

Representative Tyler Clancy proposes the following substitute bill:

HOMELESSNESS SERVICES AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Kirk A. Cullimore

6	Cosponsors:	Paul A. Cutler	Trevor Lee
7	Cheryl K. Acton	Colin W. Jack	

LONG TITLE

General Description:

This bill modifies provisions related to the provision of homeless services.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ renames the Utah Homelessness Council to the Utah Homeless Services Board (the board);
- ▶ changes the size and membership of the board;
- ▶ changes the size, membership, and duties of the executive committee of the board;
- ▶ exempts the executive committee from the Open and Public Meetings Act;
- ▶ expands the board's duties;
- ▶ establishes additional data that the Office of Homeless Services shall report to the public and the Legislature;
- ▶ requires the state and local ~~homelessness~~ **homeless** councils to establish goals for making progress towards exiting individuals from homelessness;



- 25 ▶ establishes the Shelter Cities Advisory Board and provides the advisory board's
- 26 responsibilities;
- 27 ▶ modifies provisions related to the winter response plan for a county of the first or
- 28 second class;
- 29 ▶ changes the limitations in effect during a code blue event; and
- 30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **35A-16-102**, as last amended by Laws of Utah 2022, Chapter 403
- 38 **35A-16-202**, as enacted by Laws of Utah 2021, Chapter 281
- 39 **35A-16-203**, as last amended by Laws of Utah 2023, Chapter 302
- 40 **35A-16-205**, as last amended by Laws of Utah 2022, Chapter 403
- 41 **35A-16-301**, as renumbered and amended by Laws of Utah 2021, Chapter 281
- 42 **35A-16-302**, as last amended by Laws of Utah 2023, Chapter 302
- 43 **35A-16-401**, as last amended by Laws of Utah 2023, Chapter 302
- 44 **35A-16-402**, as last amended by Laws of Utah 2023, Chapter 302
- 45 **35A-16-403**, as last amended by Laws of Utah 2023, Chapter 302
- 46 **35A-16-501.5**, as enacted by Laws of Utah 2023, Chapter 302
- 47 **35A-16-502**, as repealed and reenacted by Laws of Utah 2023, Chapter 302
- 48 **35A-16-602**, as last amended by Laws of Utah 2023, Chapter 302
- 49 **35A-16-703**, as enacted by Laws of Utah 2023, Chapter 302

50 ENACTS:

- 51 **35A-16-208**, Utah Code Annotated 1953
- 52 **35A-16-209**, Utah Code Annotated 1953
- 53 **35A-16-210**, Utah Code Annotated 1953

54 REPEALS AND REENACTS:

- 55 **35A-16-204**, as last amended by Laws of Utah 2022, Chapter 403

56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86

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

Section 1. Section **35A-16-102** is amended to read:

35A-16-102. Definitions.

As used in this chapter:

(1) "Board" means the Utah Homeless Services Board created in Section 35A-16-204.

(2) "Client" means an individual who is experiencing homelessness or an individual at risk of becoming homeless.

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

(4) "Collaborative applicant" means the entity designated by a continuum of care to collect and submit data and apply for funds on behalf of the continuum of care, as required by the United States Department of Housing and Urban Development.

~~[(2)]~~ (5) "Continuum of care" means a regional or local planning body designated by the United States Department of Housing and Urban Development to coordinate services for individuals experiencing homelessness within an area of the state.

~~[(3)]~~ (6) "Coordinator" means the state homelessness coordinator appointed under Section 63J-4-202.

~~[(4)]~~ (7) "Executive committee" means the executive committee of the [homelessness council described in Section 35A-16-204] board.

(8) "Exit destination" means:

(a) a homeless situation;

(b) an institutional situation;

(c) a temporary housing situation;

(d) a permanent housing situation; or

(e) other.

(9) "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

87 boundaries, requires eligible services; and

88 (d) is certified as a first-tier eligible municipality in accordance with Section

89 35A-16-404.

90 ~~[(5)]~~ (10) "Homeless Management Information System" or "HMIS" means an

91 information technology system that:

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

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

96 ~~[(6)]~~ (11) "Homeless services budget" means the comprehensive annual budget and
97 overview of all homeless services available in the state described in Subsection

98 35A-16-203(1)(b).

99 ~~[(7) "Homelessness council" means the Utah Homelessness Council created in Section~~
100 ~~35A-16-204.]~~

101 ~~[(8)]~~ (12) "Local homeless council" means a local planning body designated by the
102 steering committee to coordinate services for individuals experiencing homelessness within an
103 area of the state.

104 ~~[(9)]~~ (13) "Office" means the Office of Homeless Services.

105 (14) "Second-tier eligible municipality" means a municipality that:

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

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

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

111 (d) is certified as a second-tier eligible municipality in accordance with Section
112 35A-16-404.

113 ~~[(10)]~~ (15) (a) "Service provider" means a state agency, a local government, or a
114 private organization that provides services to clients.

