

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

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;
- ▶ 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;



- 26 ▶ requires certain counties to convene a county winter response task force for the
- 27 purpose of preparing a county winter response plan, formerly known as a county
- 28 overflow plan;
- 29 ▶ describes the membership of a county winter response task force;
- 30 ▶ expands the county winter response plan requirements to counties of the second
- 31 class;
- 32 ▶ modifies the process and requirements for a county winter response plan and the
- 33 consequences of noncompliance during the winter response period;
- 34 ▶ requires the Department of Health and Human Services to issue a code blue alert for
- 35 certain weather events that may pose a danger to individuals experiencing
- 36 homelessness;
- 37 ▶ provides for certain requirements and limitations to take effect within a county that
- 38 is impacted by a code blue alert; and
- 39 ▶ makes technical and conforming changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 This bill provides a special effective date.

44 **Utah Code Sections Affected:**

45 AMENDS:

46 **26B-1-202**, as last amended by Laws of Utah 2022, Chapters 40, 274 and renumbered

47 and amended by Laws of Utah 2022, Chapter 255

48 **35A-16-203**, as last amended by Laws of Utah 2022, Chapter 403

49 **35A-16-302**, as renumbered and amended by Laws of Utah 2021, Chapter 281

50 **35A-16-303**, as renumbered and amended by Laws of Utah 2021, Chapter 281

51 **35A-16-401**, as enacted by Laws of Utah 2022, Chapter 403

52 **35A-16-402**, as last amended by Laws of Utah 2022, Chapter 82 and renumbered and

53 amended by Laws of Utah 2022, Chapter 403

54 **35A-16-403**, as renumbered and amended by Laws of Utah 2022, Chapter 403

55 **35A-16-404**, as renumbered and amended by Laws of Utah 2022, Chapter 403

56 **35A-16-501**, as enacted by Laws of Utah 2022, Chapter 403

57 **35A-16-602**, as enacted by Laws of Utah 2022, Chapter 467

58 **59-12-205**, as last amended by Laws of Utah 2022, Chapters 59, 82 and 403

59 ENACTS:

60 **35A-16-405**, Utah Code Annotated 1953

61 **35A-16-501.5**, Utah Code Annotated 1953

62 **35A-16-502.5**, Utah Code Annotated 1953

63 **35A-16-701**, Utah Code Annotated 1953

64 **35A-16-702**, Utah Code Annotated 1953

65 **35A-16-703**, Utah Code Annotated 1953

66 REPEALS AND REENACTS:

67 **35A-16-502**, as enacted by Laws of Utah 2022, Chapter 403



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

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

71 **26B-1-202. Department authority and duties.**

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

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

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

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

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

84 (5) establish eligibility standards for the department's programs, not inconsistent with
85 state or federal law or regulations;

86 (6) take necessary steps, including legal action, to recover money or the monetary value
87 of services provided to a recipient who was not eligible;

88 (7) set and collect fees for the department's services;

89 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
90 or limited by law;

91 (9) acquire, manage, and dispose of any real or personal property needed or owned by
92 the department, not inconsistent with state law;

93 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
94 the proceeds thereof, may be credited to the program designated by the donor, and may be used
95 for the purposes requested by the donor, as long as the request conforms to state and federal
96 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
97 under guidelines established by the state treasurer;

98 (11) accept and employ volunteer labor or services; the department is authorized to
99 reimburse volunteers for necessary expenses, when the department considers that
100 reimbursement to be appropriate;

101 (12) carry out the responsibility assigned in the workforce services plan by the State
102 Workforce Development Board;

103 (13) carry out the responsibility assigned by Section [62A-5a-105](#) with respect to
104 coordination of services for students with a disability;

105 (14) provide training and educational opportunities for the department's staff;

106 (15) collect child support payments and any other money due to the department;

107 (16) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
108 whose child lives out of the home in a department licensed or certified setting;

109 (17) establish policy and procedures, within appropriations authorized by the
110 Legislature, in cases where the Division of Child and Family Services or the Division of
111 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah
112 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not
113 competent to proceed under Section [80-6-403](#), including:

114 (a) designation of interagency teams for each juvenile court district in the state;

115 (b) delineation of assessment criteria and procedures;

116 (c) minimum requirements, and timeframes, for the development and implementation
117 of a collaborative service plan for each minor placed in department custody; and

118 (d) provisions for submittal of the plan and periodic progress reports to the court;

