

# HB0499S01 compared with HB0499

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text shows text that was not in HB0499 but was inserted into HB0499S01.

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Representative Steve Eliason proposes the following substitute bill:

## HOMELESS SERVICES AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: ~~\_\_\_\_\_~~ Jacob L. Anderegg

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### LONG TITLE

#### General Description:

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

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the formula used by the Office of Homeless Services (office) to disburse funds from the Homeless Shelter Cities Mitigation Restricted Account (account) to municipalities to mitigate the impacts of homeless shelters;
- ▶ prohibits a municipality from receiving funds from the account if the municipality does not enforce an ordinance that prohibits camping, except in certain circumstances;

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- ▶ modifies the annual local contribution amount that certain local governments are required to provide from the local government's collected sales tax revenue for deposit into the account;
- ▶ provides for the State Tax Commission to subtract a certain amount from a local government's annual local contribution to the account based on the availability of homeless shelter beds within the local government's boundaries;
- ▶ requires certain counties to convene a county overflow task force for the purpose of preparing a county overflow plan;
- ▶ describes the membership of a county overflow task force;
- ▶ expands the county overflow plan requirements to counties of the second class;
- ▶ modifies the process and requirements for a county overflow plan and the consequences of noncompliance during the overflow period;
- ▶ requires the Department of Health and Human Services to issue a code blue alert for certain weather events that may pose a danger to individuals experiencing homelessness;
- ▶ provides for certain requirements and limitations to take effect within a county that is impacted by a code blue alert; and
- ▶ makes technical and conforming changes.

### **Money Appropriated in this Bill:**

None

### **Other Special Clauses:**

This bill provides a special effective date.

### **Utah Code Sections Affected:**

AMENDS:

**26B-1-202**, as last amended by Laws of Utah 2022, Chapters 40, 274 and renumbered and amended by Laws of Utah 2022, Chapter 255

**35A-16-203**, as last amended by Laws of Utah 2022, Chapter 403

**35A-16-302**, as renumbered and amended by Laws of Utah 2021, Chapter 281

**35A-16-303**, as renumbered and amended by Laws of Utah 2021, Chapter 281

**35A-16-401**, as enacted by Laws of Utah 2022, Chapter 403

**35A-16-402**, as last amended by Laws of Utah 2022, Chapter 82 and renumbered and

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amended by Laws of Utah 2022, Chapter 403

**35A-16-403**, as renumbered and amended by Laws of Utah 2022, Chapter 403

**35A-16-404**, as renumbered and amended by Laws of Utah 2022, Chapter 403

**35A-16-501**, as enacted by Laws of Utah 2022, Chapter 403

**35A-16-602**, as enacted by Laws of Utah 2022, Chapter 467

**59-12-205**, as last amended by Laws of Utah 2022, Chapters 59, 82 and 403

### ENACTS:

**35A-16-405**, Utah Code Annotated 1953

**35A-16-501.5**, Utah Code Annotated 1953

**35A-16-502.5**, Utah Code Annotated 1953

**35A-16-701**, Utah Code Annotated 1953

**35A-16-702**, Utah Code Annotated 1953

**35A-16-703**, Utah Code Annotated 1953

### REPEALS AND REENACTS:

**35A-16-502**, as enacted by Laws of Utah 2022, Chapter 403

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

Section 1. Section **26B-1-202** is amended to read:

**26B-1-202. Department authority and duties.**

The department may, subject to applicable restrictions in state law and in addition to all other authority and responsibility granted to the department by law:

(1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and not inconsistent with law, as the department may consider necessary or desirable for providing health and social services to the people of this state;

(2) establish and manage client trust accounts in the department's institutions and community programs, at the request of the client or the client's legal guardian or representative, or in accordance with federal law;

(3) purchase, as authorized or required by law, services that the department is responsible to provide for legally eligible persons;

(4) conduct adjudicative proceedings for clients and providers in accordance with the procedures of Title 63G, Chapter 4, Administrative Procedures Act;

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- (5) establish eligibility standards for the department's programs, not inconsistent with state or federal law or regulations;
- (6) take necessary steps, including legal action, to recover money or the monetary value of services provided to a recipient who was not eligible;
- (7) set and collect fees for the department's services;
- (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited, or limited by law;
- (9) acquire, manage, and dispose of any real or personal property needed or owned by the department, not inconsistent with state law;
- (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or the proceeds thereof, may be credited to the program designated by the donor, and may be used for the purposes requested by the donor, as long as the request conforms to state and federal policy; all donated funds shall be considered private, nonlapsing funds and may be invested under guidelines established by the state treasurer;
- (11) accept and employ volunteer labor or services; the department is authorized to reimburse volunteers for necessary expenses, when the department considers that reimbursement to be appropriate;
- (12) carry out the responsibility assigned in the workforce services plan by the State Workforce Development Board;
- (13) carry out the responsibility assigned by Section 62A-5a-105 with respect to coordination of services for students with a disability;
- (14) provide training and educational opportunities for the department's staff;
- (15) collect child support payments and any other money due to the department;
- (16) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents whose child lives out of the home in a department licensed or certified setting;
- (17) establish policy and procedures, within appropriations authorized by the Legislature, in cases where the Division of Child and Family Services or the Division of Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not competent to proceed under Section 80-6-403, including:
  - (a) designation of interagency teams for each juvenile court district in the state;

