

HB0347S02 compared with HB0347S01

~~{deleted text}~~ shows text that was in HB0347S01 but was deleted in HB0347S02.

inserted text shows text that was not in HB0347S01 but was inserted into HB0347S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Representative Steve Eliason}~~Senator Jacob L. Anderegg proposes the following substitute bill:

HOMELESS SERVICES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: ~~{~~Jacob L. Anderegg

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates within the Governor's Office of Management and Budget, the state homelessness coordinator, who is appointed by the governor and serves as an advisor to the governor on homelessness issues;
- ▶ creates the Office of Homeless Services (office) within the Department of Workforce Services;

HB0347S02 compared with HB0347S01

- ▶ provides that the office is under the direction of the state homelessness coordinator;
- ▶ describes the responsibilities of the state homelessness coordinator;
- ▶ creates the Utah Homelessness Council (homelessness council);
- ▶ describes the responsibilities of the homelessness council;
- ▶ transfers the administration of existing state homelessness services programs and funds to the office and to the homelessness council; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

~~{None}~~ This bill appropriates in fiscal year 2021:

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

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

This bill transfers money previously appropriated for fiscal year 2022:

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

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

This bill appropriates in fiscal year 2022:

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

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

Other Special Clauses:

~~{None}~~ This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

63J-4-202, as last amended by Laws of Utah 2013, Chapters 12 and 310

ENACTS:

35A-16-101, Utah Code Annotated 1953

35A-16-102, Utah Code Annotated 1953

35A-16-201, Utah Code Annotated 1953

35A-16-202, Utah Code Annotated 1953

35A-16-203, Utah Code Annotated 1953

35A-16-204, Utah Code Annotated 1953

35A-16-205, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

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

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

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

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

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

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

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

REPEALS:

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

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

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

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

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

HB0347S02 compared with HB0347S01

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

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

- (a) the Workforce Development Division to administer the development and implementation of employment assistance programs;
- (b) the Workforce Research and Analysis Division;
- (c) the Unemployment Insurance Division to administer Chapter 4, Employment Security Act;
- (d) the Eligibility Services Division to administer public assistance eligibility;
- (e) the Division of Adjudication to adjudicate claims or actions in accordance with this title;
- (f) the Housing and Community Development Division, which is described in Sections 35A-8-201 and 35A-8-202; [~~and~~]
- (g) the Utah State Office of Rehabilitation, which is described in Section 35A-13-103[~~;~~]; and
- (h) the Office of Homeless Services, which is described in Section 35A-16-202.

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

- (a) the Workforce Appeals Board created in Section 35A-1-205;
- (b) the State Workforce Development Board created in Section 35A-1-206;
- (c) the Employment Advisory Council created in Section 35A-4-502;
- (d) the Child Care Advisory Committee created in Section 35A-3-205; and
- (e) the economic service areas created in accordance with Chapter 2, Economic Service Areas.

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

35A-8-101. Definitions.

As used in this chapter:

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

HB0347S02 compared with HB0347S01

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

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

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

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

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

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

(1) The division shall:

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

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

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

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

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

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

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

(h) certify project funding at the local level in conformance with federal, state, and

HB0347S02 compared with HB0347S01

other requirements;

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

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

(2) The division may:

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

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

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

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

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

CHAPTER 16. OFFICE OF HOMELESS SERVICES

Part 1. General Provisions

35A-16-101. Title.

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

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

35A-16-102. Definitions.

As used in this chapter:

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

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

(3) "Homeless Management Information System" or "HMIS" means an information

HB0347S02 compared with HB0347S01

technology system that:

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

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

(4) "Homeless Services Budget" means the comprehensive annual budget and overview of all homeless services available in the state described in Subsection 35A-16-203(1)(b).

(5) "Homelessness council" means the Utah Homelessness Council created in Section 35A-16-204.