- 119 (18) carry out the responsibilities assigned to the department by statute;
- 120 (19) examine and audit the expenditures of any public funds provided to a local
121 substance abuse authority, a local mental health authority, a local area agency on aging, and any
122 person, agency, or organization that contracts with or receives funds from those authorities or
123 agencies. Those local authorities, area agencies, and any person or entity that contracts with or
124 receives funds from those authorities or area agencies, shall provide the department with any
125 information the department considers necessary. The department is further authorized to issue
126 directives resulting from any examination or audit to a local authority, an area agency, and
127 persons or entities that contract with or receive funds from those authorities with regard to any
128 public funds. If the department determines that it is necessary to withhold funds from a local
129 mental health authority or local substance abuse authority based on failure to comply with state
130 or federal law, policy, or contract provisions, the department may take steps necessary to
131 ensure continuity of services. For purposes of this Subsection (19) "public funds" means the
132 same as that term is defined in Section [62A-15-102](#);
- 133 (20) in accordance with Subsection [62A-2-106\(1\)\(d\)](#), accredit one or more agencies
134 and persons to provide intercountry adoption services;
- 135 (21) within legislative appropriations, promote and develop a system of care and
136 stabilization services:
- 137 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and
138 (b) that encompasses the department, department contractors, and the divisions,
139 offices, or institutions within the department, to:
- 140 (i) navigate services, funding resources, and relationships to the benefit of the children
141 and families whom the department serves;
- 142 (ii) centralize department operations, including procurement and contracting;
- 143 (iii) develop policies that govern business operations and that facilitate a system of care
144 approach to service delivery;
- 145 (iv) allocate resources that may be used for the children and families served by the
146 department or the divisions, offices, or institutions within the department, subject to the
147 restrictions in Section [63J-1-206](#);
- 148 (v) create performance-based measures for the provision of services; and
149 (vi) centralize other business operations, including data matching and sharing among

150 the department's divisions, offices, and institutions;

151 (22) ensure that any training or certification required of a public official or public
152 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
153 22, State Training and Certification Requirements, if the training or certification is required:

154 (a) under this title;

155 (b) by the department; or

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

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

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

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

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

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

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

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

176 (30) collect, prepare, publish, and disseminate information to inform the public
177 concerning the health and wellness of the population, specific hazards, and risks that may affect
178 the health and wellness of the population and specific activities which may promote and protect
179 the health and wellness of the population;

180 (31) abate nuisances when necessary to eliminate sources of filth and infectious and

181 communicable diseases affecting the public health;

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

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

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

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

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

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

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

202 (39) establish qualifications for individuals permitted to draw blood under Subsection
203 [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
204 issue permits to individuals the department finds qualified, which permits may be terminated or
205 revoked by the department;

206 (40) establish a uniform public health program throughout the state which includes
207 continuous service, employment of qualified employees, and a basic program of disease
208 control, vital and health statistics, sanitation, public health nursing, and other preventive health
209 programs necessary or desirable for the protection of public health;

210 (41) conduct health planning for the state;

211 (42) monitor the costs of health care in the state and foster price competition in the

212 health care delivery system;

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

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

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

222 (46) ensure that any training or certification required of a public official or public
223 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
224 22, State Training and Certification Requirements, if the training or certification is required by
225 the agency or under this title, Title 26, Utah Health Code, or Title 62A, Utah Human Services
226 Code; [~~and~~]

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

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

231 Section 2. Section **35A-16-203** is amended to read:

232 **35A-16-203. Powers and duties of the coordinator.**

233 (1) The coordinator shall:

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

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

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

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

243 council, including funding from the:

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

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

246 and

247 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section

248 35A-16-402;

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

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

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

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

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

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

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

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

273 (d) identifies gaps and recommends solutions in the delivery of services to the variety

274 of populations experiencing homelessness in the state.

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

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

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

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

289 (6) (a) On or before October 1, the coordinator shall provide a written report to the
290 department for inclusion in the department's annual written report described in Section
291 [35A-1-109](#).

292 (b) The written report shall include:

293 (i) the homeless services budget;

294 (ii) the strategic plan; ~~and~~

295 (iii) recommendations regarding improvements to coordinating and providing services
296 to individuals experiencing homelessness in the state~~[-]; and~~

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

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

300 (B) the Homeless to Housing Reform Restricted Account created in Section
301 [35A-16-303](#);

302 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section
303 [35A-16-402](#);

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

305 [35A-16-602](#); and

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

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

308 **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

309 (1) The homelessness council may award ongoing or one-time grants or contracts
310 funded from the Homeless to Housing Reform Restricted Account created in Section
311 [35A-16-303](#).