115 (b) "Service provider" includes a correctional facility and the Administrative Office of
116 the Courts.

117 (16) "Steering committee" means the Utah Homeless Network Steering Committee

118 created in Section [35A-16-206](#).

119 ~~[(H)]~~ (17) "Strategic plan" means the statewide strategic plan to minimize
120 homelessness in the state described in Subsection [35A-16-203\(1\)\(c\)](#).

121 (18) "Type of homelessness" means:

122 (a) chronic homelessness;

123 (b) episodic homelessness;

124 (c) situational homelessness; or

125 (d) family homelessness.

126 Section 2. Section **35A-16-202** is amended to read:

127 **35A-16-202. Powers and duties of the office.**

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

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

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

131 (c) manage, with the concurrence of ~~[Continuum of Care]~~ continuum of care

132 organizations approved by the United States Department of Housing and Urban Development,
133 a Homeless Management Information System for the state that:

134 (i) shares client-level data between ~~[state agencies, local governments, and private~~
135 ~~organizations that provide services to homeless individuals and families and individuals at risk~~
136 ~~of homelessness]~~ service providers in the state;

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

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

142 (iv) meets the requirements of the United States Department of Housing and Urban
143 Development and other federal requirements~~[-]; and~~

144 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
145 make rules defining "successful exit," "unsuccessful exit," and "neutral exit."

146 (2) The office may:

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

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

153 Section 3. Section **35A-16-203** is amended to read:

154 **35A-16-203. Powers and duties of the coordinator.**

155 (1) The coordinator shall:

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

157 (b) in cooperation with the [~~homelessness council~~] board, develop and maintain a
158 comprehensive annual budget and overview of all homeless services available in the state,
159 which homeless services budget shall receive final approval by the [~~homelessness council~~]
160 board;

161 (c) in cooperation with the [~~homelessness council~~] board, create a statewide strategic
162 plan to minimize homelessness in the state, which strategic plan shall receive final approval by
163 the [~~homelessness council~~] board;

164 (d) in cooperation with the [~~homelessness council~~] board, oversee funding provided for
165 the provision of homeless services, which funding shall receive final approval by the
166 [~~homelessness council~~] board, including funding from the:

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

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

169 and

170 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section
171 [35A-16-402](#);

172 (e) provide administrative support to and serve as a member of the [~~homelessness~~
173 ~~council~~] board;

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

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

179 (2) The coordinator, in cooperation with the [~~homelessness council~~] board, shall ensure

180 that the homeless services budget described in Subsection (1)(b) includes an overview and
181 coordination plan for all funding sources for homeless services in the state, including from
182 state agencies, [~~Continuum of Care~~] continuum of care organizations, housing authorities, local
183 governments, federal sources, and private organizations.

184 (3) The coordinator, in cooperation with the [~~homelessness council~~] board and taking
185 into account the metrics established and data reported in accordance with Section 35A-16-208,
186 shall ensure that the strategic plan described in Subsection (1)(c):

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

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

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

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

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

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

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

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

213 (6) (a) On or before October 1, the coordinator shall provide a written report to the
 214 department for inclusion in the department's annual written report described in Section
 215 [35A-1-109](#).

216 (b) The written report shall include:

217 (i) the homeless services budget;

218 (ii) the strategic plan;

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

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

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

224 (B) the Homeless to Housing Reform Restricted Account created in Section
 225 [35A-16-303](#);

226 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section
 227 [35A-16-402](#);

228 (D) the COVID-19 Homeless Housing and Services Grant Program created in Section
 229 [35A-16-602](#); and

230 (E) any other grant program created in statute that is administered by the office[.]; and

231 (v) the data described in Section [35A-16-208](#).

232 Section 4. Section [35A-16-204](#) is repealed and reenacted to read:

233 **35A-16-204. Utah Homeless Services Board.**

234 (1) There is created within the office the Utah Homeless Services Board.

235 (2) (a) The board shall consist of the following members:

236 (i) a representative, appointed ~~Ŝ~~→ **[jointly]** ←~~Ŝ~~ by the speaker of the House of

236a Representatives

237 ~~Ŝ~~→ ~~[and the president of the Senate]~~ ←~~Ŝ~~ ;

237a ~~Ŝ~~→ **(ii) a representative, appointed by the president of the Senate;** ←~~Ŝ~~

238 ~~Ŝ~~→ ~~(ii)~~ **(iii)** ←~~Ŝ~~ a private sector representative, appointed by the governor;

239 ~~Ŝ~~→ ~~(iii)~~ **(iv)** ←~~Ŝ~~ a representative, appointed by the governor;

240 ~~Ŝ~~→ ~~(iv)~~ **(v)** ←~~Ŝ~~ a statewide philanthropic leader, appointed by the Utah Impact Partnership

240a or the

241 partnership's successor organization;

242 ~~Ŝ~~ → ~~[(v)]~~ (vi) ← ~~Ŝ~~ the mayor of Salt Lake City;