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

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

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

Part 2. Office of Homeless Services

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

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

(2) The coordinator shall serve as:

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

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

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

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

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

(ii) is effective as a case management system;

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

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

(2) The office may:

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

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

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

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

(1) The coordinator shall:

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

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

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

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

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

HB0347S02 compared with HB0347S01

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

and

(iii) Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-8-606; and

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

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

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

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

return to experiencing homelessness; and

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

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

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

(b) The written report shall include:

(i) the homeless services budget;

(ii) the strategic plan; and

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

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

35A-16-204. Utah Homelessness Council.

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

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

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

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

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

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

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

(f) the mayor of Salt Lake County;

(g) the mayor of Salt Lake City;

HB0347S02 compared with HB0347S01

(h) the mayor of Midvale;

(i) the mayor of South Salt Lake;

(j) the mayor of Ogden;

(k) the mayor of St. George;

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

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

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

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

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

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

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

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

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

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

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

(w) the coordinator.

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

(e) the mayor of Salt Lake County;

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

(g) the coordinator.

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

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

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

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

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

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

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

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

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

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

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

HB0347S02 compared with HB0347S01

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

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

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

The homelessness council:

(1) shall provide final approval for:

(a) the homeless services budget;

(b) the strategic plan; and

(c) the awarding of funding for the provision of homeless services as described in Subsection 35A-16-203(1)(d);

(2) in cooperation with the coordinator, shall:

(a) develop and maintain the homeless services budget;

(b) develop and maintain the strategic plan; and

(c) review applications and approve funding for the provision of homeless services in the state as described in Subsection 35A-16-203(1)(d);

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

(4) shall cooperate with local ~~{oversight bodies}~~ homeless councils as designated by the Utah Homeless Network to:

(a) develop a common agenda and vision for reducing homelessness in each local oversight body's respective region;

(b) as part of the homeless services budget, develop a spending plan that coordinates the funding supplied to local stakeholders; and

(c) align local funding to projects that improve outcomes and target specific needs in each community;

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

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

(7) when reviewing and giving final approval for requests as described in Subsection 35A-16-203(1)(d):

HB0347S02 compared with HB0347S01

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

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

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

Part 3. Services for Individuals Experiencing Homelessness

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

Account.

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

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

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

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

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

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

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

(2) Before final approval of a grant or contract awarded under this section, the [~~Homeless Coordinating Committee and the division~~] homelessness council and the

HB0347S02 compared with HB0347S01

coordinator shall provide written information regarding the grant or contract to, and shall consider the recommendations of, the Executive Appropriations Committee.

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

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

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

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

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

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

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

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

(i) families with children;

(ii) transitional-aged youth;

(iii) single men or single women;

(iv) veterans;

(v) victims of domestic violence;

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

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

(viii) individuals exiting prison or jail; or

(ix) individuals who are homeless without shelter;

HB0347S02 compared with HB0347S01

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

- (i) diverting homeless or imminently homeless individuals and families from emergency shelters by providing better housing-based solutions;
- (ii) meeting the basic needs of homeless individuals and families in crisis;
- (iii) providing homeless individuals and families with needed stabilization services;
- (iv) decreasing the state's homeless rate;
- (v) implementing a coordinated entry system with consistent assessment tools to provide appropriate and timely access to services for homeless individuals and families;
- (vi) providing access to caseworkers or other individualized support for homeless individuals and families;
- (vii) encouraging employment and increased financial stability for individuals and families being diverted from or exiting homelessness;
- (viii) creating additional affordable housing for state residents;
- (ix) providing services and support to prevent homelessness among at-risk individuals and adults;
- (x) providing services and support to prevent homelessness among at-risk children, adolescents, and young adults;
- (xi) preventing the reoccurrence of homelessness among individuals and families exiting homelessness; and
- (xii) providing medical respite care for homeless individuals where the homeless individuals can access medical care and other supportive services; and

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

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

- (a) located near mass transit services;
- (b) located in an area that meets or will meet all zoning regulations before a final

