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HOMELESS SERVICES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

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 the Office of Homeless Services (office) within the Department of Workforce Services;
- ▶ provides that the office is under the administration of a deputy director, who also serves as an advisor to the governor on homelessness issues;
- ▶ describes the responsibilities of the deputy director;
- ▶ 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
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **35A-1-202**, as last amended by Laws of Utah 2016, Chapters 271 and 296

31 **35A-8-101**, as last amended by Laws of Utah 2020, Chapter 414

32 **35A-8-202**, as renumbered and amended by Laws of Utah 2012, Chapter 212

33 **59-10-1306**, as last amended by Laws of Utah 2012, Chapter 212

34 **59-12-205**, as last amended by Laws of Utah 2019, Chapters 17, 136, and 399

35 **63J-1-801**, as last amended by Laws of Utah 2019, Chapters 17 and 136

36 **63J-1-802**, as enacted by Laws of Utah 2018, Chapter 312

37 ENACTS:

38 **35A-16-101**, Utah Code Annotated 1953

39 **35A-16-102**, Utah Code Annotated 1953

40 **35A-16-201**, Utah Code Annotated 1953

41 **35A-16-202**, Utah Code Annotated 1953

42 **35A-16-203**, Utah Code Annotated 1953

43 **35A-16-204**, Utah Code Annotated 1953

44 **35A-16-205**, Utah Code Annotated 1953

45 RENUMBERS AND AMENDS:

46 **35A-16-301**, (Renumbered from 35A-8-603, as renumbered and amended by Laws of
47 Utah 2012, Chapter 212)

48 **35A-16-302**, (Renumbered from 35A-8-604, as last amended by Laws of Utah 2020,
49 Chapters 226 and 387)

50 **35A-16-303**, (Renumbered from 35A-8-605, as last amended by Laws of Utah 2020,
51 Chapter 226)

52 **35A-16-304**, (Renumbered from 35A-8-606, as enacted by Laws of Utah 2018, Chapter
53 312)

54 **35A-16-305**, (Renumbered from 35A-8-607, as enacted by Laws of Utah 2018, Chapter
55 312)

56 **35A-16-306**, (Renumbered from 35A-8-608, as last amended by Laws of Utah 2019,
57 Chapters 17, 53, and 136)

58 **35A-16-307**, (Renumbered from 35A-8-609, as last amended by Laws of Utah 2019,

59 Chapters 17 and 136)

60 REPEALS:

61 [35A-8-203](#), as enacted by Laws of Utah 2020, Chapter 414

62 [35A-8-601](#), as last amended by Laws of Utah 2018, Chapters 251 and 312

63 [35A-8-602](#), as last amended by Laws of Utah 2020, Chapter 387



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

65 Section 1. Section [35A-1-202](#) is amended to read:

66 **[35A-1-202. Divisions -- Creation -- Duties -- Workforce Appeals Board, councils,](#)**
67 **[Child Care Advisory Committee, and economic service areas.](#)**

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

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

71 (b) the Workforce Research and Analysis Division;

72 (c) the Unemployment Insurance Division to administer Chapter 4, Employment
73 Security Act;

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

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

77 (f) the Housing and Community Development Division, which is described in Sections
78 [35A-8-201](#) and [35A-8-202](#); [~~and~~]

79 (g) the Utah State Office of Rehabilitation, which is described in Section
80 [35A-13-103](#)[-]; and

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

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

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

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

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

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

88 (e) the economic service areas created in accordance with Chapter 2, Economic Service
89

90 Areas.

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

92 **35A-8-101. Definitions.**

93 As used in this chapter:

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

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

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

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

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

104 ~~[(b) meets the requirements of the United States Department of Housing and Urban
105 Development.]~~

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

107 **35A-8-202. Powers and duties of division.**

108 (1) The division shall:

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

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

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

119 (d) serve as a clearinghouse for information, data, and other materials which may be
120 helpful to local governments in discharging their responsibilities and provide information on

121 available federal and state financial and technical assistance;

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

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

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

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

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

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

135 (2) The division may:

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

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

142 (c) in accordance with Part 9, Domestic Violence Shelters, assist in developing,
143 constructing, and improving shelters for victims of domestic violence, as described in Section
144 [77-36-1](#), through loans and grants to nonprofit and governmental entities; and

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

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

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

149 **Part 1. General Provisions**

150 **35A-16-101. Title.**

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

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

153 **35A-16-102. Definitions.**

154 As used in this chapter:

155 (1) "Deputy director" means the deputy director of the office.