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- (b) delineation of assessment criteria and procedures;
- (c) minimum requirements, and timeframes, for the development and implementation of a collaborative service plan for each minor placed in department custody; and
- (d) provisions for submittal of the plan and periodic progress reports to the court;
- (18) carry out the responsibilities assigned to the department by statute;
- (19) examine and audit the expenditures of any public funds provided to a local substance abuse authority, a local mental health authority, a local area agency on aging, and any person, agency, or organization that contracts with or receives funds from those authorities or agencies. Those local authorities, area agencies, and any person or entity that contracts with or receives funds from those authorities or area agencies, shall provide the department with any information the department considers necessary. The department is further authorized to issue directives resulting from any examination or audit to a local authority, an area agency, and persons or entities that contract with or receive funds from those authorities with regard to any public funds. If the department determines that it is necessary to withhold funds from a local mental health authority or local substance abuse authority based on failure to comply with state or federal law, policy, or contract provisions, the department may take steps necessary to ensure continuity of services. For purposes of this Subsection (19) "public funds" means the same as that term is defined in Section 62A-15-102;
- (20) in accordance with Subsection 62A-2-106(1)(d), accredit one or more agencies and persons to provide intercountry adoption services;
- (21) within legislative appropriations, promote and develop a system of care and stabilization services:
  - (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
  - (b) that encompasses the department, department contractors, and the divisions, offices, or institutions within the department, to:
    - (i) navigate services, funding resources, and relationships to the benefit of the children and families whom the department serves;
    - (ii) centralize department operations, including procurement and contracting;
    - (iii) develop policies that govern business operations and that facilitate a system of care approach to service delivery;
    - (iv) allocate resources that may be used for the children and families served by the

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department or the divisions, offices, or institutions within the department, subject to the restrictions in Section 63J-1-206;

(v) create performance-based measures for the provision of services; and

(vi) centralize other business operations, including data matching and sharing among the department's divisions, offices, and institutions;

(22) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

(a) under this title;

(b) by the department; or

(c) by an agency or division within the department;

(23) enter into cooperative agreements with the Department of Environmental Quality to delineate specific responsibilities to assure that assessment and management of risk to human health from the environment are properly administered;

(24) consult with the Department of Environmental Quality and enter into cooperative agreements, as needed, to ensure efficient use of resources and effective response to potential health and safety threats from the environment, and to prevent gaps in protection from potential risks from the environment to specific individuals or population groups;

(25) to the extent authorized under state law or required by federal law, promote and protect the health and wellness of the people within the state;

(26) establish, maintain, and enforce rules authorized under state law or required by federal law to promote and protect the public health or to prevent disease and illness;

(27) investigate the causes of epidemic, infectious, communicable, and other diseases affecting the public health;

(28) provide for the detection and reporting of communicable, infectious, acute, chronic, or any other disease or health hazard which the department considers to be dangerous, important, or likely to affect the public health;

(29) collect and report information on causes of injury, sickness, death, and disability and the risk factors that contribute to the causes of injury, sickness, death, and disability within the state;

(30) collect, prepare, publish, and disseminate information to inform the public

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concerning the health and wellness of the population, specific hazards, and risks that may affect the health and wellness of the population and specific activities which may promote and protect the health and wellness of the population;

(31) abate nuisances when necessary to eliminate sources of filth and infectious and communicable diseases affecting the public health;

(32) make necessary sanitary and health investigations and inspections in cooperation with local health departments as to any matters affecting the public health;

(33) establish laboratory services necessary to support public health programs and medical services in the state;

(34) establish and enforce standards for laboratory services which are provided by any laboratory in the state when the purpose of the services is to protect the public health;

(35) cooperate with the Labor Commission to conduct studies of occupational health hazards and occupational diseases arising in and out of employment in industry, and make recommendations for elimination or reduction of the hazards;

(36) cooperate with the local health departments, the Department of Corrections, the Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime Victim Reparations and Assistance Board to conduct testing for HIV infection of alleged sexual offenders, convicted sexual offenders, and any victims of a sexual offense;

(37) investigate the causes of maternal and infant mortality;

(38) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians and drivers of motor vehicles killed in highway accidents be examined for the presence and concentration of alcohol, and provide the Commissioner of Public Safety with monthly statistics reflecting the results of these examinations, with necessary safeguards so that information derived from the examinations is not used for a purpose other than the compilation of these statistics;

(39) establish qualifications for individuals permitted to draw blood under Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi), and to issue permits to individuals the department finds qualified, which permits may be terminated or revoked by the department;

(40) establish a uniform public health program throughout the state which includes continuous service, employment of qualified employees, and a basic program of disease

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control, vital and health statistics, sanitation, public health nursing, and other preventive health programs necessary or desirable for the protection of public health;

(41) conduct health planning for the state;

(42) monitor the costs of health care in the state and foster price competition in the health care delivery system;

(43) establish methods or measures for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals the providers serve;

(44) designate Alzheimer's disease and related dementia as a public health issue and, within budgetary limitations, implement a state plan for Alzheimer's disease and related dementia by incorporating the plan into the department's strategic planning and budgetary process;

(45) coordinate with other state agencies and other organizations to implement the state plan for Alzheimer's disease and related dementia;

(46) ensure that any training or certification required of a public official or public employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required by the agency or under this title, Title 26, Utah Health Code, or Title 62A, Utah Human Services Code; [~~and~~]

(47) oversee public education vision screening as described in Section 53G-9-404[-];  
and

(48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue Alert.

