuals and families
- 475 exiting homelessness; and
- 476 (xii) providing medical respite care for homeless individuals where the homeless
- 477 individuals can access medical care and other supportive services; and

478 ~~[(f)]~~ (e) address the needs identified in the strategic plan described in ~~[Subsection~~
479 ~~35A-8-602(2)]~~ Section 35A-16-203 for inclusion in the annual written report described in
480 Section 35A-1-109.

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

486 (a) located near mass transit services;

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

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

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

492 (6) In accordance with Subsection (5), and subject to the approval ~~[of the Homeless~~
493 ~~Coordinating Committee with the concurrence of the division]~~ the homelessness council, with
494 the concurrence of the coordinator, the following may recommend a site location, acquire a site
495 location, and hold title to real property, buildings, fixtures, and appurtenances of a facility that
496 provides or will provide shelter or other resources for the homeless:

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

500 (b) the state;

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

503 and

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

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

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

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

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

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

526 [~~35A-8-605~~]. **35A-16-303. Homeless to Housing Reform Restricted**
527 **Account.**

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

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

532 (3) The state treasurer shall invest the money in the restricted account according to the
533 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that

534 interest and other earnings derived from the restricted account shall be deposited in the
535 restricted account.

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

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

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

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

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

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

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

552 ~~[35A-8-606]~~. 35A-16-304. Homeless Shelter Cities Mitigation Restricted
553 Account.

554 (1) As used in this section:

555 (a) "Annual local contribution" means:

556 (i) for a participating local government, the lesser of \$200,000 or an amount equal to
557 1.8% of the participating local government's tax revenue distribution amount under Subsection
558 59-12-205(2)(a) for the previous fiscal year; or

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

561 (b) "Eligible municipality" means the same as that term is defined in Section

562 [~~35A-8-607~~] [35A-16-305](#).

563 (c) "Grant eligible entity" means the same as that term is defined in Section

564 [~~35A-8-608~~] [35A-16-306](#).

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

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

570 (3) The account shall be funded by:

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

573 (b) interest earned on the account.

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

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

577 (i) eligible municipalities in accordance with Sections [~~35A-8-607~~] [35A-16-305](#) and
578 [63J-1-802](#); and

579 (ii) grant eligible entities in accordance with Sections [~~35A-8-608~~] [35A-16-306](#) and
580 [63J-1-802](#).

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

583 [~~35A-8-607~~]. **[35A-16-305](#). Eligible municipality application process for**
584 **Homeless Shelter Cities Mitigation Restricted Account funds.**

585 (1) As used in this section:

586 (a) "Account" means the restricted account created in Section [~~35A-8-606~~]
587 [35A-16-304](#).

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

589 [~~(c)~~] (b) "Eligible municipality" means a city of the third, fourth, or fifth class, a town,

590 or a metro township that:

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

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

597 (iii) is certified as an eligible municipality in accordance with Section [~~35A-8-609~~]
598 [35A-16-307](#).

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

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

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

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

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

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

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

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

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

618 ~~[(b) An eligible municipality may make a request for account funds by:]~~
619 ~~[(i) sending an electronic copy of the request to the committee before the first meeting~~
620 ~~of the committee on or after July 1, 2018; and]~~
621 ~~[(ii) appearing at the first meeting of the committee on or after July 1, 2018, to present~~
622 ~~the request.]~~
623 ~~[(c) The request described in Subsection (3)(b) shall contain:]~~
624 ~~[(i) data relating to the eligible municipality's public safety services for the last fiscal~~
625 ~~year before a homeless shelter was located or proposed to be located within the eligible~~
626 ~~municipality's boundaries, including:]~~
627 ~~[(A) crime statistics; and]~~
628 ~~[(B) calls for public safety services;]~~
629 ~~[(ii) data showing the eligible municipality's need for public safety services in the next~~
630 ~~fiscal year;]~~
631 ~~[(iii) a summary of the eligible municipality's proposed use of account funds; and]~~
632 ~~[(iv) a copy of the eligible municipality's budget, which includes a request in a specific~~
633 ~~amount for additional personnel to provide public safety services.]~~
634 ~~[(d) The committee shall evaluate a request made in accordance with this Subsection~~
635 ~~(3) using the following factors:]~~
636 ~~[(i) the strength and reliability of the data that the eligible municipality provides to~~
637 ~~support the request;]~~
638 ~~[(ii) the availability of alternative funding for the eligible municipality to address the~~
639 ~~eligible municipality's need for public safety services; and]~~
640 ~~[(iii) any other considerations identified by the committee.]~~
641 ~~[(e) (i) After making the evaluation described in Subsection (3)(d) and subject to~~
642 ~~appropriation, the committee shall vote to:]~~
643 ~~[(A) fund the eligible municipality's request; or]~~
644 ~~[(B) fund the eligible municipality's request at a reduced level, as determined by the~~
645 ~~committee.]~~