156 (2) "Homeless Management Information System" or "HMIS" means an information
157 technology system that:

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

160 (b) meets the requirements of the United States Department of Housing and Urban
161 Development.

162 (3) "Homeless Services Budget" means the comprehensive annual budget and
163 overview of all homeless services available in the state described in Subsection

164 35A-16-203(1)(b).

165 (4) "Office" means the Office of Homeless Services.

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

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

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

170 **35A-16-201. Office of Homeless Services.**

171 (1) The Office of Homeless Services is under the administration of the deputy director.

172 (2) The deputy director is appointed by the governor and shall serve as:

173 (a) the chief administrative officer of the office;

174 (b) a deputy director serving under the executive director of the department; and

175 (c) an advisor to the governor on homelessness issues.

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

177 **35A-16-202. Powers and duties of the office.**

178 (1) The office shall, under the direction of the deputy director:

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

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

181 (c) oversee, with the concurrence of Continuum of Care organizations approved by the

182 United States Department of Housing and Urban Development, a Homeless Management

183 Information System for the state that:

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

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

188 (iii) except for individuals receiving services who are victims of domestic violence,
189 includes an effective authorization protocol for encouraging individuals who are provided with
190 any homeless services in the state to provide accurate information to providers for inclusion in
191 the HMIS as a condition of receiving homeless services; and

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

194 (2) The office may:

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

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

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

202 **35A-16-203. Powers and duties of the deputy director.**

203 (1) The deputy director shall:

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

205 (b) with the concurrence of the homelessness council, develop and maintain a
206 comprehensive annual budget and overview of all homeless services available in the state;

207 (c) with the concurrence of the homelessness council, create a statewide strategic plan
208 to minimize homelessness in the state;

209 (d) with the concurrence of the homelessness council, approve and oversee funding
210 provided for the provision of homeless services, including funding from the:

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

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

213 and

214 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section
215 35A-8-606; and
216 (e) provide administrative support to and serve as a member of the homelessness
217 council.
218 (2) The deputy director shall ensure that the homeless services budget described in
219 Subsection (1)(b) includes an overview and coordination plan for all funding sources for
220 homeless services in the state, including from state agencies, Continuum of Care organizations,
221 housing authorities, local governments, federal sources, and private organizations.
222 (3) The deputy director shall ensure that the strategic plan described in Subsection
223 (1)(c):
224 (a) outlines specific goals and measurable benchmarks for minimizing homelessness in
225 the state and for coordinating services for individuals experiencing homelessness among all
226 service providers in the state;
227 (b) identifies best practices and recommends improvements to the provision of services
228 to individuals experiencing homelessness in the state to ensure the services are provided in a
229 safe, cost-effective, and efficient manner;
230 (c) identifies best practices and recommends improvements in coordinating the
231 delivery of services to the variety of populations experiencing homelessness in the state,
232 including through the use of electronic databases and improved data sharing among all service
233 providers in the state; and
234 (d) identifies gaps and recommends solutions in the delivery of services to the variety
235 of populations experiencing homelessness in the state.
236 (4) In approving funding for the provision of homeless services as described in
237 Subsection (1)(d), the deputy director:
238 (a) shall prioritize the funding of programs and providers that have a documented
239 history of successfully transitioning homeless individuals to self-reliance;
240 (b) shall prioritize the funding of programs and providers that require participation in
241 appropriate services as a condition of receiving any permanent housing; and
242 (c) except for a program or provider providing services to victims of domestic
243 violence, may not approve funding to a program or provider that does not enter into a written
244 agreement with the office to collect and share HMIS data regarding the provision of services to

245 individuals experiencing homelessness so that the provision of services can be coordinated
246 among state agencies, local governments, and private organizations.