243 ~~Ŝ~~ → ~~[(vi)]~~ (vii) ← ~~Ŝ~~ the chief executive officer appointed by the Shelter Cities Advisory

243a Council in

244 accordance with Section [35A-16-210](#);

245 ~~Ŝ~~ → ~~[(vii)]~~ (viii) ← ~~Ŝ~~ an elected official appointed by the Utah Association of Counties or the

246 association's successor organization;

247 ~~Ŝ~~ → ~~[(viii)]~~ (ix) ← ~~Ŝ~~ a county employee who oversees behavioral health, appointed by the

247a Utah

248 Association of Counties or the association's successor organization;

249 ~~Ŝ~~ → ~~[(ix)]~~ (x) ← ~~Ŝ~~ an individual who represents the Utah Homeless Network; and

250 ~~Ŝ~~ → ~~[(x)]~~ (xi) ← ~~Ŝ~~ the coordinator.

251 (b) The governor shall select a board member to serve as chair of the board.

252 ~~Ŝ~~ → ~~[(e) The member described in Subsection (2)(a)(ix) is a nonvoting board member.]~~ ← ~~Ŝ~~

253 (3) The following four members of the board shall serve as the executive committee:

254 (a) the coordinator; and

255 (b) three board members chosen by the board chair, which shall include one of the

256 members described in Subsection ~~Ŝ~~ → ~~[(2)(a)(v) or]~~ ← ~~Ŝ~~ (2)(a)(vi) ~~Ŝ~~ → or (2)(a)(vii) ← ~~Ŝ~~ .

257 (4) (a) The board shall meet at least once per calendar quarter.

258 (b) The chair, the coordinator, or three of the board members may call a board meeting.

259 (c) The individual calling the meeting shall provide notice of the meeting to the board

260 members at least three calendar days in advance of the meeting.

261 (5) A majority of the voting members of the board constitutes a quorum of the board at

262 any meeting, and the action of the majority of voting members present constitutes the action of

263 the board.

264 (6) (a) A majority of members of the executive committee constitutes a quorum of the

265 executive committee at any meeting, and the action of the majority of members present

266 constitutes the action of the executive committee.

267 (b) The executive committee is exempt from the requirements described in Title 52,

268 Chapter 4, Open and Public Meetings Act.

269 (7) (a) Except as required by Subsection (7)(c):

270 (i) each appointed member of the board, other than a board member described in

271 Subsection ~~Ŝ~~ → ~~[(2)(a)(vi)]~~ (2)(a)(vii) ← ~~Ŝ~~ , shall serve a four-year term; and

272 (ii) the board member appointed in accordance with Subsection ~~Ŝ~~ → ~~[(2)(a)(vi)]~~ (2)(a)(vii)

272a ← ~~Ŝ~~ shall serve a

273 two-year term.

274 (b) A board member may serve more than one term.

275 (c) The appointing authority, at the time of appointment or reappointment, may adjust

276 the length of terms to ensure that the terms of board members are staggered so that

277 approximately half of the appointed board members are appointed every two years.

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

279 replacement is appointed for the unexpired term.

280 (9) (a) Except as described in Subsection (9)(b), a member may not receive

281 compensation or benefits for the member's service but may receive per diem and travel

282 expenses in accordance with:

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

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

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

286 [63A-3-107](#).

287 (b) Compensation and expenses of a board member who is a legislator are governed by

288 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

289 (10) The office shall provide staff and administrative support to the board.

290 Section 5. Section **35A-16-205** is amended to read:

291 **35A-16-205. Duties of the board.**

292 (1) The [~~homelessness council~~] board:

293 [~~(+)~~] (a) shall provide final approval for:

294 [~~(a)~~] (i) the homeless services budget;

295 [~~(b)~~] (ii) the strategic plan; and

296 [~~(c)~~] (iii) the awarding of funding for the provision of homeless services as described

297 in Subsection [35A-16-203](#)(1)(d);

298 [~~(2)~~] (b) in cooperation with the coordinator, shall:

299 [~~(a)~~] (i) develop and maintain the homeless services budget;

300 [~~(b)~~] (ii) develop and maintain the strategic plan; and

301 [~~(c)~~] (iii) review applications and approve funding for the provision of homeless

302 services in the state as described in Subsection [35A-16-203](#)(1)(d);

303 [~~(3)~~] (c) shall review local and regional plans for providing services to individuals

304 experiencing homelessness;

305 ~~[(4)]~~ (d) shall cooperate with local homeless councils to:

306 ~~[(a)]~~ (i) develop a common agenda and vision for reducing homelessness in each local
307 oversight body's respective region;

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

310 ~~[(c)]~~ (iii) align local funding to projects that improve outcomes and target specific
311 needs in each community;

312 ~~[(5)]~~ (e) shall coordinate gap funding with private entities for providing services to
313 individuals experiencing homelessness;

314 ~~[(6)]~~ (f) shall recommend performance and accountability measures for service
315 providers, including the support of collecting consistent and transparent data; ~~[and]~~