Section 2. Section **35A-16-203** is amended 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



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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-16-301;

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

and

(iii) Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402;

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

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

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

(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

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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 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~~[-]; and~~

(iv) in coordination with the homelessness council, a complete accounting of the office's disbursement of funds during the previous fiscal year from:

(A) the Pamela Atkinson Homeless Account created in Section 35A-16-301;

(B) the Homeless to Housing Reform Restricted Account created in Section

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35A-16-303;

(C) the Homeless Shelter Cities Mitigation Restricted Account created in Section

35A-16-402;

(D) the COVID-19 Homeless Housing and Services Grant Program created in Section

35A-16-602; and

(E) any other grant program created in statute that is administered by the office.

Section 3. Section **35A-16-302** is amended to read:

### **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

(1) 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-16-303.

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

~~[(3)]~~ (2) 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 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 homelessness council before the awarding of the grant or contract.

~~[(4)]~~ (3) In determining the awarding of a grant or contract under this section, 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) 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;
- (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;

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- (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;
- (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
- (e) address the needs identified in the strategic plan described in Section 35A-16-203

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for inclusion in the annual written report described in Section 35A-1-109.

~~[(5)]~~ (4) 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, of 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 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)]~~ (5) In accordance with Subsection ~~[(5)]~~ (4), and subject to the approval 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 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)]~~ (6) (a) If a homeless shelter commits to provide matching funds equal to the total grant awarded under this Subsection ~~[(7)]~~ (6), 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)]~~ (6), 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)]~~ (7) The office may expend money from the restricted account to offset actual

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office and homelessness council expenses related to administering this section.

~~[(9) In addition to other provisions of this section, the homelessness council, with the concurrence 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 4. Section **35A-16-303** is amended to read:

### **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 office for the purposes described in Section 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]~~ into 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-16-302.

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

~~[(6) The 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.]~~

Section 5. Section **35A-16-401** is amended to read:

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### 35A-16-401. Definitions.

As used in this part:

(1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

(2) "Authorized provider" means a nonprofit provider of homeless services that is authorized by a third-tier eligible municipality to operate a temporary overflow shelter within the municipality in accordance with Part 5, Overflow Plan Requirements.

~~[(2)]~~ (3) "Eligible municipality" means:

- (a) a first-tier eligible municipality;
- (b) a second-tier eligible municipality; or
- (c) a third-tier eligible municipality.

~~[(3)]~~ (4) "Eligible services" means ~~[public safety services or any other]~~ any activities or services that mitigate the impacts of the location of an eligible shelter, including direct services, public safety services, and emergency services, as further defined by rule made by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(4)]~~ (5) "Eligible shelter" means:

- (a) for a first-tier eligible municipality, a homeless shelter that:
  - (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as verified by the office;
  - (ii) operates year-round; and
  - (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation;
- (b) for a second-tier municipality, a homeless shelter that:
  - (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as verified by the office;
  - (ii) operates year-round; and
  - (iii) is not subject to restrictions that limit the hours, days, weeks, or months of operation; and
- (c) for a third-tier eligible municipality, a homeless shelter that:
  - (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night, as verified by the office; and

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(B) operates for no less than three months during the period beginning October 1 and ending April 30 of the following year; or

(ii) (A) meets the definition of a homeless shelter under Section 35A-16-501; and

(B) increases capacity during an overflow period, as defined in Section 35A-16-501, in accordance with Subsection 35A-16-502(6)(a).

~~[(5)]~~ (6) "First-tier eligible municipality" means a municipality that:

(a) is located within a county of the first or second class;

(b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;

(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and

(d) is certified as a first-tier eligible municipality in accordance with Section 35A-16-404.

~~[(6)]~~ (7) "Homeless shelter" means a facility that provides or is proposed to provide temporary shelter to individuals experiencing homelessness.

~~[(7)]~~ (8) "Municipality" means a city, town, or metro township.

~~[(8)]~~ (9) "Public safety services" means law enforcement, emergency medical services, or fire protection.

~~[(9)]~~ (10) "Second-tier eligible municipality" means a municipality that:

(a) is located within a county of the third, fourth, fifth, or sixth class;

(b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year;

(c) due to the location of an eligible shelter within the municipality's geographic boundaries, requires eligible services; and

(d) is certified as a second-tier eligible municipality in accordance with Section 35A-16-404.

~~[(10)]~~ (11) "Third-tier eligible municipality" means a municipality that:

(a) is located within any county;

(b) as determined by the office, has or is proposed to have an eligible shelter within the municipality's geographic boundaries within the following fiscal year; and

(c) due to the location of an eligible shelter within the municipality's geographic



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boundaries, requires eligible services.

Section 6. Section **35A-16-402** is amended to read:

### **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula for disbursing account funds to eligible municipalities.**

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

(2) The account shall be funded by:

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

(b) interest earned on the account; and

(c) appropriations made to the account by the Legislature.