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

316 [(3)] (2) As a condition of receiving money, including any ongoing money, from the
317 restricted account, an entity awarded a grant or contract under this section shall provide
318 detailed and accurate reporting on at least an annual basis to the homelessness council and the
319 coordinator that describes:

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

321 (b) the progress towards measurable outcome-based benchmarks agreed to between the
322 entity and the homelessness council before the awarding of the grant or contract.

323 [(4)] (3) In determining the awarding of a grant or contract under this section, the
324 homelessness council and the coordinator shall:

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

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

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

331 (i) families with children;

332 (ii) transitional-aged youth;

333 (iii) single men or single women;

334 (iv) veterans;

335 (v) victims of domestic violence;

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

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

339 (viii) individuals exiting prison or jail; or

340 (ix) individuals who are homeless without shelter;

341 (d) consider whether the project will address one or more of the following goals:

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

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

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

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

347 (v) implementing a coordinated entry system with consistent assessment tools to
348 provide appropriate and timely access to services for homeless individuals and families;

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

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

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

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

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

358 (xi) preventing the reoccurrence of homelessness among individuals and families
359 exiting homelessness; and

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

362 (e) address the needs identified in the strategic plan described in Section [35A-16-203](#)
363 for inclusion in the annual written report described in Section [35A-1-109](#).

364 ~~(5)~~ (4) In addition to the other provisions of this section, in determining the awarding
365 of a grant or contract under this section to design, build, create, or renovate a facility that will
366 provide shelter or other resources for the homeless, of the homelessness council, with the

367 concurrence of the coordinator, may consider whether the facility will [~~be~~]:

368 (a) be located near mass transit services;

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

371 (c) be safe and welcoming both for individuals using the facility and for members of
372 the surrounding community; [~~and~~]

373 (d) be located in an area with access to employment, job training, and positive
374 activities[~~;~~]; and

375 (e) allow unrestricted access by local law enforcement officials, if probable cause
376 exists.

377 [~~(6)~~] (5) In accordance with Subsection [~~(5)~~] (4), and subject to the approval the
378 homelessness council, with the concurrence of the coordinator, the following may recommend
379 a site location, acquire a site location, and hold title to real property, buildings, fixtures, and
380 appurtenances of a facility that provides or will provide shelter or other resources for the
381 homeless:

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

385 (b) the state;

386 (c) a nonprofit entity approved by the homelessness council, with the concurrence of
387 the coordinator; and

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

390 [~~(7)~~] (6) (a) If a homeless shelter commits to provide matching funds equal to the total
391 grant awarded under this Subsection [~~(7)~~] (6), the homelessness council, with the concurrence
392 of the coordinator, may award a grant for the ongoing operations of the homeless shelter.

393 (b) In awarding a grant under this Subsection [~~(7)~~] (6), the homelessness council, with
394 the concurrence of the coordinator, shall consider the number of beds available at the homeless
395 shelter and the number and quality of the homeless services provided by the homeless shelter.

396 [~~(8)~~] (7) The office may expend money from the restricted account to offset actual
397 office and homelessness council expenses related to administering this section.

398 ~~[(9) In addition to other provisions of this section, the homelessness council, with the~~
399 ~~concurrence of the coordinator, may award one-time money from the state's sale of the land at~~
400 ~~210 South Rio Grande Street, Salt Lake City, which was the location of a former emergency~~
401 ~~homeless shelter, to a nonprofit entity that owns three or more homeless shelters in a county of~~
402 ~~the first class to assist the entity in paying off a loan taken out by the entity to build a homeless~~
403 ~~shelter located in a county of the first class in a location other than Salt Lake City.]~~

404 Section 4. Section **35A-16-303** is amended to read:

405 **35A-16-303. Homeless to Housing Reform Restricted Account.**

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

408 (2) The restricted account shall be administered by the office for the purposes
409 described in Section [35A-16-302](#).