316 ~~[(7)]~~ (g) when reviewing and giving final approval for requests as described in
317 Subsection [35A-16-203\(1\)\(d\)](#):

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

321 ~~[(b)]~~ (ii) shall identify specific targets and benchmarks that align with the strategic plan
322 for each recommended award[-];

323 (h) shall regularly update the state strategic plan on homelessness to reflect proven
324 strategies to reduce homelessness among:

325 (i) the unsheltered;

326 (ii) the chronically or episodically homeless; and

327 (iii) the situationally homeless;

328 (i) shall develop annual state and local goals for reducing homelessness among the
329 target subpopulations identified by the board;

330 (j) shall work with the local homeless councils to carry out the requirements of
331 Subsection [35A-16-208\(3\)](#);

332 (k) shall develop metrics for measuring the effectiveness of providers in assisting
333 clients to successfully progress through the services coordinated by a continuum of care;

334 (l) shall create best practices for a service provider to administer services to an

335 individual experiencing homelessness, including promotion of:
336 (i) a recognition of the human dignity of clients served;
337 (ii) a need to develop self-reliance;
338 (iii) the value of work;
339 (iv) personal accountability; and
340 (v) personal progress toward greater personal independence;
341 (m) shall make recommendations for uniform standards for enforcing pedestrian safety
342 and camping laws and ordinances;
343 (n) shall identify best practices for responding to unsheltered individuals experiencing
344 mental health disorder and substance use disorder;
345 (o) shall make recommendations for strategies to reduce illegal drug use within
346 homeless shelters, transitional housing, and permanent supportive housing;
347 (p) shall facilitate client connection to alternative support systems, including
348 behavioral health services, addiction recovery, and residential services;
349 (q) shall facilitate participation in HMIS, where appropriate and in alignment with
350 established HMIS policies, and data sharing agreements among all participants in a client
351 support network, including homeless services, physical health systems, mental health systems,
352 and the criminal justice system;
353 (r) shall make recommendations to the office for defining "successful exit,"
354 "unsuccessful exit," and "neutral exit";
355 (s) shall evaluate additional opportunities for the office to become a collaborative
356 applicant;
357 (t) shall coordinate with the continuums of care to provide for cooperative distribution
358 of available funding; and
359 (u) shall work in conjunction with the executive directors of the Department of
360 Workforce Services, the Department of Health and Human Services, and the Department of
361 Corrections to create best practices for helping individuals exiting from incarceration or an
362 institution to avoid homelessness.
363 (2) (a) The executive committee shall act in an advisory capacity for the board and
364 make recommendations regarding the board's duties under Subsection (1).
365 (b) The executive committee does not have authority to make decisions independent of

366 the board.

367 Section 6. Section **35A-16-208** is enacted to read:

368 **35A-16-208. Reporting requirements -- Outcome measures.**

369 (1) (a) The office shall report, for the state and for each local homeless council:

370 (i) the state's year-to-date progress toward reaching a functional zero level of

371 homelessness for each type of homelessness and subpopulation, including:

372 (A) the number of individuals who are homeless for the first time;

373 (B) the number of individuals who returned to homelessness after having exited

374 homelessness within the two previous years;

375 (C) the number of individuals who remained homeless since the last report;

376 (D) the number of individuals experiencing homelessness since the last report by

377 household type;

378 (E) the number of individuals who exited by exit destination; and

379 (F) the number of individuals who are experiencing homelessness for the first time plus

380 the number of individuals who are returning to homelessness minus the number of individuals

381 who are exiting homelessness;

382 (ii) the percentage of individuals experiencing homelessness who:

383 (A) have a mental health disorder;

384 (B) have a substance use disorder;

385 (C) have a chronic health condition;

386 (D) have a physical disability;

387 (E) have a developmental disability;

388 (F) have HIV/AIDS;

389 (G) are survivors of domestic violence;

390 (H) are veterans; and

391 (I) are unaccompanied youth 24 years old or younger;

392 (iii) the number of individuals who exited homeless services since the last report by:

393 (A) type of homelessness;

394 (B) subpopulation; and

395 (C) exit destination; and

396 (iv) progress, by project type, on each goal established in accordance with Subsection

397 (3).

398 (b) The reports described in this Subsection (1) shall contain aggregated, de-identified
399 information.

400 (2) The office shall report the data described in Subsection (1):

401 (a) in the annual report required by Section [35A-16-203](#);

402 (b) on or before October 1 of each year, through an oral presentation to the Economic
403 Development and Workforce Services Interim Committee; and

404 (c) on a data dashboard for the public with specific additional data points
405 recommended by the board.

406 (3) The board and the local homeless councils shall jointly establish quarterly goals for
407 each project type.