247 (5) The deputy director shall update the annual statewide budget and the strategic plan
248 described in this section on an annual basis.

249 (6) (a) On or before October 1, the deputy director shall provide a written report to the
250 department for inclusion in the department's annual written report described in Section
251 [35A-1-109](#).

252 (b) The written report shall include:

253 (i) the homeless services budget;

254 (ii) the strategic plan; and

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

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

258 **35A-16-204. Utah Homelessness Council.**

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

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

261 (a) the deputy director;

262 (b) a representative of the governor's office designated by the governor;

263 (c) a representative of the public sector with expertise in homelessness issues
264 appointed by the governor;

265 (d) a representative of the private sector with expertise in philanthropic coordination
266 and homelessness issues appointed by the governor;

267 (e) the executive director of the Department of Health, or the executive director's
268 designee;

269 (f) the executive director of the Department of Human Services, or the executive
270 director's designee;

271 (g) the executive director of the Department of Public Safety, or the executive
272 director's designee;

273 (h) the executive director of the Department of Corrections, or the executive director's
274 designee;

275 (i) the executive director of the Department of Workforce Services, or the executive

276 director's designee;

277 (j) the executive director of the Governor's Office of Management and Budget, or the
278 executive director's designee;

279 (k) a member of the Senate, appointed by the president the Senate;

280 (l) a member of the House of Representatives, appointed by the speaker of the House
281 of Representatives;

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

283 (n) a faith-based leader in the state, appointed by the governor;

284 (o) the mayor of Salt Lake County, or the mayor's designee;

285 (p) the mayor of Salt Lake City, or the mayor's designee;

286 (q) the mayor of Midvale, or the mayor's designee;

287 (r) the mayor of South Salt Lake, or the mayor's designee;

288 (s) the mayor of Ogden, or the mayor's designee;

289 (t) the mayor of St. George, or the mayor's designee;

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

292 (v) one individual who has experienced homelessness, appointed by the governor.

293 (3) The deputy director shall serve as the chair of the homelessness council.

294 (4) The representative of the governor's office shall serve as the vice chair of the
295 homelessness council.

296 (5) The homelessness council shall meet at least four times per year.

297 (6) A majority of members of the homelessness council constitutes a quorum of the
298 homelessness council at any meeting and the action of the majority of members present
299 constitutes the action of the homelessness council.

300 (7) (a) Except as required by Subsection (7)(b), appointed members of the committee
301 shall serve a term of four years.

302 (b) Notwithstanding the requirements of Subsection (7)(a), the appointing authority, at
303 the time of appointment or reappointment, may adjust the length of terms to ensure that the
304 terms of committee members are staggered so that approximately half of appointed committee
305 members are appointed every two years.

306 (8) When a vacancy occurs in the appointed membership for any reason, the

307 replacement is appointed for the unexpired term.

308 (9) (a) Except as described in Subsection (9)(b), a member may not receive
309 compensation or benefits for the member's service, but may receive per diem and travel
310 expenses in accordance with:

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

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

313 (iii) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
314 [63A-3-107](#).

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

318 (10) The office and the Department of Workforce Services shall provide administrative
319 support to the homelessness council.