(3) The office shall administer the account.

(4) (a) Subject to appropriations, the office shall annually disburse funds from the account as follows:

(i) ~~[92.5]~~ 87.5% shall be disbursed to first-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:

(A) 70% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality, as determined by the office;

(B) 20% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as determined by the office; and

(C) 10% of the amount described in Subsection (4)(a)(i) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office;

(ii) 2.5% shall be disbursed to second-tier eligible municipalities that have been approved to receive account funds under Section 35A-16-403, of which:

(A) 70% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing

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homelessness who are served by eligible shelters within each municipality, as determined by the office;

(B) 20% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total number of individuals experiencing homelessness who are served by eligible shelters within each municipality as compared to the total population of the municipality, as determined by the office; and

(C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed proportionately among applicants based on the total year-round capacity of all eligible shelters within each municipality, as determined by the office; and

(iii) ~~[5]~~ 10% shall be disbursed to third-tier eligible municipalities, that have been approved to receive account funds under Section 35A-16-403, in accordance with a formula established by the office and approved by the homelessness council.

(b) In disbursing funds to first-tier municipalities under Subsection (4)(a)(i), the maximum amount of funds that the office may disburse each year to a single first-tier municipality may not exceed ~~[the greater of:]~~ 33% of the total amount of funds disbursed under Subsection (4)(a)(i).

~~[(i) \$2,750,000; or]~~

~~[(ii) 25% of the total amount of funds disbursed under Subsection (4)(a)(i).]~~

(c) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the maximum amount of funds that the office may disburse each year to a single second-tier municipality may not exceed 50% of the total amount of funds disbursed under Subsection (4)(a)(ii).

(d) The office may disburse funds under Subsection (4)(a)(iii) to an authorized provider of a third-tier eligible municipality.

~~[(d)]~~ (e) The office may disburse funds to a third-tier municipality or an authorized provider under Subsection (4)(a)(iii) regardless of whether the municipality receives funds under Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection (4)(a)(ii) as a second-tier municipality.

(f) If any account funds are available to the office for disbursement under this section after making the disbursements required in Subsection (4)(a), the office may disburse the available account funds to third-tier municipalities that have been approved to receive account

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funds under Section 35A-16-403.

Section 7. Section **35A-16-403** is amended to read:

### **35A-16-403. Eligible municipality application process for Homeless Shelter Cities Mitigation Restricted Account funds.**

(1) An eligible municipality may apply for account funds to mitigate the impacts of the location of an eligible shelter through the provision of eligible services within the eligible municipality's boundaries.

(2) ~~[(a) This Subsection (2) applies to a fiscal year beginning on or after July 1, 2022.]~~

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

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

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

~~[(B)]~~ (ii) appearing at the meeting to present the request.

(c) The request described in Subsection (2)(b)(ii) shall contain:

(i) a proposal outlining the need for eligible services, including a description of each eligible service for which the eligible municipality requests account funds;

(ii) a description of the eligible municipality's proposed use of account funds;

(iii) a description of the outcomes that the funding would be used to achieve, including indicators that would be used to measure progress toward the specified outcomes; and

(iv) the amount of account funds requested.

(d) (i) On or before ~~[November]~~ September 30, an eligible municipality that received account funds during the previous fiscal year shall file electronically with the 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 needs due to the location of an eligible shelter;

(C) an evaluation of the eligible municipality's progress regarding the outcomes and

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indicators described in Subsection (2)(c)(iii); and

(D) 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 homelessness council may request additional information as needed to make the evaluation described in Subsection (2)(e).

(e) The homelessness council shall evaluate a request made in accordance with this Subsection (2) ~~[using]~~ and may take the following factors into consideration in determining whether to approve or deny the request:

(i) the strength of the proposal 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 funding for the eligible municipality under Subsection 35A-16-402(4);

(iv) the availability of alternative funding for the eligible municipality to address the eligible municipality's needs due to the location of an eligible shelter; and

~~[(v) whether the eligible municipality enacts and enforces an ordinance that prohibits camping; and]~~

~~[(vi)]~~ (v) any other considerations identified by the homelessness council.

(f) ~~[(f)]~~ After making the evaluation described in Subsection (2)(e), and subject to Subsection (2)(g), the homelessness council shall vote to either approve or deny an eligible municipality's request for account funds.

~~[(ii) The homelessness council shall support the homelessness council's decision under Subsection (2)(f)(i) with findings on each of the factors described in Subsection (2)(e).]~~

(g) (i) Except as provided in Subsection (2)(g)(ii), an eligible municipality may not receive account funds under this section unless the eligible municipality enforces an ordinance that prohibits camping.

(ii) Subsection (2)(g)(i) does not apply if each homeless shelter located within the county in which the eligible municipality is located is at full capacity.

~~[(g)]~~ (h) ~~[(h)]~~ If the homelessness council approves an eligible municipality's request to

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receive account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the amount of funds for disbursement to the eligible municipality under Subsection 35A-16-402(4).