408 (4) The board and the local homeless councils shall jointly make annual progress
409 reports identifying:

410 (a) the percentage of clients screened for social needs;

411 (b) the percentage of clients subsequently referred to community-based providers who
412 can:

413 (i) address the client's needs;

414 (ii) follow-up on status of addressing the client's needs; and

415 (iii) report back to the referring entity;

416 (c) the number of youth receiving parent or guardian bereavement support services; and

417 (d) the number of clients with:

418 (i) a successful exit;

419 (ii) an unsuccessful exit;

420 (iii) a neutral exit; and

421 (iv) continued enrollment in the project.

422 Section 7. Section **35A-16-209** is enacted to read:

423 **35A-16-209. Cost measures.**

424 The office shall report annually for each local homeless council the following:

425 (1) the cost of construction per bed for each new shelter, transitional housing, or

426 permanent supportive housing compared to the average cost of a similar facility during the past
427 three years; and

428 (2) annual operating cost per bed of a homeless resource center or emergency shelter,
 429 including utilities, staff, and maintenance.

430 Section 8. Section **35A-16-210** is enacted to read:

431 **35A-16-210. Shelter Cities Advisory Board.**

432 (1) There is established the Shelter Cities Advisory Board.

433 (2) The Shelter Cities Advisory Board shall consist of the following members:

434 (a) the chief executive officer of each first-tier eligible municipality, or the chief
 435 executive officer's designee; and

436 (b) the chief executive officer of each second-tier eligible municipality, or the chief
 437 executive officer's designee.

438 (3) (a) The Shelter Cities Advisory Board shall appoint, in accordance with this
 439 section, one chief executive officer representing a municipality as a member to the board.

440 (b) The members of the Shelter Cities Advisory Board shall make an appointment, or
 441 fill a vacancy, by a majority vote of all members of the Shelter Cities Advisory Board who are
 442 present at the meeting during which an appointment is made.

443 (c) The Shelter Cities Advisory Board may not appoint the chief executive officer
 444 described in Subsection ~~§→ [35A-16-204(2)(a)(v)] 35A-16-204(2)(a)(vi) ←§~~ .

445 (d) Section 35A-16-204 governs other terms of appointment.

446 (4) The Shelter Cities Advisory Board may make recommendations to the board
 447 regarding improvements to coordinating and providing services to individuals experiencing
 448 homelessness in the state.

449 (5) The office and an association representing at least two municipalities in the state
 450 shall jointly provide staff and administrative support to the Shelter Cities Advisory Board.

451 Section 9. Section **35A-16-301** is amended to read:

452 **35A-16-301. Creation of Pamela Atkinson Homeless Account.**

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

455 (2) Private contributions received under this section and Section 59-10-1306 shall be
 456 deposited into the restricted account to be used only for programs described in this chapter.

457 (3) Money shall be appropriated from the restricted account to the [homelessness
 458 council] board in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.

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

461 Section 10. Section **35A-16-302** is amended to read:

462 **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

463 (1) The [~~homelessness council~~] board may award ongoing or one-time grants or
464 contracts funded from the Homeless to Housing Reform Restricted Account created in Section
465 [35A-16-303](#).

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

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

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

473 (3) In determining the awarding of a grant or contract under this section, the
474 [~~homelessness council~~] board and the coordinator shall:

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

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

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

481 (i) families with children;

482 (ii) transitional-aged youth;

483 (iii) single men or single women;

484 (iv) veterans;

485 (v) victims of domestic violence;

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

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

489 (viii) individuals exiting prison or jail; or

- 490 (ix) individuals who are homeless without shelter;
- 491 (d) consider whether the project will address one or more of the following goals:
- 492 (i) diverting homeless or imminently homeless individuals and families from
493 emergency shelters by providing better housing-based solutions;
- 494 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 495 (iii) providing homeless individuals and families with needed stabilization services;
- 496 (iv) decreasing the state's homeless rate;
- 497 (v) implementing a coordinated entry system with consistent assessment tools to
498 provide appropriate and timely access to services for homeless individuals and families;
- 499 (vi) providing access to caseworkers or other individualized support for homeless
500 individuals and families;
- 501 (vii) encouraging employment and increased financial stability for individuals and
502 families being diverted from or exiting homelessness;
- 503 (viii) creating additional affordable housing for state residents;
- 504 (ix) providing services and support to prevent homelessness among at-risk individuals
505 and adults;
- 506 (x) providing services and support to prevent homelessness among at-risk children,
507 adolescents, and young adults;
- 508 (xi) preventing the reoccurrence of homelessness among individuals and families
509 exiting homelessness; and
- 510 (xii) providing medical respite care for homeless individuals where the homeless
511 individuals can access medical care and other supportive services; and
- 512 (e) address the needs identified in the strategic plan described in Section [35A-16-203](#)
513 for inclusion in the annual written report described in Section [35A-1-109](#).
- 514 (4) In addition to the other provisions of this section, in determining the awarding of a
515 grant or contract under this section to design, build, create, or renovate a facility that will
516 provide shelter or other resources for the homeless, ~~[of] the [homelessness council] board~~, with
517 the concurrence of the coordinator, may consider whether the facility will be:
- 518 (a) located near mass transit services;
- 519 (b) located in an area that meets or will meet all zoning regulations before a final
520 dispersal of funds;

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

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

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

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

532 (b) the state;

533 (c) a nonprofit entity approved by the [~~homelessness council~~] board, with the
534 concurrence of the coordinator; and

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

537 (6) (a) If a homeless shelter commits to provide matching funds under this Subsection
538 (6), the [~~homelessness council~~] board, with the concurrence of the coordinator, may award a
539 grant for the ongoing operations of the homeless shelter.