HB0347S02 compared with HB0347S01

dispersal of funds;

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

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

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

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

(b) the state;

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

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

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

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

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

(9) In addition to other provisions of this section, the [~~Homeless Coordinating Committee, with the concurrence of the division~~] homelessness council, with the concurrence

HB0347S02 compared with HB0347S01

of the coordinator, may award one-time money from the state's sale of the land at 210 South Rio Grande Street, Salt Lake City, which was the location of a former emergency homeless shelter, to a nonprofit entity that owns three or more homeless shelters in a county of the first class to assist the entity in paying off a loan taken out by the entity to build a homeless shelter located in a county of the first class in a location other than Salt Lake City.

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

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

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

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

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

(4) The restricted account shall be funded by:

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

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

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

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

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

HB0347S02 compared with HB0347S01

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

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

(1) As used in this section:

(a) "Annual local contribution" means:

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

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

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

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

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

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

(3) The account shall be funded by:

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

(b) interest earned on the account.

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

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

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

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

HB0347S02 compared with HB0347S01

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

eligible municipality meets the requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

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

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

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

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

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

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

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

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

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

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

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

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

(A) crime statistics; and

(B) calls for public safety services;

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

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

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

HB0347S02 compared with HB0347S01

amount for additional personnel to provide public safety services.

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

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

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

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

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

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

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

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

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

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

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

(A) funded as requested; or

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

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

(g) The committee shall submit the recommendation described in Subsection [~~(4)~~]

HB0347S02 compared with HB0347S01

(3)(f) to:

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

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

(i) the Department of Public Safety; or

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

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

HB0347S02 compared with HB0347S01

boundaries;

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

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

~~(C)~~ (d) "Homeless shelter" means a facility that:

(i) provides temporary shelter to homeless individuals;

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

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

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

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

~~(C)~~ (e) "Public safety services" means law enforcement, emergency medical services, and fire protection.

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

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

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

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

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

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

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

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

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

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

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

(C) the amount requested;

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

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

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

(C) the amount requested;

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

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

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

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

(D) the amount requested; or

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

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

HB0347S02 compared with HB0347S01

report that includes:

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

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

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

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

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

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

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

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

(iv) any other considerations identified by the committee.

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

(A) prioritize the grant requests; and

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

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

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

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

(ii) the Social Services Appropriations [~~Subcommittee~~] Subcommittee of the

HB0347S02 compared with HB0347S01

Legislature for approval in accordance with Section 63J-1-802.

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

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

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

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

(2) The commission shall:

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

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

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

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

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

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

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

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

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

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

(ii) 50% of each dollar collected from the sales and use tax authorized by this part

HB0347S02 compared with HB0347S01

within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, shall be distributed to the military installation development authority created in Section 63H-1-201; and

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

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

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

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

(B) city of the fifth class; or

(C) town;

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

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

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

(iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for one or more days during the calendar year beginning on January 1, 2008, was not the holder of

HB0347S02 compared with HB0347S01

a direct payment permit under Section 59-12-107.1; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0347S02 compared with HB0347S01

(ii) the minimum tax revenue distribution.

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

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

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

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

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

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

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

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

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

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

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

63J-1-801. Definitions.

As used in this part:

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

HB0347S02 compared with HB0347S01

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

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

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

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

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

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

(3) "Grant eligible entity" means:

(a) the Department of Public Safety; or

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

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

(A) provides temporary shelter to homeless individuals;

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

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

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

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

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

(1) (a) On or before December 31, the [~~committee~~] council shall submit the [~~committee's~~] council's recommendation under [~~Subsection 35A-8-607(4)~~] Section 35A-16-305

HB0347S02 compared with HB0347S01

for each eligible municipality that made a request:

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

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

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

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

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

(b) The Social Services Appropriations Subcommittee shall:

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

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

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

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

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

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

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

(c) The state homelessness coordinator shall serve as:

- (i) an advisor to the governor on homelessness issues; and

HB0347S02 compared with HB0347S01

(ii) the chief administrative officer of the Office of Homeless Services created in Section 35A-1-102.