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

321 **35A-16-205. Duties of the homelessness council.**

322 The homelessness council:

323 (1) shall assist the homeless services coordinator with:

324 (a) developing and maintaining a comprehensive annual budget and overview of all
325 homeless services available in the state;

326 (b) creating a statewide strategic plan to minimize homelessness in the state and
327 updating it annually; and

328 (c) reviewing applications and recommending funding for the provision of homeless
329 services in the state as described in Subsection [35A-16-203](#)(1)(d);

330 (2) shall review local and regional plans for providing services to individuals
331 experiencing homelessness;

332 (3) shall coordinate gap funding with private entities for providing services to
333 individuals experiencing homelessness;

334 (4) shall recommend performance and accountability measures for service providers,
335 including the support of collecting consistent and transparent data;

336 (5) when making recommendations regarding funding requests as described in
337 Subsection [35A-16-203](#)(1)(d):

338 (a) shall prioritize projects that emphasize the provision of emergency housing and the
 339 creation of self-sufficiency, including placement in meaningful employment or occupational
 340 training activities and, where needed, special services to meet the unique needs of individuals
 341 experiencing homelessness who:

342 (i) have families with children;

343 (ii) have a disability, a mental illness, or substance use disorder; or

344 (iii) suffer from other serious challenges to employment and self-sufficiency;

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

348 (c) shall identify specific targets and benchmarks for each recommended award that
 349 align with the strategic plan.

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

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

353 ~~[35A-8-603].~~ **35A-16-301. Creation of Pamela Atkinson Homeless**

354 **Account.**

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

357 (2) Private contributions received under this section and Section **59-10-1306** shall be
 358 deposited into the restricted account to be used only for programs described in ~~[Section~~
 359 **35A-8-602]** this chapter.

360 (3) Money shall be appropriated from the restricted account to the ~~[State Homeless~~
 361 ~~Coordinating Committee]~~ deputy director in accordance with Title 63J, Chapter 1, Budgetary
 362 Procedures Act.

363 (4) The ~~[State Homeless Coordinating Committee]~~ deputy director may accept
 364 transfers, grants, gifts, bequests, or money made available from any source to implement this
 365 ~~[part]~~ section.

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

368 ~~[35A-8-604].~~ **35A-16-302. Uses of Homeless to Housing Reform Restricted**

369 **Account.**

370 (1) With the concurrence of the ~~[division]~~ homelessness council and in accordance
371 with this section, the ~~[Homeless Coordinating Committee members designated in Subsection~~
372 ~~35A-8-601(2)]~~ deputy director may award ongoing or one-time grants or contracts funded from
373 the Homeless to Housing Reform Restricted Account created in Section ~~[35A-8-605]~~
374 35A-16-303.

375 (2) Before final approval of a grant or contract awarded under this section, the
376 ~~[Homeless Coordinating Committee and the division]~~ deputy director shall provide written
377 information regarding the grant or contract to, and shall consider the recommendations of, the
378 Executive Appropriations Committee.

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

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

384 (b) the progress towards measurable outcome-based benchmarks agreed to between the
385 entity and the ~~[Homeless Coordinating Committee]~~ deputy director before the awarding of the
386 grant or contract.

387 (4) In determining the awarding of a grant or contract under this section, ~~[the Homeless~~
388 ~~Coordinating Committee, with the concurrence of the division]~~ the deputy director, with the
389 concurrence of the homelessness council, shall:

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

392 ~~[(b) consider the advice of committee members designated in Subsection~~
393 ~~35A-8-601(3);]~~

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

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

398 (i) families with children;

399 (ii) transitional-aged youth;