~~[(ii) An eligible municipality that is approved to receive account funds may submit an invoice of the eligible municipality's expenses, with supporting documentation, to the office monthly for reimbursement.]~~

~~[(3) On or before October 1, the coordinator, in cooperation with the 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 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.]~~

~~[(4)] (3)~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the office shall make rules governing the process for calculating the amount of funds that an eligible municipality may receive under Subsection 35A-16-402(4).

Section 8. Section **35A-16-404** is amended to read:

### **35A-16-404. Certification of eligible municipality.**

On or before October 1 of each year, the office shall:

(1) ~~[The office shall certify each year, on or after July 1 and before the first meeting of the homelessness council after July 1,]~~ certify the municipalities that meet the requirements of a first-tier eligible municipality or a second-tier eligible municipality as of July 1~~[-]; and~~

(2) ~~[On or before October 1, the office shall]~~ provide a list of the municipalities that the office has certified as meeting the requirements of a first-tier eligible municipality or a second-tier eligible municipality for the year to the State Tax Commission.

Section 9. Section **35A-16-405** is enacted to read:

### **35A-16-405. Information to report to State Tax Commission regarding third-tier eligible municipalities.**

On or before October 1 of each year, the office shall provide the following information to the State Tax Commission:

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(1) a list of the municipalities that the office:

(a) has ~~{determined}~~ not certified as ~~{meeting the requirements of a third-tier}~~ an eligible municipality ~~{for the year}~~ in accordance with Section 35A-16-404; and

(b) determines to have a homeless shelter located within the municipality's geographic boundaries; and

(2) the number of beds available at all ~~{eligible}~~ homeless shelters located within each municipality described in Subsection (1).

Section 10. Section 35A-16-501 is amended to read:

### **35A-16-501. Definitions.**

As used in this part:

(1) "Applicable county" means a county of the first or second class.

(2) "Applicable local homeless council" means the local homeless council that is responsible for coordinating homeless response within an applicable county.

~~[(2)]~~ (3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide overnight shelter to under a conditional use permit.

(4) "Chief executive officer" means the same as that term is defined in Section 11-51-102.

(5) "Community location" means the same as that term is defined in Section 10-8-41.6.

~~[(3)]~~ (6) "Conference of mayors" means an association consisting of the mayor of each municipality located within a county.

~~[(4)]~~ (7) "Council of governments" means the same as that term is defined in Section 72-2-117.5.

(8) "County overflow task force" or "task force" means a task force described in Section 35A-16-501.5.

~~[(5)]~~ (9) "Homeless shelter" means a facility that:

~~[(a) is located within an applicable county;]~~

~~[(b)]~~ (a) provides temporary shelter to individuals experiencing homelessness;

~~[(c)]~~ (b) has the capacity to provide temporary shelter to at least 200 individuals per night;

~~[(d)]~~ (c) operates year-round; and

~~[(e)]~~ (d) is not subject to restrictions that limit the hours, days, weeks, or months of

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operation.

~~[(6)]~~ (10) "Municipality" means a city, town, or metro township.

~~[(7)]~~ (11) "Overflow period" means the period beginning October ~~[+] 15~~ and ending April 30 of the following year.

~~[(8)]~~ (12) "Overflow plan" means the plan described in Subsection 35A-16-502(1).

~~[(9)]~~ (13) "State facility" means the same as that term is defined in Section 63A-5b-1001.

~~[(10)]~~ (14) "Subsequent overflow period" means the overflow period that begins on October 1 of the year in which a council of governments is required to submit an overflow plan to the office under Section 35A-16-502.

(15) "Targeted overflow bed count" means the ~~{minimum total number of beds needed for individuals experiencing homelessness within}~~ targeted bed count number for an applicable county during ~~{an}~~ the overflow period, as determined jointly by the applicable local homeless council and the office.

~~[(11)]~~ (16) "Temporary overflow shelter" means a facility that:

(a) provides temporary emergency shelter to ~~[no more than 150]~~ individuals experiencing homelessness during an overflow period; and

(b) does not operate year-round.

Section 11. Section **35A-16-501.5** is enacted to read:

### **35A-16-501.5. County overflow task force.**

(1) Subject to the requirements of Section 35A-16-502, the council of governments of each applicable county shall annually convene a county overflow task force.

(2) (a) The task force for Salt Lake County shall consist of the following ~~+13+~~14 voting members:

(i) the chief executive officer of Salt Lake County, or the chief executive officer's designee;

(ii) the chief executive officer, or the chief executive officer's designee, of each of the following ~~+10+~~11 municipalities:

(A) Draper;

(B) Midvale;

(C) Millcreek;

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(D) Murray;

(E) Salt Lake City;

(F) Sandy;

(G) South Jordan;

~~(G)~~(H) South Salt Lake;

~~(H)~~(I) Taylorsville;

~~(I)~~(J) West Jordan; and

~~(J)~~(K) West Valley City; and

(iii) the chief executive officer, or the chief executive officer's designee, of any two municipalities located in Salt Lake County that are not described in Subsection (2)(a)(ii), appointed by the conference of mayors of Salt Lake County.

(b) A task force for an applicable county not described in Subsection (2)(a) shall consist of the following voting members:

(i) the chief executive officer of the applicable county, or the chief executive officer's designee; and

(ii) the chief executive officer, or the chief executive officer's designee, of a number of municipalities located in the applicable county that the conference of mayors of the applicable county considers to be appropriate, appointed by the conference of mayors of the applicable county.