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

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

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

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

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

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

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

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

428 **35A-16-401. Definitions.**

429 As used in this part:

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

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

435 [~~2~~] (3) "Eligible municipality" means:

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

439 [~~3~~] (4) "Eligible services" means [~~public safety services or any other~~] any activities or
440 services that mitigate the impacts of the location of an eligible shelter, including direct
441 services, public safety services, and emergency services, as further defined by rule made by the
442 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

443 [~~4~~] (5) "Eligible shelter" means:

- 444 (a) for a first-tier eligible municipality, a homeless shelter that:
 - 445 (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as
446 verified by the office;
 - 447 (ii) operates year-round; and
 - 448 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of
449 operation;
- 450 (b) for a second-tier municipality, a homeless shelter that:
 - 451 (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as
452 verified by the office;
 - 453 (ii) operates year-round; and
 - 454 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of
455 operation; and
- 456 (c) for a third-tier eligible municipality, a homeless shelter that:
 - 457 (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night,
458 as verified by the office; and
 - 459 (B) operates for no less than three months during the period beginning October 1 and

460 ending April 30 of the following year; or

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

462 (B) increases capacity during [~~an overflow~~] a winter response period, as defined in
463 Section 35A-16-501, in accordance with Subsection 35A-16-502(6)(a).

464 [~~(5)~~] (6) "First-tier eligible municipality" means a municipality that:

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

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

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

470 (d) is certified as a first-tier eligible municipality in accordance with Section
471 35A-16-404.

472 [~~(6)~~] (7) "Homeless shelter" means a facility that provides or is proposed to provide
473 temporary shelter to individuals experiencing homelessness.

474 [~~(7)~~] (8) "Municipality" means a city, town, or metro township.

475 [~~(8)~~] (9) "Public safety services" means law enforcement, emergency medical services,
476 or fire protection.

477 [~~(9)~~] (10) "Second-tier eligible municipality" means a municipality that:

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

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

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

483 (d) is certified as a second-tier eligible municipality in accordance with Section
484 35A-16-404.

485 [~~(10)~~] (11) "Third-tier eligible municipality" means a municipality that:

486 (a) is located within any county;

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

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

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

492 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula**
493 **for disbursing account funds to eligible municipalities.**

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

496 (2) The account shall be funded by:

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

499 (b) interest earned on the account; and

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

501 (3) The office shall administer the account.

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

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

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

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

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

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

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

522 the office;

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

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

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

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

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

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

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

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

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

549 (f) If any account funds are available to the office for disbursement under this section
550 after making the disbursements required in Subsection (4)(a), the office may disburse the
551 available account funds to third-tier municipalities that have been approved to receive account
552 funds under Section 35A-16-403.

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

554 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities**
555 **Mitigation Restricted Account funds.**

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

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

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

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

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

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

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

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

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

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

574 (iv) the amount of account funds requested.

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

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

580 (B) an evaluation of the eligible municipality's effectiveness in using the account funds
581 to address the eligible municipality's needs due to the location of an eligible shelter;

582 (C) an evaluation of the eligible municipality's progress regarding the outcomes and
583 indicators described in Subsection (2)(c)(iii); and

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

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

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

591 (i) the strength of the proposal that the eligible municipality provided to support the
592 request;

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

596 (iii) the availability of funding for the eligible municipality under Subsection
597 [35A-16-402\(4\)](#);

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

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

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

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

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

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

611 (ii) Subsection (2)(g)(i) does not apply if each homeless shelter located within the
612 county in which the eligible municipality is located is at full capacity, as defined by rule made
613 by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

615 receive account funds under Subsection (2)(f), the office, subject to appropriation, shall
616 calculate the amount of funds for disbursement to the eligible municipality under Subsection
617 35A-16-402(4).

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

621 ~~[(3) On or before October 1, the coordinator, in cooperation with the homelessness~~
622 ~~council, shall:]~~

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

627 ~~[(b) include information regarding the disbursement of money from the account under~~
628 ~~this section in the annual report described in Section 35A-1-109:]~~

629 ~~[(4)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
630 Act, the office shall make rules governing the process for calculating the amount of funds that
631 an eligible municipality may receive under Subsection 35A-16-402(4).

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

633 **35A-16-404. Certification of eligible municipality.**

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

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

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

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

642 **35A-16-405. Information to report to State Tax Commission regarding third-tier**
643 **eligible municipalities.**

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

- 646 (1) a list of the municipalities that the office:
- 647 (a) has not certified as an eligible municipality in accordance with Section
- 648 35A-16-404; and
- 649 (b) determines to have a homeless shelter located within the municipality's geographic
- 650 boundaries; and
- 651 (2) the number of beds available at all homeless shelters located within each
- 652 municipality described in Subsection (1).

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

Part 5. Winter Response Plan Requirements

35A-16-501. Definitions.