- 400 (iii) single men or single women;
- 401 (iv) veterans;
- 402 (v) victims of domestic violence;
- 403 (vi) individuals with behavioral health disorders, including mental health or substance
- 404 use disorders;
- 405 (vii) individuals who are medically frail or terminally ill;
- 406 (viii) individuals exiting prison or jail; or
- 407 (ix) individuals who are homeless without shelter;
- 408 ~~(c)~~ (d) consider whether the project will address one or more of the following goals:
- 409 (i) diverting homeless or imminently homeless individuals and families from
- 410 emergency shelters by providing better housing-based solutions;
- 411 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 412 (iii) providing homeless individuals and families with needed stabilization services;
- 413 (iv) decreasing the state's homeless rate;
- 414 (v) implementing a coordinated entry system with consistent assessment tools to
- 415 provide appropriate and timely access to services for homeless individuals and families;
- 416 (vi) providing access to caseworkers or other individualized support for homeless
- 417 individuals and families;
- 418 (vii) encouraging employment and increased financial stability for individuals and
- 419 families being diverted from or exiting homelessness;
- 420 (viii) creating additional affordable housing for state residents;
- 421 (ix) providing services and support to prevent homelessness among at-risk individuals
- 422 and adults;
- 423 (x) providing services and support to prevent homelessness among at-risk children,
- 424 adolescents, and young adults;
- 425 (xi) preventing the reoccurrence of homelessness among individuals and families
- 426 exiting homelessness; and
- 427 (xii) providing medical respite care for homeless individuals where the homeless
- 428 individuals can access medical care and other supportive services; and
- 429 ~~(f)~~ (e) address the needs identified in the strategic plan described in ~~[Subsection~~
- 430 ~~35A-8-602(2)]~~ Section 35A-16-203 for inclusion in the annual written report described in

431 Section 35A-1-109.

432 (5) In addition to the other provisions of this section, in determining the awarding of a
433 grant or contract under this section to design, build, create, or renovate a facility that will
434 provide shelter or other resources for the homeless, [~~the Homeless Coordinating Committee,
435 with the concurrence of the division~~] the deputy director, with the concurrence of the
436 homelessness council, may consider whether the facility will be:

437 (a) located near mass transit services;

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

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

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

443 (6) In accordance with Subsection (5), and subject to the approval [~~of the Homeless
444 Coordinating Committee with the concurrence of the division~~] of the deputy director, with the
445 concurrence of the homelessness council, the following may recommend a site location,
446 acquire a site location, and hold title to real property, buildings, fixtures, and appurtenances of
447 a facility that provides or will provide shelter or other resources for the homeless:

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

451 (b) the state;

452 (c) a nonprofit entity approved by the [~~Homeless Coordinating Committee~~] deputy
453 director, with the concurrence of the [~~division~~] homelessness council; and

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

456 (7) (a) If a homeless shelter commits to provide matching funds equal to the total grant
457 awarded under this Subsection (7), [~~the Homeless Coordinating Committee, with the~~
458 ~~concurrence of the division~~] the deputy director, with the concurrence of the homelessness
459 council, may award a grant for the ongoing operations of the homeless shelter.

460 (b) In awarding a grant under this Subsection (7), [~~the Homeless Coordinating~~
461 ~~Committee, with the concurrence of the division~~] the deputy director, with the concurrence of

462 the homelessness council, shall consider the number of beds available at the homeless shelter
463 and the number and quality of the homeless services provided by the homeless shelter.

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

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

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

476 ~~[35A-8-605].~~ **35A-16-303. Homeless to Housing Reform Restricted**
477 **Account.**

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

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

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

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

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

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

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

492 (6) The [~~Homeless Coordinating Committee, in cooperation with the division~~] deputy

493 director, in cooperation with the homelessness council, shall submit an annual written report to
494 the department that gives a complete accounting of the use of money from the restricted
495 account for inclusion in the annual report described in Section [35A-1-109](#).

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

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

502 ~~[35A-8-606]~~. **35A-16-304. Homeless Shelter Cities Mitigation Restricted**
503 **Account.**

504 (1) As used in this section:

505 (a) "Annual local contribution" means:

506 (i) for a participating local government, the lesser of \$200,000 or an amount equal to
507 1.8% of the participating local government's tax revenue distribution amount under Subsection
508 [59-12-205](#)(2)(a) for the previous fiscal year; or

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

511 (b) "Eligible municipality" means the same as that term is defined in Section
512 ~~[35A-8-607]~~ [35A-16-305](#).

513 (c) "Grant eligible entity" means the same as that term is defined in Section
514 ~~[35A-8-608]~~ [35A-16-306](#).

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

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

520 (3) The account shall be funded by:

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

523 (b) interest earned on the account.