(3) In addition to the voting members required in Subsection (2), a task force shall include the following nonvoting members:

(a) the coordinator, or the coordinator's designee;

(b) one representative of the Utah League of Cities and Towns, appointed by the Utah League of Cities and Towns, or the representative's designee;

(c) one representative of the Utah Association of Counties, appointed by the Utah Association of Counties, or the representative's designee;

(d) two individuals experiencing homelessness or having previously experienced homelessness, appointed by the applicable local homelessness council; and

~~(e)~~ three representatives of the applicable local homeless council, appointed by the applicable local homeless council, or the representative's designee.

(4) (a) Any vacancy on a task force shall be filled in the same manner as the



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appointment of the member whose vacancy is being filled.

(b) Each member of a task force shall serve until a successor is appointed.

(5) A majority of the voting members of a task force constitutes a quorum and may act on behalf of the task force.

(6) A task force shall:

(a) select officers from the task force's members as the task force finds necessary; and

(b) meet as necessary to effectively conduct the task force's business and duties as prescribed by statute.

(7) A task force may establish one or more working groups as is deemed appropriate to assist on specific issues related to the task force's duties, including a working group for site selection of temporary overflow shelters.

(8) (a) A task force member may not receive compensation or benefits for the task force member's service.

(b) A task force member 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 in accordance with Sections 63A-3-106 and 63A-3-107.

(9) The applicable county for which a task force is convened shall provide administrative support to the task force.

(10) Meetings of the task force are not subject to Title 52, Chapter 4, Open and Public Meetings Act.

Section 12. Section **35A-16-502** is repealed and reenacted to read:

**35A-16-502. Overflow plan required -- Contents -- Review -- Consequences after determination of noncompliance.**

(1) (a) Subject to Subsection (1)(b), the county overflow task force in each applicable county shall annually prepare and submit to the office an overflow plan on or before August 1 of each year.

(b) (i) The task force for Salt Lake County shall prepare and submit an overflow plan to the office in calendar years 2023, 2024, 2025, and 2026.

(ii) The task force for an applicable county not described in Subsection (1)(b)(i) shall

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prepare and submit an overflow plan to the office in calendar years 2024, 2025, and 2026.

(2) The overflow plan shall:

(a) provide assurances to the office that the applicable county will meet the applicable county's targeted overflow bed count during the subsequent overflow period by establishing plans for the operation of one or more temporary overflow shelters within the applicable county during the subsequent overflow period;

(b) ensure that any temporary overflow shelter established under Subsection (2)(a) will meet all local zoning requirements;

(c) include a detailed transportation plan, budget, and any other component the office specifies under Subsection (3) as a requirement to achieve compliance;

(d) include a detailed county plan for a code blue event as defined in Section 35A-16-701, including the number and location of available beds for individuals experiencing homelessness for the duration of the code blue event; and

(~~f~~~~d~~~~e~~) be approved by the chief executive officer of each municipality located within the applicable county in which a temporary overflow shelter is planned for operation during the subsequent overflow period.

(3) To assist a task force in preparing an overflow plan, by no later than March 30 of the year in which the overflow plan is due, the applicable local homeless council, in coordination with the office, shall provide the following information to the task force:

(a) the targeted overflow bed count;

(b) the availability of funds that can be used to mitigate the overflow plan; and

(c) any component required for the overflow plan to achieve compliance that is not described in Subsection (2).

(4) In preparing the overflow plan, the task force shall coordinate with:

(a) the office;

(b) the applicable local homeless council; and

(c) the conference of mayors for the applicable county.

(5) In conducting site selection for a temporary overflow shelter under an overflow plan, the task force shall prioritize:

(a) a site located more than one mile from any homeless shelter;

(b) a site located more than one mile from any permanent supportive housing facility

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designated by the United States Department of Housing and Urban Development; and

(c) a site located in a municipality that does not have a homeless shelter.

(6) (a) On or before August 15 of the year in which an overflow plan is submitted, the office shall:

(i) conduct a review of the overflow plan for compliance with this section; and

(ii) send a written notice of the office's determination regarding compliance to:

(A) the task force for the applicable county;

(B) the council of governments for the applicable county;

(C) the applicable local homeless council; and

(D) the legislative body of each municipality located within the applicable county.

(b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance with this section if:

(i) the applicable county's task force fails to submit a timely overflow plan under this section; or

(ii) the office determines that the overflow plan prepared for the applicable county does not comply with this section.

Section 13. Section **35A-16-502.5** is enacted to read:

### **35A-16-502.5. County noncompliance with overflow plan requirements.**

(1) This section applies to an applicable county that is in noncompliance with Section 35A-16-502.

(2) Subject to Subsection (3), the following provisions apply within the applicable county during the subsequent overflow period:

(a) the office may authorize:

(i) the expansion of a homeless shelter's capacity limit by up to 25%; and

(ii) the operation of one or more temporary overflow shelters; and

(b) a municipality located within the applicable county may not enact or enforce an ordinance, or otherwise take any action, that limits or restricts the office's authority under Subsection (2)(a).

(3) (a) The office may not authorize the expansion of a homeless shelter's capacity under Subsection (2)(a) unless:

(i) the homeless shelter is in compliance with the applicable building code and fire

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code; and

(i) the fire code official approves the layout of the homeless shelter.

