

HOMELESSNESS SERVICES AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ changes the membership of the Utah Homelessness Council;
- ▶ changes the membership of the executive committee of the Utah Homelessness Council;
- ▶ establishes additional data that the Office of Homeless Services shall report to the public and the Legislature;
- ▶ requires the state and local homelessness councils to establish goals for making progress towards a functional zero level of homelessness;
- ▶ modifies provisions related to the winter response plan for a county of the first or second class;
- ▶ amends the requirements for determining when weather conditions pose a danger to individuals experiencing homelessness to warrant action by local governments and homeless providers (a code blue event);
- ▶ changes the requirements and limitations in effect during a code blue event; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **35A-16-102**, as last amended by Laws of Utah 2022, Chapter 403

34 **35A-16-202**, as enacted by Laws of Utah 2021, Chapter 281

35 **35A-16-203**, as last amended by Laws of Utah 2023, Chapter 302

36 **35A-16-204**, as last amended by Laws of Utah 2022, Chapter 403

37 **35A-16-401**, as last amended by Laws of Utah 2023, Chapter 302

38 **35A-16-502**, as repealed and reenacted by Laws of Utah 2023, Chapter 302

39 **35A-16-701**, as enacted by Laws of Utah 2023, Chapter 302

40 **35A-16-703**, as enacted by Laws of Utah 2023, Chapter 302

41 ENACTS:

42 **35A-16-208**, Utah Code Annotated 1953

43 REPEALS:

44 **35A-16-502.5**, as enacted by Laws of Utah 2023, Chapter 302



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

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

48 **35A-16-102. Definitions.**

49 As used in this chapter:

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

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

55 [~~(2)~~] (3) "Continuum of care" means a regional or local planning body designated by
56 the United States Department of Housing and Urban Development to coordinate services for
57 individuals experiencing homelessness within an area of the state.

58 [~~(3)~~] (4) "Coordinator" means the state homelessness coordinator appointed under

59 Section 63J-4-202.

60 [~~4~~] (5) "Executive committee" means the executive committee of the homelessness
61 council described in Section 35A-16-204.

62 (6) "Exit destination" means:

63 (a) transitional housing;

64 (b) permanent supportive housing;

65 (c) permanent housing;

66 (d) correctional facility;

67 (e) treatment center;

68 (f) death;

69 (g) other; or

70 (h) unknown.

71 (7) "Functional zero level of homelessness" means the number of individuals entering
72 homelessness is equal to or fewer than the number of individuals exiting homelessness.

73 [~~5~~] (8) "Homeless Management Information System" or "HMIS" means an
74 information technology system that:

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

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

79 [~~6~~] (9) "Homeless services budget" means the comprehensive annual budget and
80 overview of all homeless services available in the state described in Subsection
81 35A-16-203(1)(b).

82 [~~7~~] (10) "Homelessness council" means the Utah Homelessness Council created in
83 Section 35A-16-204.

84 (11) "Move-on plan" means a written course of action to enable an individual to move
85 into housing that does not offer on-site support services other than rental assistance.

86 [~~8~~] (12) "Local homeless council" means a local planning body designated by the
87 steering committee to coordinate services for individuals experiencing homelessness within an
88 area of the state.

89 [~~9~~] (13) "Office" means the Office of Homeless Services.

90 ~~[(H)]~~ (14) (a) "Service provider" means a state agency, a local government, or a
91 private organization that provides services to clients.

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

94 (15) "Steering committee" means the Utah Homeless Network Steering Committee
95 created in Section 35A-16-206.

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

98 (17) "Type of homelessness" means:

99 (a) chronic homelessness;

100 (b) episodic homelessness;

101 (c) transitional homelessness; or

102 (d) hidden homelessness.

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

104 **35A-16-202. Powers and duties of the office.**

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

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

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

108 (c) manage, with the concurrence of ~~[Continuum of Care]~~ continuum of care
109 organizations approved by the United States Department of Housing and Urban Development,
110 a Homeless Management Information System for the state that:

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

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

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

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

121 (2) The office may:
122 (a) by following the procedures and requirements of Title 63J, Chapter 5, Federal
123 Funds Procedures Act, seek federal grants, loans, or participation in federal programs; and
124 (b) for any federal program that requires the expenditure of state funds as a condition
125 for participation by the state in a fund, property, or service, with the governor's approval,
126 expend whatever funds are necessary out of the money provided by the Legislature for the use
127 of the office.

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

129 **35A-16-203. Powers and duties of the coordinator.**

130 (1) The coordinator shall:
131 (a) coordinate the provision of homeless services in the state;
132 (b) in cooperation with the homelessness council, develop and maintain a
133 comprehensive annual budget and overview of all homeless services available in the state,
134 which homeless services budget shall receive final approval by the homelessness council;
135 (c) in cooperation with the homelessness council, create a statewide strategic plan to
136 minimize homelessness in the state, which strategic plan shall receive final approval by the
137 homelessness council;
138 (d) in cooperation with the homelessness council, oversee funding provided for the
139 provision of homeless services, which funding shall receive final approval by the homelessness
140 council, including funding from the:
141 (i) Pamela Atkinson Homeless Account created in Section [35A-16-301](#);
142 (ii) Homeless to Housing Reform Restricted Account created in Section [35A-16-303](#);
143 and
144 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section
145 [35A-16-402](#);
146 (e) provide administrative support to and serve as a member of the homelessness
147 council;
148 (f) at the governor's request, report directly to the governor on issues regarding
149 homelessness in the state and the provision of homeless services in the state; and
150 (g) report directly to the president of the Senate and the speaker of the House of
151 Representatives at least twice each year on issues regarding homelessness in the state and the

152 provision of homeless services in the state.