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

648 ~~[(f) (i) An eligible municipality that receives an award of account funds under this~~
649 ~~Subsection (3) shall submit an invoice of the eligible municipality's expenses, with supporting~~
650 ~~documentation, to the department monthly for reimbursement.]~~

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

654 ~~[(4)] (3) (a) This Subsection ~~[(4)] (3)~~ applies to a fiscal year beginning on or after July~~
655 ~~1, 2019.~~

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

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

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

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

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

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

668 (A) crime statistics; and

669 (B) calls for public safety services;

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

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

673 (iv) a copy of the eligible municipality's budget, which includes a request in a specific

674 amount for additional personnel to provide public safety services.

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

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

680 (B) an evaluation of the eligible municipality's effectiveness in using the account funds
681 to address the eligible municipality's public safety needs; and

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

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

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

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

690 (ii) if the eligible municipality received account funds during the previous fiscal year,
691 the efficiency with which the eligible municipality used any account funds during the previous
692 fiscal year;

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

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

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

699 (A) funded as requested; or

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

701 (ii) The [~~committee~~] homelessness council shall support the recommendation described

702 in Subsection ~~[(4)]~~ (3)(f)(i) with findings on each of the factors described in Subsection ~~[(4)]~~
 703 (3)(e).

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

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

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

710 (h) (i) An eligible municipality that is approved to receive account funds under Section
 711 63J-1-802 shall submit an invoice of the eligible municipality's expenses, with supporting
 712 documentation, to the ~~[department]~~ office monthly for reimbursement.

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

716 ~~[(5)]~~ (4) On or before October 1, the ~~[department]~~ coordinator, in cooperation with the
 717 ~~[committee]~~ homelessness council, shall:

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

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

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

725 ~~[35A-8-608]~~. 35A-16-306. Grant eligible entity application process for
 726 Homeless Shelter Cities Mitigation Restricted Account funds.

727 (1) As used in this section:

728 (a) "Account" means the restricted account created in Section ~~[35A-8-606]~~
 729 35A-16-304.

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

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

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

733 (i) the Department of Public Safety; or

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

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

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

740 (C) is certified as a grant eligible entity in accordance with Section [~~35A-8-609~~]
741 [35A-16-307](#).

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

743 (i) provides temporary shelter to homeless individuals;

744 (ii) has the capacity to provide temporary shelter to:

745 (A) for a county of the first or second class, at least 60 individuals per night; or

746 (B) for a county of the third, fourth, fifth, or sixth class, at least 25 individuals per
747 night; and

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

750 [~~(f)~~] (e) "Public safety services" means law enforcement, emergency medical services,
751 and fire protection.

752 (2) Subject to the availability of funds, a grant eligible entity may request a grant to
753 mitigate the impacts of the location of a homeless shelter:

754 (a) through employment of additional personnel to provide public safety services in
755 and around a homeless shelter; or

756 (b) for a grant eligible entity that is a city, town, or metro township, through:

757 (i) development of a community and neighborhood program within the city's, town's, or

758 metro township's boundaries; or

759 (ii) provision of social services within the city's, town's, or metro township's
760 boundaries.

761 (3) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
762 [~~department~~] office shall make rules governing:

763 (i) the process for determining whether there is sufficient revenue to the account to
764 offer a grant program for the next fiscal year; and

765 (ii) the process for notifying grant eligible entities about the availability of grants for
766 the next fiscal year.

767 (b) (i) If the [~~committee~~] homelessness council offers a grant program for the next
768 fiscal year, the [~~committee~~] homelessness council shall set aside time on the agenda of a
769 [~~committee~~] homelessness council meeting that occurs on or after July 1 and on or before
770 November 30 to allow a grant eligible entity to present a request for account funds for the next
771 fiscal year.

772 (ii) A grant eligible entity may present a request for account funds by:

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

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

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

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

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

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

780 (C) the amount requested;

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

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

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

784 (C) the amount requested;

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

786 services:

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

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

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

792 (D) the amount requested; or

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

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

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

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

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

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

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

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

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

813 (iii) the availability of alternative funding for the grant eligible entity to address the

814 grant eligible entity's needs due to the location of a homeless shelter; and

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

816 (f) (i) After making the evaluation described in Subsection (3)(e) for each grant eligible
817 entity that makes a grant request and subject to other provisions of this Subsection (3)(f), the

818 [~~committee~~] homelessness council shall vote to:

819 (A) prioritize the grant requests; and

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

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

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

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

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

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

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

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

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

836 (B) in the amount that the Legislature approves to a grant eligible entity under Section
837 [63J-1-802](#).