(b) In authorizing the operation of a temporary overflow shelter under Subsection

(2)(a), the office ~~shall~~:

~~(i) ~~;~~~~

(i) may not authorize the siting of a temporary overflow shelter within a one-half mile radius of any homeless shelter;

(ii) shall prioritize a site located ~~;~~

~~(A) more than one mile from any homeless shelter; and~~

~~(B) ~~;~~ more than 500 feet from any community location; and~~

(iii) shall consider:

(~~iii~~) A ~~consider~~ the potential impact of a temporary overflow shelter on community locations; and

(~~iii~~) B ~~consider~~ any recommendations included in the applicable county's overflow plan, regardless of the office's determination of noncompliance.

(4) A temporary overflow shelter authorized by the office under this section may not be converted into a permanent facility after calendar year 2026 without the consent of the municipality in which the facility is located.

Section 14. Section **35A-16-602** is amended to read:

### **35A-16-602. COVID-19 Homeless Housing and Services Grant Program.**

(1) There is established the COVID-19 Homeless Housing and Services Grant Program, a competitive grant program administered by the office and funded in accordance with 42 U.S.C. Sec. 802.

(2) The office shall distribute money to fund one or more projects that:

(a) include affordable housing units for households:

(i) whose income is no more than 30% of the area median income for households of the same size in the county or municipality where the project is located;

(ii) at rental rates no greater than [~~the rates described in Subsection 35A-8-511(2)(b)] 30% of the income described in Subsection (2)(a)(i) for a household of:~~

(A) one person if the unit is an efficiency unit;

(B) two people if the unit is a one-bedroom unit;

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(C) four people if the unit is a two-bedroom unit;

(D) five people if the unit is a three-bedroom unit;

(E) six people if the unit is a four-bedroom unit; or

(F) eight people if the unit is a five-bedroom or larger unit; and

(iii) that have been impacted by the COVID-19 emergency in accordance with 42

U.S.C. Sec. 802; and

(b) have been approved by the homelessness council.

(3) The office shall:

(a) administer the grant program, including:

(i) reviewing grant applications and making recommendations to the homelessness council; and

(ii) distributing grant money to approved grant recipients; and

(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer the program, including:

(i) grant application requirements;

(ii) procedures to approve a grant; and

(iii) procedures for distributing money to grant recipients.

(4) When reviewing an application for approval, the homelessness council shall consider:

(a) an applicant's rental income plan;

(b) proposed case management and service plans for households;

(c) any matching funds proposed by an applicant;

(d) proposed restrictions, including deed restrictions, and the duration of restrictions on housing units to facilitate long-term assistance to households;

(e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802;

and

(f) any other considerations as adopted by the council.

(5) A grant award under this section shall comply with the requirements of 42 U.S.C. Sec. 802.

~~[(6) On or before October 1, the coordinator, in cooperation with the homelessness council shall submit an annual report electronically to the Social Services Appropriations~~

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Subcommittee that gives a complete account of the office's disbursement of funds under this section.]

Section 15. Section **35A-16-701** is enacted to read:

### Part 7. Code Blue Alert

#### **35A-16-701. Definitions.**

As used in this part:

(1) "Affected county" means a county of the first, second, third, or fourth class in which a code blue event is anticipated.

(2) "Applicable local homeless council" means the local homeless council that is responsible for coordinating homeless response within an affected county.

(3) "Capacity limit" means a limit as to the number of individuals that a homeless shelter may provide temporary shelter to under a conditional use permit.

(4) "Code blue alert" means a proclamation issued by the Department of Health and Human Services under Section 35A-16-702 to alert the public of a code blue event.

(5) "Code blue event" means a weather event in which the National Weather Service predicts temperatures of ~~32~~15 degrees Fahrenheit or less, including wind chill, or any other extreme weather conditions established in rules made by the Department of Health and Human Services under Subsection 35A-16-702(4), to occur in any county of the first, second, third, or fourth class for two hours or longer within the next 24 to 48 hours.

(6) "Homeless shelter" means a facility that provides temporary shelter to individuals experiencing homelessness.

(7) "Municipality" means a city, town, or metro township.

Section 16. Section **35A-16-702** is enacted to read:

#### **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**

(1) The Department of Health and Human Services shall:

(a) monitor and evaluate forecasts and advisories produced by the National Weather Service;

(b) issue a code blue alert under this section if the Department of Health and Human Services identifies a ~~cold~~code blue event; and

(c) disseminate the code blue alert to:

(i) the public at large;

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(ii) homeless shelters located within an affected county;  
(iii) local government entities located within an affected county;  
(iv) the office; and  
(v) any other relevant public or private entities that provide services to individuals experiencing homelessness within an affected county.

(2) The code blue alert shall:

(a) identify each affected county;

(b) specify the duration of the code blue alert;

(c) describe the provisions that take effect for the duration of the code blue alert as described in Section 35A-16-703; and

(d) include the information prepared by the office under Subsection (3).

(3) (a) The office shall prepare and regularly update information to assist individuals experiencing homelessness during a ~~{cold}~~code blue event, including:

(i) the location and availability of homeless shelters and other community resources and services for individuals experiencing homelessness;

(ii) information regarding public safety and emergency services; and

(iii) any other information considered relevant by the office.