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

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

546 Section 11. Section **35A-16-401** is amended to read:

547 **35A-16-401. Definitions.**

548 As used in this part:

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

551 (2) "Authorized provider" means a nonprofit provider of homeless services that is

552 authorized by a third-tier eligible municipality to operate a temporary winter response shelter
553 within the municipality in accordance with Part 5, Winter Response Plan Requirements.

554 (3) "Eligible municipality" means:

555 (a) a first-tier eligible municipality;

556 (b) a second-tier eligible municipality; or

557 (c) a third-tier eligible municipality.

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

562 (5) "Eligible shelter" means:

563 (a) for a first-tier eligible municipality, a homeless shelter that:

564 (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as
565 verified by the office;

566 (ii) operates year-round; and

567 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of
568 operation;

569 (b) for a second-tier municipality, a homeless shelter that:

570 (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as
571 verified by the office;

572 (ii) operates year-round; and

573 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of
574 operation; and

575 (c) for a third-tier eligible municipality, a homeless shelter that:

576 (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night,
577 as verified by the office; and

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

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

581 (B) increases capacity during a winter response period, as defined in Section
582 [35A-16-501](#), in accordance with Subsection [35A-16-502\(6\)\(a\)](#).

583 ~~[(6) "First-tier eligible municipality" means a municipality that:]~~
584 ~~[(a) is located within a county of the first or second class;]~~
585 ~~[(b) as determined by the office, has or is proposed to have an eligible shelter within~~
586 ~~the municipality's geographic boundaries within the following fiscal year;]~~
587 ~~[(c) due to the location of an eligible shelter within the municipality's geographic~~
588 ~~boundaries, requires eligible services; and]~~
589 ~~[(d) is certified as a first-tier eligible municipality in accordance with Section~~
590 ~~35A-16-404.]~~

591 [(7)] (6) "Homeless shelter" means a facility that provides or is proposed to provide
592 temporary shelter to individuals experiencing homelessness.

593 [(8)] (7) "Municipality" means a city, town, or metro township.

594 [(9)] (8) "Public safety services" means law enforcement, emergency medical services,
595 or fire protection.

596 ~~[(10) "Second-tier eligible municipality" means a municipality that:]~~
597 ~~[(a) is located within a county of the third, fourth, fifth, or sixth class;]~~
598 ~~[(b) as determined by the office, has or is proposed to have an eligible shelter within~~
599 ~~the municipality's geographic boundaries within the following fiscal year;]~~
600 ~~[(c) due to the location of an eligible shelter within the municipality's geographic~~
601 ~~boundaries, requires eligible services; and]~~
602 ~~[(d) is certified as a second-tier eligible municipality in accordance with Section~~
603 ~~35A-16-404.]~~

604 [(11)] (9) "Third-tier eligible municipality" means a municipality that:

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

607 (b) due to the location of an eligible shelter within the municipality's geographic
608 boundaries, requires eligible services.

609 Section 12. Section 35A-16-402 is amended to read:

610 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula**
611 **for disbursing account funds to eligible municipalities.**

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

614 (2) The account shall be funded by:

615 (a) local sales and use tax revenue deposited into the account in accordance with

616 Section [59-12-205](#);

617 (b) interest earned on the account; and

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

619 (3) The office shall administer the account.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

665 (5) The office may use up to 2.75% of any appropriations made to the account by the
666 Legislature to offset the office's administrative expenses under this part.

667 Section 13. Section 35A-16-403 is amended to read:

668 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities**
669 **Mitigation Restricted Account funds.**

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

673 (2) (a) The [~~homelessness council~~] board shall set aside time on the agenda of a
674 [~~homelessness council~~] board meeting that occurs before the beginning of the next fiscal year
675 to allow an eligible municipality to present a request for account funds for that next fiscal year.