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

841 (5) On or before October 1, the [~~department~~] office, in cooperation with the

842 [~~committee~~] homelessness council, shall:

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

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

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

850 [~~35A-8-609~~]. **35A-16-307. Certification of eligible municipality or grant**
851 **eligible entity.**

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

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

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

861 **59-10-1306. Homeless contribution -- Credit to Pamela Atkinson Homeless**
862 **Account.**

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

867 (2) The commission shall:

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

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

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

873 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
874 **tax revenue -- Determination of population.**

875 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section
876 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or town's
877 sales and use tax ordinances:

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

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

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

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

886 (b) (i) except as provided in Subsections (2)(b)(ii) and (iii), 50% of each dollar
887 collected from the sales and use tax authorized by this part shall be distributed to each county,
888 city, and town on the basis of the location of the transaction as determined under Sections
889 59-12-211 through 59-12-215;

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

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

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

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

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

902 (B) city of the fifth class; or

903 (C) town;

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

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

913 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
914 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during
915 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
916 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the
917 2002 North American Industry Classification System of the federal Executive Office of the
918 President, Office of Management and Budget; and

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

923 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
924 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a
925 city or town for one or more days during the calendar year beginning on January 1, 2008, was

926 not the holder of a direct payment permit under Section 59-12-107.1.

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

929 (i) from the distribution required by Subsection (2)(a); and

930 (ii) before making any other distribution required by this section.

931 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by
932 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

933 (ii) For purposes of Subsection (3)(c)(i):

934 (A) the numerator of the fraction is the difference calculated by subtracting the
935 distribution a county, city, or town described in Subsection (3)(a) received under this section
936 for the calendar year beginning on January 1, 2008, from the distribution under this section that
937 the county, city, or town received for the calendar year beginning on January 1, 2007; and

938 (B) the denominator of the fraction is \$333,583.

939 (d) A distribution required by this Subsection (3) is in addition to any other distribution
940 required by this section.

941 (4) (a) As used in this Subsection (4):

942 (i) "Eligible county, city, or town" means a county, city, or town that:

943 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)
944 equal to the amount described in Subsection (4)(b)(ii); and

945 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,
946 2016.

947 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue
948 distributions an eligible county, city, or town received from a tax imposed in accordance with
949 this part for fiscal year 2004-05.

950 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax
951 imposed in accordance with this part equal to the greater of:

952 (i) the payment required by Subsection (2); or

953 (ii) the minimum tax revenue distribution.

954 (5) (a) For purposes of this Subsection (5):

955 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to
956 1.8% of the participating local government's tax revenue distribution amount under Subsection
957 (2)(a) for the previous fiscal year.

958 (ii) "Participating local government" means a county or municipality, as defined in
959 Section 10-1-104, that is not an eligible municipality or grant eligible entity certified in
960 accordance with Section [~~35A-8-609~~] [35A-16-307](#).

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

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

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

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

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

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

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

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

980 **63J-1-801. Definitions.**

981 As used in this part:

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

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

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

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

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

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

993 (b) due to the location of a homeless shelter within the city's, town's, or metro
994 township's geographic boundaries, needs more public safety services than the city, town, or
995 metro township needed before the location of the homeless shelter within the city's, town's, or
996 metro township's geographic boundaries.

997 (3) "Grant eligible entity" means:

998 (a) the Department of Public Safety; or

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

1000 (i) a homeless shelter within the city's, town's, or metro township's geographic
1001 boundaries that:

1002 (A) provides temporary shelter to homeless individuals;

1003 (B) has the capacity to provide temporary shelter to at least 60 individuals per night;

1004 and

1005 (C) operates year-round and is not subject to restrictions that limit the hours, days,
1006 weeks, or months of operation; and

1007 (ii) increased community, social service, or public safety service needs due to the
1008 location of a homeless shelter within the city's, town's, or metro township's geographic
1009 boundaries.

1010 Section 21. Section **63J-1-802** is amended to read:

1011 **63J-1-802. Submission of council recommendations -- Adoption, procedure, and**
1012 **approval -- Appropriation.**

1013 (1) (a) On or before December 31, the [~~committee~~] council shall submit the
1014 [~~committee's~~] council's recommendation under [~~Subsection 35A-8-607(4)~~] Section 35A-16-305
1015 for each eligible municipality that made a request:

1016 (i) to the Social Services Appropriations Subcommittee of the Legislature; and

1017 (ii) as an appropriations request.