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

525 (b) Subject to appropriation, the [department] office shall disburse funds from the
526 account to:

527 (i) eligible municipalities in accordance with Sections [35A-8-607] [35A-16-305](#) and
528 [63J-1-802](#); and

529 (ii) grant eligible entities in accordance with Sections [35A-8-608] [35A-16-306](#) and
530 [63J-1-802](#).

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

533 ~~[35A-8-607]~~. **35A-16-305. Eligible municipality application process for**
534 **Homeless Shelter Cities Mitigation Restricted Account funds.**

535 (1) As used in this section:

536 (a) "Account" means the restricted account created in Section [35A-8-606]
537 [35A-16-304](#).

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

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

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

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

547 (iii) is certified as an eligible municipality in accordance with Section [35A-8-609]
548 [35A-16-307](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

604 ~~[(4)]~~ (3) (a) This Subsection ~~[(4)]~~ (3) applies to a fiscal year beginning on or after July
605 1, 2019.

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

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

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

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

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

615 (i) data relating to the eligible municipality's public safety services for the last fiscal
616 year before a homeless shelter was located or proposed to be located within the eligible

617 municipality's boundaries, including:

618 (A) crime statistics; and

619 (B) calls for public safety services;

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

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

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

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

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

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

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

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

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

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

640 (ii) if the eligible municipality received account funds during the previous fiscal year,
641 the efficiency with which the eligible municipality used any account funds during the previous
642 fiscal year;

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

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

646 (f) (i) After making the evaluation described in Subsection [~~(4)~~] (3)(e) and subject to
647 other provisions of this Subsection [~~(4)~~] (3)(f), the [~~committee~~] homelessness council shall

648 vote to recommend that an eligible municipality's request be:

649 (A) funded as requested; or

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

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

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

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

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

660 (h) (i) An eligible municipality that is approved to receive account funds under Section
661 63J-1-802 shall submit an invoice of the eligible municipality's expenses, with supporting
662 documentation, to the [~~department~~] office monthly for reimbursement.

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

666 (5) On or before October 1, the [~~department~~] deputy director, in cooperation with the
667 [~~committee~~] homelessness council, shall:

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

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

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

675 [~~35A-8-608~~]. 35A-16-306. Grant eligible entity application process for
676 **Homeless Shelter Cities Mitigation Restricted Account funds.**

677 (1) As used in this section:

678 (a) "Account" means the restricted account created in Section [~~35A-8-606~~]

679 [35A-16-304](#).

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

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

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

683 (i) the Department of Public Safety; or

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

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

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

690 (C) is certified as a grant eligible entity in accordance with Section [~~35A-8-609~~]

691 [35A-16-307](#).

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

693 (i) provides temporary shelter to homeless individuals;

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

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

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

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

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

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

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

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

707 (i) development of a community and neighborhood program within the city's, town's, or
708 metro township's boundaries; or

709 (ii) provision of social services within the city's, town's, or metro township's

710 boundaries.

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

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

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

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

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

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

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

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

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

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

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

730 (C) the amount requested;

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

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

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

734 (C) the amount requested;

735 (iii) for a grant request to employ additional personnel to provide public safety
736 services:

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

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

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

742 (D) the amount requested; or

743 (iv) for a grant request to provide some combination of the activities described in

744 Subsections (3)(c)(i) through (iii), the information required by this Subsection (3) for each

745 activity for which the grant eligible entity requests a grant.

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

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

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

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

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

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

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

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

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

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

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

769 (A) prioritize the grant requests; and

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

771 (ii) The [~~committee~~] homelessness council shall support the prioritization and

772 recommendation described in Subsection (3)(f)(i) with findings on each of the factors
773 described in Subsection (3)(e).

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

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

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

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

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

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

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

786 (B) in the amount that the Legislature approves to a grant eligible entity under Section
787 [63J-1-802](#).

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

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

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

796 (b) include information regarding the disbursement of money from the account under
797 this section in the annual report described in Section [35A-1-109](#).