As used in this part:

- 656 (1) "Applicable county" means a county of the first or second class.
- 657 (2) "Applicable local homeless council" means the local homeless council that is
- 658 responsible for coordinating homeless response within an applicable county.
- 659 [~~(2)~~] (3) "Capacity limit" means a limit as to the number of individuals that a homeless
- 660 shelter may provide overnight shelter to under a conditional use permit.
- 661 (4) "Chief executive officer" means the same as that term is defined in Section
- 662 11-51-102.
- 663 (5) "Community location" means the same as that term is defined in Section 10-8-41.6.
- 664 [~~(3)~~] (6) "Conference of mayors" means an association consisting of the mayor of each
- 665 municipality located within a county.
- 666 [~~(4)~~] (7) "Council of governments" means the same as that term is defined in Section
- 667 72-2-117.5.
- 668 (8) "County winter response task force" or "task force" means a task force described in
- 669 Section 35A-16-501.5.
- 670 [~~(5)~~] (9) "Homeless shelter" means a facility that:
- 671 [~~(a) is located within an applicable county;~~]
- 672 [~~(b)~~] (a) provides temporary shelter to individuals experiencing homelessness;
- 673 [~~(c)~~] (b) has the capacity to provide temporary shelter to at least 200 individuals per
- 674 night;
- 675 [~~(d)~~] (c) operates year-round; and
- 676

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

679 [(6)] (10) "Municipality" means a city, town, or metro township.

680 [(7) "Overflow period" means the period beginning October 1 and ending April 30 of
681 the following year.]

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

683 [(9)] (11) "State facility" means the same as that term is defined in Section
684 [63A-5b-1001](#).

685 [(10)] (12) "Subsequent [~~overflow~~] winter response period" means the [~~overflow~~]
686 winter response period that begins on October [†] 15 of the year in which a [~~council of~~
687 governments] county winter response task force is required to submit [~~an overflow~~] a winter
688 response plan to the office under Section [35A-16-502](#).

689 (13) "Targeted winter response bed count" means the targeted bed count number for an
690 applicable county during the winter response period, as determined jointly by the applicable
691 local homeless council and the office.

692 [(11)] (14) "Temporary [~~overflow~~] winter response shelter" means a facility that:

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

695 (b) does not operate year-round.

696 (15) "Winter response period" means the period beginning October 15 and ending
697 April 30 of the following year.

698 (16) "Winter response plan" means the plan described in Section [35A-16-502](#).

699 Section 11. Section [35A-16-501.5](#) is enacted to read:

700 **35A-16-501.5. County winter response task force.**

701 (1) Subject to the requirements of Section [35A-16-502](#), the council of governments of
702 each applicable county shall annually convene a county winter response task force.

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

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

707 (ii) the chief executive officer, or the chief executive officer's designee, of each of the

708 following 11 municipalities:

- 709 (A) Draper;
- 710 (B) Midvale;
- 711 (C) Millcreek;
- 712 (D) Murray;
- 713 (E) Salt Lake City;
- 714 (F) Sandy;
- 715 (G) South Jordan;
- 716 (H) South Salt Lake;
- 717 (I) Taylorsville;
- 718 (J) West Jordan; and
- 719 (K) West Valley City; and

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

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

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

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

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

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

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

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

738 (d) two individuals experiencing homelessness or having previously experienced

739 homelessness, appointed by the applicable local homelessness council; and

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

742 (4) (a) Any vacancy on a task force shall be filled in the same manner as the
743 appointment of the member whose vacancy is being filled.

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

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

747 (6) A task force shall:

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

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

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

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

756 (b) A task force member may receive per diem and travel expenses in accordance with:

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

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

759 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
760 [63A-3-107](#).

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

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

765 Section 12. Section [35A-16-502](#) is repealed and reenacted to read:

766 **35A-16-502. Winter response plan required -- Contents -- Review --**

767 **Consequences after determination of noncompliance.**

768 (1) (a) Subject to Subsection (1)(b), the county winter response task force in each
769 applicable county shall annually prepare and submit to the office a winter response plan on or

770 before August 1 of each year.

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

773 (ii) The task force for an applicable county not described in Subsection (1)(b)(i) shall
774 prepare and submit a winter response plan to the office in calendar years 2024, 2025, and 2026.