1018 (b) For each recommendation that the [~~committee~~] council submits, the Social Services
1019 Appropriations Subcommittee shall:

1020 (i) approve the amount as recommended;

1021 (ii) increase or decrease the amount and then approve the modified amount; or

1022 (iii) reject the amount.

1023 (2) (a) On or before December 31, the [~~committee~~] council shall submit the
1024 [~~committee's~~] council's list prioritizing the grant requests and recommending a grant amount
1025 for each grant eligible entity that requested a grant:

1026 (i) to the Social Services Appropriations Subcommittee of the Legislature; and

1027 (ii) as an appropriations request.

1028 (b) The Social Services Appropriations Subcommittee shall:

1029 (i) approve the [~~committee's~~] council's list;

1030 (ii) modify the [~~committee's~~] council's list and then approve the modified list; or

1031 (iii) reject the [~~committee's~~] council's list.

1032 (3) The Social Services Appropriations Subcommittee may submit the subcommittee's
1033 approvals under this section from the Homeless Shelter Cities Mitigation Restricted Account
1034 for inclusion in an appropriations act to be considered by the full Legislature.

1035 Section 22. Section **63J-4-202** is amended to read:

1036 **63J-4-202. Appointment of executive director, state planning coordinator, and**
1037 **state homelessness coordinator.**

- 1038 (1) (a) The governor shall appoint, to serve at the governor's pleasure:
- 1039 (i) an executive director of the Governor's Office of Management and Budget; [~~and~~]
- 1040 (ii) a state planning coordinator[-]; and
- 1041 (iii) a state homelessness coordinator.

1042 (b) The state planning coordinator is considered part of the office for purposes of
 1043 administration.

- 1044 (c) The state homelessness coordinator shall serve as:
- 1045 (i) an advisor to the governor on homelessness issues; and
- 1046 (ii) the chief administrative officer of the Office of Homeless Services created in
 1047 Section 35A-1-202.

1048 (2) The governor shall establish the executive director's salary within the salary range
 1049 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

1050 Section 23. **Repealer.**

1051 This bill repeals:

1052 Section **35A-8-203, Duties of director.**

1053 Section **35A-8-601, Creation.**

1054 Section **35A-8-602, Purposes of Homeless Coordinating Committee -- Uses of**
 1055 **Pamela Atkinson Homeless Account.**

1056 Section 24. **Appropriation.**

1057 Subsection 24(a). **Fiscal Year 2021 Appropriations.**

1058 The following sums of money are appropriated for the fiscal year beginning July 1,
 1059 2020, and ending June 30, 2021. These are additions to amounts otherwise appropriated for
 1060 fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
 1061 Act, the Legislature appropriates the following sums of money from the funds or accounts
 1062 indicated for the use and support of the government of the state of Utah.

1063 ITEM 1

1064 To Governor's Office -- Office of Management and Budget

1065 From General Fund, One-time \$125,000

1066	<u>Schedule of Programs:</u>	
1067	<u>Administration</u>	<u>\$125,000</u>
1068	Subsection 24(b). Fiscal Year 2022 Appropriations.	
1069	<u>The following sums of money are appropriated for the fiscal year beginning July 1,</u>	
1070	<u>2021, and ending June 30, 2022. These are additions to amounts previously appropriated for</u>	
1071	<u>fiscal year 2022. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures</u>	
1072	<u>Act, the Legislature appropriates the following sums of money from the funds or accounts</u>	
1073	<u>indicated for the use and support of the government of the state of Utah.</u>	
1074	<u>ITEM 2</u>	
1075	<u>To Department of Workforce Services -- Housing and Community Development</u>	
1076	<u>From General Fund</u>	<u>(\$1,710,000)</u>
1077	<u>From General Fund, One-time</u>	<u>(\$500)</u>
1078	<u>From Federal Funds</u>	<u>(\$4,659,400)</u>
1079	<u>From Federal Funds, One-time</u>	<u>(\$900)</u>
1080	<u>From Federal Funds -- CARES Act, One-time</u>	<u>(\$14,149,300)</u>
1081	<u>From Dedicated Credits Revenue</u>	<u>(\$19,600)</u>
1082	<u>From General Fund Restricted -- Pamela Atkinson</u>	
1083	<u>Homeless Account</u>	<u>(\$2,397,800)</u>
1084	<u>From General Fund Restricted -- Pamela Atkinson</u>	
1085	<u>Homeless Account, One-time</u>	<u>(\$500)</u>
1086	<u>From General Fund Restricted -- Homeless Housing Reform</u>	
1087	<u>Restricted Account</u>	<u>(\$12,797,400)</u>
1088	<u>From General Fund Restricted -- Homeless Housing Reform</u>	
1089	<u>Restricted Account, One-time</u>	<u>(\$2,500)</u>
1090	<u>From General Fund Restricted -- Homeless Shelter Cities Mitigation</u>	
1091	<u>Restricted Account</u>	<u>(\$5,306,700)</u>
1092	<u>From General Fund Restricted -- Homeless Shelter Cities Mitigation</u>	
1093	<u>Restricted Account, One-time</u>	<u>(\$1,100)</u>