- 676 (b) An eligible municipality may present a request for account funds by:
- 677 (i) sending an electronic copy of the request to the [~~homelessness council~~] board before
- 678 the meeting; and
- 679 (ii) appearing at the meeting to present the request.
- 680 (c) The request described in Subsection (2)(b)(ii) shall contain:
- 681 (i) a proposal outlining the need for eligible services, including a description of each
- 682 eligible service for which the eligible municipality requests account funds;
- 683 (ii) a description of the eligible municipality's proposed use of account funds;
- 684 (iii) a description of the outcomes that the funding would be used to achieve, including
- 685 indicators that would be used to measure progress toward the specified outcomes; and
- 686 (iv) the amount of account funds requested.
- 687 (d) (i) On or before September 30, an eligible municipality that received account funds
- 688 during the previous fiscal year shall file electronically with the [~~homelessness council~~] board a
- 689 report that includes:
- 690 (A) a summary of the amount of account funds that the eligible municipality expended
- 691 and the eligible municipality's specific use of those funds;
- 692 (B) an evaluation of the eligible municipality's effectiveness in using the account funds
- 693 to address the eligible municipality's needs due to the location of an eligible shelter;
- 694 (C) an evaluation of the eligible municipality's progress regarding the outcomes and
- 695 indicators described in Subsection (2)(c)(iii); and
- 696 (D) any proposals for improving the eligible municipality's effectiveness in using
- 697 account funds that the eligible municipality may receive in future fiscal years.
- 698 (ii) The [~~homelessness council~~] board may request additional information as needed to
- 699 make the evaluation described in Subsection (2)(e).
- 700 (e) The [~~homelessness council~~] board shall evaluate a request made in accordance with
- 701 this Subsection (2) and may take the following factors into consideration in determining
- 702 whether to approve or deny the request:
- 703 (i) the strength of the proposal that the eligible municipality provided to support the
- 704 request;
- 705 (ii) if the eligible municipality received account funds during the previous fiscal year,
- 706 the efficiency with which the eligible municipality used any account funds during the previous

707 fiscal year;

708 (iii) the availability of funding for the eligible municipality under Subsection

709 35A-16-402(4);

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

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

713 (f) After making the evaluation described in Subsection (2)(e), and subject to

714 Subsection (2)(g), the [~~homelessness council~~] board shall vote to either approve or deny an

715 eligible municipality's request for account funds.

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

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

722 (h) If the [~~homelessness council~~] board approves an eligible municipality's request to
723 receive account funds under Subsection (2)(f), the office, subject to appropriation, shall
724 calculate the amount of funds for disbursement to the eligible municipality under Subsection
725 35A-16-402(4).

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

729 Section 14. Section 35A-16-501.5 is amended to read:

730 **35A-16-501.5. County winter response task force.**

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

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

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

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

738 following 11 municipalities:

- 739 (A) Draper;
- 740 (B) Midvale;
- 741 (C) Millcreek;
- 742 (D) Murray;
- 743 (E) Salt Lake City;
- 744 (F) Sandy;
- 745 (G) South Jordan;
- 746 (H) South Salt Lake;
- 747 (I) Taylorsville;
- 748 (J) West Jordan; and
- 749 (K) West Valley City; and

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

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

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

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

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

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

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

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

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

769 homelessness, appointed by the applicable local [~~homelessness~~] homeless council;

770 (e) three representatives of the applicable local homeless council, appointed by the
771 applicable local homeless council, or the representative's designee; and

772 (f) any other individual appointed by the council of governments of the applicable
773 county.

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

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

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

779 (6) A task force shall:

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

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

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

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

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

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

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

791 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
792 [63A-3-107](#).

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

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

797 Section 15. Section [35A-16-502](#) is amended to read:

798 **35A-16-502. Winter response plan required -- Contents -- Review --**

799 **Consequences after determination of noncompliance.**

800 (1) (a) The task force for an applicable county that is a county of the first class shall
801 annually prepare and submit to the office a winter response plan on or before August 1 in
802 calendar years 2023, 2024, and 2025.

803 (b) The task force for an applicable county not described in Subsection (1)(a) shall
804 annually prepare and submit to the office a winter response plan on or before August 1 in
805 calendar years 2024 and 2025.

806 (2) The winter response plan shall:

807 (a) provide assurances to the office that the applicable county will meet the applicable
808 county's targeted winter response [~~bed count~~] plan or other accommodations during the
809 subsequent winter response period by establishing plans for the requisite need during the
810 subsequent winter response period;

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

813 (c) include a detailed transportation plan, budget, revenue sources, including in-kind
814 sources, and any other component specified by the office under Subsection (3) as a requirement
815 for the applicable county to achieve compliance with this section;

816 (d) include a detailed county plan for a code blue event as defined in Section
817 [35A-16-701](#), including the number and location of available beds for individuals experiencing
818 homelessness for the duration of the code blue event; and

819 (e) be approved by the chief executive officer of:

820 (i) any municipality located within the applicable county in which a temporary winter
821 response shelter is planned for operation during the subsequent winter response period; and

822 (ii) the applicable county, if a temporary winter response shelter is planned for
823 operation within an unincorporated area of the county.

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

827 (a) the targeted winter response bed count;

828 (b) the requirements for the plan described in Subsection (2)(d);

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

830 (d) any component required for the winter response plan to achieve compliance that is

831 not described in Subsection (2).

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

833 (a) the office;

834 (b) the applicable local homeless council;

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

836 (d) for an applicable county not described in Subsection (4)(c), the council of

837 governments for the applicable county.