775 (2) The winter response plan shall:

776 (a) provide assurances to the office that the applicable county will meet the applicable
777 county's targeted winter response bed count or other accommodations during the subsequent
778 winter response period by establishing plans for the requisite need during the subsequent winter
779 response period;

780 (b) ensure that any temporary winter response shelter planned for operation within the
781 applicable county will meet all local zoning requirements;

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

784 (d) include a detailed county plan for a code blue event as defined in Section
785 35A-16-701, including the number and location of available beds for individuals experiencing
786 homelessness for the duration of the code blue event; and

787 (e) be approved by the chief executive officer of each municipality located within the
788 applicable county in which a temporary winter response shelter is planned for operation during
789 the subsequent winter response period.

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

793 (a) the targeted winter response bed count;

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

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

797 (4) In preparing the winter response plan, the task force shall coordinate with:

798 (a) the office;

799 (b) the applicable local homeless council;

800 (c) for Salt Lake County, the conference of mayors for Salt Lake County; and

801 (d) for an applicable county not described in Subsection (4)(c), the council of
802 governments for the applicable county.

803 (5) In conducting site selection for a temporary winter response shelter under a winter
804 response plan, the task force shall prioritize:

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

806 (b) a site located more than one mile from any permanent supportive housing facility
807 designated by the United States Department of Housing and Urban Development; and

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

809 (6) (a) On or before August 15 of the year in which a winter response plan is
810 submitted, the office shall:

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

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

813 (A) the task force for the applicable county;

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

815 (C) the applicable local homeless council; and

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

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

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

821 (ii) the office determines that the winter response plan prepared for the applicable
822 county does not comply with this section.

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

824 **35A-16-502.5. County noncompliance with winter response plan requirements.**

825 (1) This section applies to an applicable county that is in noncompliance with Section
826 [35A-16-502.](#)

827 (2) Subject to Subsection (3), the following provisions apply within the applicable
828 county during the subsequent winter response period:

829 (a) the office may authorize:

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

831 (ii) the operation of one or more temporary winter response shelters; and

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

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

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

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

840 (b) In authorizing the operation of a temporary winter response shelter under
841 Subsection (2)(a), the office:

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

844 (ii) shall prioritize a site located more than 500 feet from any community location; and

845 (iii) shall consider:

846 (A) the potential impact of a temporary winter response shelter on community
847 locations; and

848 (B) any recommendations included in the applicable county's winter response plan,
849 regardless of the office's determination of noncompliance.

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

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

854 **35A-16-602. COVID-19 Homeless Housing and Services Grant Program.**

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

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

859 (a) include affordable housing units for households:

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

862 (ii) at rental rates no greater than [~~the rates described in Subsection 35A-8-511(2)(b)]~~

863 30% of the income described in Subsection (2)(a)(i) for a household of:
864 (A) one person if the unit is an efficiency unit;
865 (B) two people if the unit is a one-bedroom unit;
866 (C) four people if the unit is a two-bedroom unit;
867 (D) five people if the unit is a three-bedroom unit;
868 (E) six people if the unit is a four-bedroom unit; or
869 (F) eight people if the unit is a five-bedroom or larger unit; and
870 (iii) that have been impacted by the COVID-19 emergency in accordance with 42
871 U.S.C. Sec. 802; and
872 (b) have been approved by the homelessness council.
873 (3) The office shall:
874 (a) administer the grant program, including:
875 (i) reviewing grant applications and making recommendations to the homelessness
876 council; and
877 (ii) distributing grant money to approved grant recipients; and
878 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
879 make rules to administer the program, including:
880 (i) grant application requirements;
881 (ii) procedures to approve a grant; and
882 (iii) procedures for distributing money to grant recipients.
883 (4) When reviewing an application for approval, the homelessness council shall
884 consider:
885 (a) an applicant's rental income plan;
886 (b) proposed case management and service plans for households;
887 (c) any matching funds proposed by an applicant;
888 (d) proposed restrictions, including deed restrictions, and the duration of restrictions on
889 housing units to facilitate long-term assistance to households;
890 (e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802;
891 and
892 (f) any other considerations as adopted by the council.
893 (5) A grant award under this section shall comply with the requirements of 42 U.S.C.