798 Section 17. Section [35A-16-307](#), which is renumbered from Section 35A-8-609 is
799 renumbered and amended to read:

800 [~~35A-8-609~~]. [35A-16-307](#). **Certification of eligible municipality or grant**
801 **eligible entity.**

802 (1) The [~~department~~] office shall certify each year, on or after July 1 and before the

803 first meeting of the [~~Homeless Coordinating Committee~~] homelessness council after July 1, the
804 cities or towns that meet the requirements of an eligible municipality or a grant eligible entity
805 as of July 1.

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

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

811 **59-10-1306. Homeless contribution -- Credit to Pamela Atkinson Homeless**
812 **Account.**

813 (1) Except as provided in Section [59-10-1304](#), a resident or nonresident individual that
814 files an individual income tax return under this chapter may designate on the resident or
815 nonresident individual's individual income tax return a contribution to the Pamela Atkinson
816 Homeless Account as provided in this part.

817 (2) The commission shall:

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

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

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

823 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
824 **tax revenue -- Determination of population.**

825 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section
826 [59-12-204](#), a county, city, or town shall adopt amendments to the county's, city's, or town's
827 sales and use tax ordinances:

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

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

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

832 (a) 50% of each dollar collected from the sales and use tax authorized by this part shall
833 be distributed to each county, city, and town on the basis of the percentage that the population

834 of the county, city, or town bears to the total population of all counties, cities, and towns in the
835 state; and

836 (b) (i) except as provided in Subsections (2)(b)(ii) and (iii), 50% of each dollar
837 collected from the sales and use tax authorized by this part shall be distributed to each county,
838 city, and town on the basis of the location of the transaction as determined under Sections
839 [59-12-211](#) through [59-12-215](#);

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

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

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

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

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

852 (B) city of the fifth class; or

853 (C) town;

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

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

863 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
864 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during

865 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
866 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the
867 2002 North American Industry Classification System of the federal Executive Office of the
868 President, Office of Management and Budget; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

896 2016.

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

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

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

903 (ii) the minimum tax revenue distribution.

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

905 (i) "Annual local contribution" means the lesser of \$200,000 or an amount equal to
906 1.8% of the participating local government's tax revenue distribution amount under Subsection
907 (2)(a) for the previous fiscal year.

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

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

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

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

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

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

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

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

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

930 **63J-1-801. Definitions.**

931 As used in this part:

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

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

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

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

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

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

943 (b) due to the location of a homeless shelter within the city's, town's, or metro
944 township's geographic boundaries, needs more public safety services than the city, town, or
945 metro township needed before the location of the homeless shelter within the city's, town's, or
946 metro township's geographic boundaries.

947 (3) "Grant eligible entity" means:

948 (a) the Department of Public Safety; or

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

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

952 (A) provides temporary shelter to homeless individuals;

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

954 and

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

957 (ii) increased community, social service, or public safety service needs due to the

958 location of a homeless shelter within the city's, town's, or metro township's geographic
959 boundaries.

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

961 **63J-1-802. Submission of council recommendations -- Adoption, procedure, and**
962 **approval -- Appropriation.**

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

- 966 (i) to the Social Services Appropriations Subcommittee of the Legislature; and
- 967 (ii) as an appropriations request.

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

- 970 (i) approve the amount as recommended;
- 971 (ii) increase or decrease the amount and then approve the modified amount; or
- 972 (iii) reject the amount.

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

- 976 (i) to the Social Services Appropriations Subcommittee of the Legislature; and
- 977 (ii) as an appropriations request.

978 (b) The Social Services Appropriations Subcommittee shall:

- 979 (i) approve the [~~committee's~~] council's list;
- 980 (ii) modify the [~~committee's~~] council's list and then approve the modified list; or
- 981 (iii) reject the [~~committee's~~] council's list.

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

985 Section 22. **Repealer.**

986 This bill repeals:

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

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

989 Section [35A-8-602](#), Purposes of Homeless Coordinating Committee -- Uses of
990 Pamela Atkinson Homeless Account.