838 (5) In conducting site selection for a temporary winter response shelter under a winter

839 response plan, the task force shall prioritize:

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

841 (b) a site located more than one mile from any permanent supportive housing, as

842 verified by the office; and

843 (c) a site located in a municipality or unincorporated area of the applicable county that

844 does not have a homeless shelter.

845 (6) (a) On or before August 15 of the year in which a winter response plan is

846 submitted, the office shall:

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

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

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

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

851 (C) the applicable local homeless council; and

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

853 (b) For purposes of Section [35A-16-502.5](#), an applicable county is in noncompliance

854 with this section if:

855 (i) the applicable county's task force fails to submit a timely winter response plan under

856 this section; or

857 (ii) the office determines that the winter response plan prepared for the applicable

858 county does not comply with this section.

859 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

860 office may make rules establishing requirements for an applicable county's compliance with

861 this section.

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

863 **35A-16-602. COVID-19 Homeless Housing and Services Grant Program.**

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

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

868 (a) include affordable housing units for households:

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

871 (ii) at rental rates no greater than 30% of the income described in Subsection (2)(a)(i)
872 for a household of:

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

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

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

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

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

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

879 (iii) that have been impacted by the COVID-19 emergency in accordance with 42
880 U.S.C. Sec. 802; and

881 (b) have been approved by the [~~homelessness council~~] board.

882 (3) The office shall:

883 (a) administer the grant program, including:

884 (i) reviewing grant applications and making recommendations to the [~~homelessness~~
885 ~~council~~] board; and

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

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

889 (i) grant application requirements;

890 (ii) procedures to approve a grant; and

891 (iii) procedures for distributing money to grant recipients.

892 (4) When reviewing an application for approval, the [~~homelessness council~~] board

893 shall consider:

- 894 (a) an applicant's rental income plan;
- 895 (b) proposed case management and service plans for households;
- 896 (c) any matching funds proposed by an applicant;
- 897 (d) proposed restrictions, including deed restrictions, and the duration of restrictions on
- 898 housing units to facilitate long-term assistance to households;
- 899 (e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802;

900 and

- 901 (f) any other considerations as adopted by the [~~council~~] board.
- 902 (5) A grant award under this section shall comply with the requirements of 42 U.S.C.
- 903 Sec. 802.

904 Section 17. Section **35A-16-703** is amended to read:

905 **35A-16-703. Provisions in effect for duration of code blue alert.**

906 Subject to rules made by the Department of Health and Human Services under

907 Subsection **35A-16-702(4)**, the following provisions take effect within an affected county for

908 the duration of a code blue alert:

- 909 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35%
- 910 to provide temporary shelter to any number of individuals experiencing homelessness, so long
- 911 as the homeless shelter is in compliance with the applicable building code and fire code;
- 912 (2) a homeless shelter, in coordination with the applicable local homeless council, shall
- 913 implement expedited intake procedures for individuals experiencing homelessness who request
- 914 access to the homeless shelter;
- 915 (3) a homeless shelter may not deny temporary shelter to any individual experiencing
- 916 homelessness who requests access to the homeless shelter for temporary shelter unless the
- 917 homeless shelter is at the capacity limit described in Subsection (1) or if a reasonable
- 918 individual would conclude that the individual presents a danger to [~~the homeless shelter's staff~~
- 919 ~~or guests~~] public safety;
- 920 (4) any indoor facility owned by a private organization, nonprofit organization, state
- 921 government entity, or local government entity may be used to provide temporary shelter to
- 922 individuals experiencing homelessness and is exempt from the licensure requirements of [~~Title~~
- 923 ~~62A, Chapter 2, Licensure of Programs and Facilities~~] Title 26B, Chapter 2, Licensing and

924 Certifications, for the duration of the code blue alert and seven days following the day on
925 which the code blue alert ends, so long as the facility is in compliance with the applicable
926 building code and fire code and the governing body of the organization or the legislative body
927 of the government entity that owns the facility approves the use;

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

932 [~~(6) if no beds or other accommodations are available at any homeless shelters located~~
933 ~~within the affected county, a municipality may not enforce an ordinance that prohibits or abates~~
934 ~~camping for the duration of the code blue alert and the two days following the day on which the~~
935 ~~code blue alert ends;]~~

936 [~~(7)~~ (6) a state or local government entity, including a municipality, law enforcement
937 agency, and local health department, may enforce a camping ordinance but may not [~~enforce an~~
938 ~~ordinance or policy to~~] seize from individuals experiencing homelessness any personal items
939 for survival in cold weather, including clothing, blankets, tents, and sleeping bags[~~, heaters,~~
940 ~~stoves, and generators~~]; and

941 [~~(8)~~ (7) a municipality or other local government entity may not enforce any ordinance
942 or policy that limits or restricts the ability for the provisions described in Subsections (1)
943 through [~~(7)~~ (5) to take effect, including local zoning ordinances.

944 Section 18. **Effective date.**

945 This bill takes effect on May 1, 2024.