(b) The office shall submit to the Department of Health and Human Services the information prepared and updated under Subsection (3)(a).

(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Health and Human Services, in coordination with the office, shall make rules to implement this section.

(b) The rules under Subsection (4)(a) shall:

(i) establish any extreme weather conditions that warrant the issuance of a code blue alert; and

(ii) establish standards for:

(~~fi~~A) monitoring and evaluating National Weather Service forecasts and advisories to identify code blue events;

(~~fi~~B) issuing code blue alerts under this section, including the form, content, and dissemination of code blue alerts;

(C) coordinating with emergency services, community organizations, and other

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relevant public and private entities to ensure the health and safety of individuals experiencing homelessness during a code blue event;

(D) the provisions that take effect within an affected county for the duration of a code blue alert, as provided in Section 35A-16-703; and

(~~iii~~)E) coordinating with the office to receive the information described in Subsection (3).

Section 17. Section 35A-16-703 is enacted to read:

### **35A-16-703. Provisions in effect for duration of code blue alert.**

~~The~~ Subject to rules made by the Department of Health and Human Services under Subsection 35A-16-702(4), the following provisions take effect within an affected county for the duration of a code blue alert:

(1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35% to provide temporary shelter to any number of individuals experiencing homelessness, **so long as the homeless shelter is in compliance with the applicable building code and fire code;**

(2) a homeless shelter, in coordination with the applicable local homeless council, shall implement expedited intake procedures for individuals experiencing homelessness who request access to the homeless shelter;

(3) a homeless shelter may not deny temporary shelter to any individual experiencing homelessness who requests access to the homeless shelter for temporary shelter unless the individual presents a danger to the homeless shelter's staff or guests;

(4) any facility owned by a private organization, nonprofit organization, state government entity, or local government entity may be used to provide temporary shelter to individuals experiencing homelessness **and is exempt from the licensure requirements of Title 62A, Chapter 2, Licensure of Programs and Facilities, for the duration of the code blue alert and 30 days following the day on which the code blue alert ends, so long as the facility is in compliance with the applicable building code and fire code;**

(5) homeless shelters, state and local government entities, and other organizations that provide services to individuals experiencing homelessness shall coordinate street outreach efforts to distribute to individuals experiencing homelessness any available resources for survival in cold weather, including clothing items and blankets;

(6) if no beds are available at any homeless shelter located within the affected county, a



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municipality may not enforce an ordinance that prohibits or abates camping  ~~during the following periods:~~

~~— (a) the two days preceding the day on which the code blue alert begins;~~

~~— (b) ~~for~~ the duration of the code blue alert ~~;~~ and ~~;~~~~

~~— (c) the two days following the day on which the code blue alert ends;~~

(7) a state or local government entity, including a municipality, law enforcement agency, and local health department may not enforce an ordinance or policy to seize from individuals experiencing homelessness any personal items for survival in cold weather, including clothing, blankets, tents, sleeping bags, heaters, stoves, and generators; and

(8) a municipality or other local government entity may not enforce any ordinance or policy that limits or restricts the ability for the provisions described in Subsections (1) through (7) to take effect, including local zoning ordinances.

Section 18. 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) (a) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

(i) 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

(ii) (A) except as provided in Subsections (2)(a)(ii)(B), (C), and (D), 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;

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

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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;

(C) beginning July 1, 2022, 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; and

(D) 50% of each dollar collected from the sales and use tax authorized by this part within the lake authority boundary, as defined in Section 11-65-101, shall be distributed to the Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter following the creation of the Utah Lake Authority.

(b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before July 1, 2022.

(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

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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 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,

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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
- (ii) the minimum tax revenue distribution.

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

(i) "Annual local contribution" means the lesser of [~~\$200,000~~] ~~{}~~\$275,000 or an amount equal to [~~1.8~~] 2.55% of the participating local government's tax revenue distribution amount under Subsection (2)(a)(i) for the previous fiscal year.

~~{~~ ~~——~~ (ii) "Eligible shelter" means the same as that term is defined in Section 35A-16-401.

~~{~~ ~~{}~~ (ii) ~~{}~~ (iii) "Participating local government" means a county or municipality, as defined in Section 10-1-104, that is not an eligible municipality certified in accordance with Section 35A-16-404.

~~{~~ ~~——~~ (iv) "Third-tier eligible municipality" means the same as that term is defined in Section 35A-16-402.

~~{~~ (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)(i) to a participating local government, shall:

(i) subtract the following amounts from the local government's tax revenue distribution under Subsection (2)(a)(i):

(A) 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

(B) if {the participating local government is a third-tier eligible municipality} applicable, \$250 for each bed that is available at all {eligible}homeless shelters located within the boundaries of the participating local government, as reported to the commission by the Office of Homeless Services {under}in accordance with Section 35A-16-405; and

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(ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

(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 19. **Effective date.**

(1) ~~++~~ Except as provided in Subsection (2), this bill takes effect on May 3, 2023.

(2) ~~++~~ The actions affecting Section 59-12-205 take effect on ~~July~~ January 1, 2023 ~~2024~~. ~~++~~