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

Section 23. **Repealer.**

This bill repeals:

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

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

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

Section 24. **Appropriation.**

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

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

ITEM 1

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

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

Schedule of Programs:

Administration \$125,000

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

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

ITEM 2

To Department of Workforce Services -- Housing and Community Development

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

HB0347S02 compared with HB0347S01

<u>From General Fund, One-time</u>	<u>(\$500)</u>
<u>From Federal Funds</u>	<u>(\$4,659,400)</u>
<u>From Federal Funds, One-time</u>	<u>(\$900)</u>
<u>From Federal Funds -- CARES Act, One-time</u>	<u>(\$14,149,300)</u>
<u>From Dedicated Credits Revenue</u>	<u>(\$19,600)</u>
<u>From General Fund Restricted -- Pamela Atkinson</u>	
<u>Homeless Account</u>	<u>(\$2,397,800)</u>
<u>From General Fund Restricted -- Pamela Atkinson</u>	
<u>Homeless Account, One-time</u>	<u>(\$500)</u>
<u>From General Fund Restricted -- Homeless Housing Reform</u>	
<u>Restricted Account</u>	<u>(\$12,797,400)</u>
<u>From General Fund Restricted -- Homeless Housing Reform</u>	
<u>Restricted Account, One-time</u>	<u>(\$2,500)</u>
<u>From General Fund Restricted -- Homeless Shelter Cities Mitigation</u>	
<u>Restricted Account</u>	<u>(\$5,306,700)</u>
<u>From General Fund Restricted -- Homeless Shelter Cities Mitigation</u>	
<u>Restricted Account, One-time</u>	<u>(\$1,100)</u>
<u>Schedule of Programs:</u>	
<u>Homeless Committee</u>	<u>(\$41,631,500)</u>
<u>Housing Development</u>	<u>\$405,300</u>
<u>Community Services</u>	<u>\$180,500</u>

ITEM 3

To Department of Workforce Services -- Office of Homeless Services

<u>From General Fund</u>	<u>\$1,710,000</u>
<u>From General Fund, One-time</u>	<u>\$500</u>
<u>From Federal Funds</u>	<u>\$4,659,400</u>
<u>From Federal Funds, One-time</u>	<u>\$900</u>
<u>From Federal Funds -- CARES Act, One-time</u>	<u>\$14,149,300</u>
<u>From Dedicated Credits Revenue</u>	<u>\$19,600</u>
<u>From General Fund Restricted -- Pamela Atkinson</u>	
<u>Homeless Account</u>	<u>\$2,397,800</u>

HB0347S02 compared with HB0347S01

<u>From General Fund Restricted -- Pamela Atkinson</u>	
<u>Homeless Account, One-time</u>	<u>\$500</u>
<u>From General Fund Restricted -- Homeless Housing Reform</u>	
<u>Restricted Account</u>	<u>\$12,797,400</u>
<u>From General Fund Restricted -- Homeless Housing Reform</u>	
<u>Restricted Account, One-time</u>	<u>\$2,500</u>
<u>From General Fund Restricted -- Homeless Shelter Cities</u>	
<u>Mitigation Restricted Account</u>	<u>\$5,306,700</u>
<u>From General Fund Restricted -- Homeless Shelter Cities</u>	
<u>Mitigation Restricted Account, One-time</u>	<u>\$1,100</u>
<u>Schedule of Programs:</u>	
<u>Homeless Services</u>	<u>\$41,045,700</u>

The Legislature intends that:

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

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

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

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

ITEM 4

HB0347S02 compared with HB0347S01

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

From General Fund \$225,000

Schedule of Programs:

Administration \$225,000

Section 25. Effective date.

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

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