894 Sec. 802.

895 ~~[(6) On or before October 1, the coordinator, in cooperation with the homelessness~~
896 ~~council shall submit an annual report electronically to the Social Services Appropriations~~
897 ~~Subcommittee that gives a complete account of the office's disbursement of funds under this~~
898 ~~section.]~~

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

900 **Part 7. Code Blue Alert**

901 **35A-16-701. Definitions.**

902 As used in this part:

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

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

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

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

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

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

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

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

920 **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**

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

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

924 (b) issue a code blue alert under this section if the Department of Health and Human

925 Services identifies a code blue event; and
926 (c) disseminate the code blue alert to:
927 (i) the public at large;
928 (ii) homeless shelters located within an affected county;
929 (iii) local government entities located within an affected county;
930 (iv) the office; and
931 (v) any other relevant public or private entities that provide services to individuals
932 experiencing homelessness within an affected county.
933 (2) The code blue alert shall:
934 (a) identify each affected county;
935 (b) specify the duration of the code blue alert;
936 (c) describe the provisions that take effect for the duration of the code blue alert as
937 described in Section 35A-16-703; and
938 (d) include the information prepared by the office under Subsection (3).
939 (3) (a) The office shall prepare and regularly update information to assist individuals
940 experiencing homelessness during a code blue event, including:
941 (i) the location and availability of homeless shelters and other community resources
942 and services for individuals experiencing homelessness;
943 (ii) information regarding public safety and emergency services; and
944 (iii) any other information considered relevant by the office.
945 (b) The office shall submit to the Department of Health and Human Services the
946 information prepared and updated under Subsection (3)(a).
947 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
948 the Department of Health and Human Services, in coordination with the office, shall make
949 rules to implement this section.
950 (b) The rules under Subsection (4)(a) shall:
951 (i) establish any extreme weather conditions that warrant the issuance of a code blue
952 alert; and
953 (ii) establish standards for:
954 (A) monitoring and evaluating National Weather Service forecasts and advisories to
955 identify code blue events;

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

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

960 (D) coordinating with the office to receive the information described in Subsection (3).
961 Section 17. Section 35A-16-703 is enacted to read:

962 **35A-16-703. Provisions in effect for duration of code blue alert.**

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

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

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

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

975 (4) any facility owned by a private organization, nonprofit organization, state
976 government entity, or local government entity may be used to provide temporary shelter to
977 individuals experiencing homelessness and is exempt from the licensure requirements of Title
978 62A, Chapter 2, Licensure of Programs and Facilities, for the duration of the code blue alert
979 and 30 days following the day on which the code blue alert ends, so long as the facility is in
980 compliance with the applicable building code and fire code;

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

985 (6) if each homeless shelter located within the affected county is at full capacity, as
986 defined by the office in accordance with Title 63G, Chapter 3, Utah Administrative

987 Rulemaking Act, a municipality may not enforce an ordinance that prohibits or abates camping
988 for the duration of the code blue alert and the two days following the day on which the code
989 blue alert ends;

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

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

997 Section 18. Section **59-12-205** is amended to read:

998 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
999 **tax revenue -- Determination of population.**

1000 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section
1001 **59-12-204**, a county, city, or town shall adopt amendments to the county's, city's, or town's
1002 sales and use tax ordinances:

1003 (a) within 30 days of the day on which the state makes an amendment to an applicable
1004 provision of Part 1, Tax Collection; and

1005 (b) as required to conform to the amendments to Part 1, Tax Collection.

1006 (2) (a) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

1007 (i) 50% of each dollar collected from the sales and use tax authorized by this part shall
1008 be distributed to each county, city, and town on the basis of the percentage that the population
1009 of the county, city, or town bears to the total population of all counties, cities, and towns in the
1010 state; and

1011 (ii) (A) except as provided in Subsections (2)(a)(ii)(B), (C), and (D), 50% of each
1012 dollar collected from the sales and use tax authorized by this part shall be distributed to each
1013 county, city, and town on the basis of the location of the transaction as determined under
1014 Sections **59-12-211** through **59-12-215**;

1015 (B) 50% of each dollar collected from the sales and use tax authorized by this part
1016 within a project area described in a project area plan adopted by the military installation
1017 development authority under Title 63H, Chapter 1, Military Installation Development

1018 Authority Act, shall be distributed to the military installation development authority created in
1019 Section 63H-1-201;

1020 (C) beginning July 1, 2022, 50% of each dollar collected from the sales and use tax
1021 authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port
1022 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section
1023 11-58-201; and

1024 (D) 50% of each dollar collected from the sales and use tax authorized by this part
1025 within the lake authority boundary, as defined in Section 11-65-101, shall be distributed to the
1026 Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter
1027 following the creation of the Utah Lake Authority.

1028 (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before
1029 July 1, 2022.