1094	<u>Schedule of Programs:</u>	
1095	<u>Homeless Committee</u>	<u>(\$41,631,500)</u>
1096	<u>Housing Development</u>	<u>\$405,300</u>
1097	<u>Community Services</u>	<u>\$180,500</u>
1098	<u>ITEM 3</u>	
1099	<u>To Department of Workforce Services -- Office of Homeless Services</u>	
1100	<u>From General Fund</u>	<u>\$1,710,000</u>
1101	<u>From General Fund, One-time</u>	<u>\$500</u>
1102	<u>From Federal Funds</u>	<u>\$4,659,400</u>
1103	<u>From Federal Funds, One-time</u>	<u>\$900</u>
1104	<u>From Federal Funds -- CARES Act, One-time</u>	<u>\$14,149,300</u>
1105	<u>From Dedicated Credits Revenue</u>	<u>\$19,600</u>
1106	<u>From General Fund Restricted -- Pamela Atkinson</u>	
1107	<u>Homeless Account</u>	<u>\$2,397,800</u>
1108	<u>From General Fund Restricted -- Pamela Atkinson</u>	
1109	<u>Homeless Account, One-time</u>	<u>\$500</u>
1110	<u>From General Fund Restricted -- Homeless Housing Reform</u>	
1111	<u>Restricted Account</u>	<u>\$12,797,400</u>
1112	<u>From General Fund Restricted -- Homeless Housing Reform</u>	
1113	<u>Restricted Account, One-time</u>	<u>\$2,500</u>
1114	<u>From General Fund Restricted -- Homeless Shelter Cities</u>	
1115	<u>Mitigation Restricted Account</u>	<u>\$5,306,700</u>
1116	<u>From General Fund Restricted -- Homeless Shelter Cities</u>	
1117	<u>Mitigation Restricted Account, One-time</u>	<u>\$1,100</u>
1118	<u>Schedule of Programs:</u>	
1119	<u>Homeless Services</u>	<u>\$41,045,700</u>
1120	<u>The Legislature intends that:</u>	
1121	<u>(1) all the nonlapsing authority approved for retaining funds in fiscal year 2022 that</u>	

1122 were appropriated in fiscal year 2021 for the Department of Workforce Services' Housing and
1123 Community Development line item related to homelessness services, projects, and activities be
1124 authorized for use in the new line item for the Homeless Services Office in the Department of
1125 Workforce Services in fiscal year 2022;

1126 (2) under Section 63J-1-603, up to \$500,000 of General Fund appropriations provided
1127 in Item 72 of Chapter 5, Laws of Utah 2020, for the Department of Workforce Services'
1128 Housing and Community Development line item, not lapse at the close of fiscal year 2021;

1129 (3) the use of any nonlapsing funds described in Subsection (2) is limited to the
1130 purchase of equipment and software, one-time studies, one-time projects, time-limited,
1131 temporary personnel or contractor costs, and one-time training; and

1132 (4) in accordance with Section 63J-1-201, the Department of Workforce Services report
1133 performance measures for the Office of Homeless Services line item, including that the
1134 Department of Workforce Services shall report to the Office of the Legislative Fiscal Analyst
1135 and to the Governor's Office of Management and Budget the current status of the following
1136 performance measure for fiscal year 2022: (1) Homelessness Programs -- reduce the average
1137 length of stay in emergency shelters (target 10%).

1138 ITEM 4

1139 To Governor's Office -- Office of Management and Budget

1140 From General Fund \$225,000

1141 Schedule of Programs:

1142 Administration \$225,000

1143 **Section 25. Effective date.**

1144 (1) The amendments to Section 63J-4-202 and the appropriations described in Section
1145 24, Subsection 24(a), Fiscal Year 2021 Appropriations, in this bill take effect on May 5, 2021.

1146 (2) Except as provided in Subsection (1), this bill takes effect on July 1, 2021.