1030 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall
1031 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

1032 (i) the county, city, or town is a:

1033 (A) county of the third, fourth, fifth, or sixth class;

1034 (B) city of the fifth class; or

1035 (C) town;

1036 (ii) the county, city, or town received a distribution under this section for the calendar
1037 year beginning on January 1, 2008, that was less than the distribution under this section that the
1038 county, city, or town received for the calendar year beginning on January 1, 2007;

1039 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located
1040 within the unincorporated area of the county for one or more days during the calendar year
1041 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,
1042 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North
1043 American Industry Classification System of the federal Executive Office of the President,
1044 Office of Management and Budget; or

1045 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
1046 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during
1047 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
1048 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the

1049 2002 North American Industry Classification System of the federal Executive Office of the
1050 President, Office of Management and Budget; and

1051 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment
1052 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for
1053 one or more days during the calendar year beginning on January 1, 2008, was not the holder of
1054 a direct payment permit under Section 59-12-107.1; or

1055 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
1056 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a
1057 city or town for one or more days during the calendar year beginning on January 1, 2008, was
1058 not the holder of a direct payment permit under Section 59-12-107.1.

1059 (b) The commission shall make the distribution required by this Subsection (3) to a
1060 county, city, or town described in Subsection (3)(a):

1061 (i) from the distribution required by Subsection (2)(a); and
1062 (ii) before making any other distribution required by this section.

1063 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by
1064 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

1065 (ii) For purposes of Subsection (3)(c)(i):

1066 (A) the numerator of the fraction is the difference calculated by subtracting the
1067 distribution a county, city, or town described in Subsection (3)(a) received under this section
1068 for the calendar year beginning on January 1, 2008, from the distribution under this section that
1069 the county, city, or town received for the calendar year beginning on January 1, 2007; and

1070 (B) the denominator of the fraction is \$333,583.

1071 (d) A distribution required by this Subsection (3) is in addition to any other distribution
1072 required by this section.

1073 (4) (a) As used in this Subsection (4):

1074 (i) "Eligible county, city, or town" means a county, city, or town that:

1075 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)
1076 equal to the amount described in Subsection (4)(b)(ii); and

1077 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,
1078 2016.

1079 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue

1080 distributions an eligible county, city, or town received from a tax imposed in accordance with
1081 this part for fiscal year 2004-05.

1082 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax
1083 imposed in accordance with this part equal to the greater of:

1084 (i) the payment required by Subsection (2); or

1085 (ii) the minimum tax revenue distribution.

1086 (5) (a) For purposes of this Subsection (5):

1087 (i) "Annual local contribution" means the lesser of [~~\$200,000~~] \$275,000 or an amount
1088 equal to [~~1.8%~~] 2.55% of the participating local government's tax revenue distribution amount
1089 under Subsection (2)(a)(i) for the previous fiscal year.

1090 (ii) "Participating local government" means a county or municipality, as defined in
1091 Section 10-1-104, that is not an eligible municipality certified in accordance with Section
1092 35A-16-404.

1093 (b) For revenue collected from the tax authorized by this part that is distributed on or
1094 after January 1, 2019, the commission, before making a tax revenue distribution under
1095 Subsection (2)(a) to a participating local government, shall:

1096 (i) adjust a participating local government's tax revenue distribution under Subsection
1097 (2)(a)(i) by:

1098 (A) [~~subtract~~] subtracting an amount equal to one-twelfth of the annual local
1099 contribution for each participating local government from the participating local government's
1100 tax revenue distribution [~~under Subsection (2)(a)]; and~~

1101 (B) if applicable, reducing the amount described in Subsection (5)(b)(i)(A) by \$250 for
1102 each bed that is available at all homeless shelters located within the boundaries of the
1103 participating local government, as reported to the commission by the Office of Homeless
1104 Services in accordance with Section 35A-16-405; and

1105 (ii) deposit the resulting amount described in Subsection (5)(b)(i) into the Homeless
1106 Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

1107 (c) For a participating local government that qualifies to receive a distribution
1108 described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection
1109 (5) after the commission applies the provisions of Subsections (3) and (4).

1110 (6) (a) Population figures for purposes of this section shall be based on the most recent

1111 official census or census estimate of the United States Bureau of the Census.

1112 (b) If a needed population estimate is not available from the United States Bureau of
1113 the Census, population figures shall be derived from the estimate from the Utah Population
1114 Committee.

1115 (c) The population of a county for purposes of this section shall be determined only
1116 from the unincorporated area of the county.

1117 Section 19. **Effective date.**

1118 (1) Except as provided in Subsection (2), this bill takes effect on May 3, 2023.

1119 (2) The actions affecting Section [59-12-205](#) take effect on January 1, 2024.