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

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

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

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

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

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

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

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

180 (b) except for a program or provider providing services to victims of domestic
181 violence, may not approve funding to a program or provider that does not enter into a written
182 agreement with the office to collect and share HMIS data regarding the provision of services to

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

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

187 (6) (a) On or before October 1, the coordinator shall provide a written report to the
 188 department for inclusion in the department's annual written report described in Section
 189 [35A-1-109](#).

190 (b) The written report shall include:

191 (i) the homeless services budget;

192 (ii) the strategic plan;

193 (iii) recommendations regarding improvements to coordinating and providing services
 194 to individuals experiencing homelessness in the state; ~~and~~

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

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

198 (B) the Homeless to Housing Reform Restricted Account created in Section
 199 [35A-16-303](#);

200 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section
 201 [35A-16-402](#);

202 (D) the COVID-19 Homeless Housing and Services Grant Program created in Section
 203 [35A-16-602](#); and

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

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

206 Section 4. Section **35A-16-204** is amended to read:

207 **35A-16-204. Utah Homelessness Council.**

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

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

210 ~~[(a)]~~ (i) a representative of the public sector with expertise in homelessness issues,
 211 appointed by the Legislature;

212 ~~[(b)]~~ (ii) a representative of the private sector, appointed by the ~~[Utah Impact~~
 213 ~~Partnership or the partnership's successor organization]~~ Legislature;

214 ~~[(e)]~~ (iii) a representative of the private sector with expertise in homelessness issues,
215 appointed by the governor;

216 ~~[(d)]~~ (iv) a statewide philanthropic leader, appointed by the governor;

217 ~~[(e)]~~ (v) a statewide philanthropic leader, appointed by the Utah Impact Partnership or
218 the partnership's successor organization;

219 ~~[(f) the mayor of Salt Lake County;]~~

220 ~~[(g) the mayor of Salt Lake City;]~~

221 ~~[(h) the mayor of Midvale;]~~

222 ~~[(i) the mayor of South Salt Lake;]~~

223 ~~[(j) the mayor of Ogden;]~~

224 ~~[(k) the mayor of St. George;]~~

225 (vi) the following representatives of political subdivisions:

226 (A) the mayor of Salt Lake County, or the mayor's designee;

227 (B) a commissioner for Weber County, or the commissioner's designee;

228 (C) a commissioner for Davis County, or the commissioner's designee;

229 (D) a commissioner for Utah County, or the commissioner's designee; and

230 (E) a commissioner for Washington County, or the commissioner's designee;

231 ~~[(H)]~~ (vii) the executive director of the Department of Health and Human Services, or
232 the executive director's designee;

233 ~~[(m)]~~ (viii) the commissioner of public safety, or the commissioner's designee;

234 ~~[(n)]~~ (ix) the executive director of the Department of Corrections, or the executive
235 director's designee;

236 ~~[(o)]~~ (x) the executive director of the Department of Workforce Services, or the
237 executive director's designee;

238 ~~[(p)]~~ (xi) the executive director of the Governor's Office of Planning and Budget, or the
239 executive director's designee;

240 ~~[(q)]~~ (xii) a member of the Senate, appointed by the president of the Senate;

241 ~~[(r)]~~ (xiii) a member of the House of Representatives, appointed by the speaker of the
242 House of Representatives;

243 ~~[(s)]~~ (xiv) the state superintendent of public instruction or the superintendent's
244 designee;

245 ~~[(t)]~~ (xv) a faith-based leader in the state, appointed by the governor;

246 ~~[(u)]~~ (xvi) five local representatives appointed by the steering committee, of which at
247 least two are private providers of services for people experiencing homelessness;

248 ~~[(v)]~~ (xvii) one individual who has experienced homelessness, appointed by the
249 governor; and

250 ~~[(w)]~~ (xviii) the coordinator.

251 (b) The individuals selected in accordance with Subsections (2)(a)(vi)(B) through
252 (2)(a)(vi)(E) are chosen by the respective county commissioners.

253 (3) The member appointed under Subsection (2)(a)~~(i)~~ and the member appointed under
254 Subsection ~~[(2)(b)]~~ (2)(a)(ii) shall serve as the cochairs of the homelessness council.

255 (4) (a) The following nine members of the homelessness council shall serve as the
256 executive committee of the homelessness council:

257 ~~[(a)]~~ (i) the cochairs of the homelessness council as described in Subsection (3);

258 ~~[(b)]~~ (ii) the private sector representative appointed under Subsection ~~[(2)(c)]~~
259 (2)(a)(iii);

260 ~~[(c)]~~ (iii) the statewide philanthropic leader appointed under Subsection ~~[(2)(d)]~~
261 (2)(a)(iv);

262 ~~[(d)]~~ (iv) the statewide philanthropic leader appointed under Subsection ~~[(2)(e)]~~
263 (2)(a)(v);

264 ~~[(e) the mayor of Salt Lake County;]~~

265 ~~[(f) a mayor chosen among the member mayors described in Subsections (2)(g) through~~
266 ~~(2)(k), appointed by the member mayors;]~~

267 ~~[(g)]~~ (v) two mayor or commissioner representatives chosen in accordance with
268 Subsection (4)(b);

269 (vi) a local representative chosen among the local representatives described in
270 Subsection ~~[(2)(u)]~~ (2)(a)(xvi), appointed by the cochairs of the homelessness council; and

271 ~~[(h)]~~ (vii) the coordinator.

272 (b) The individuals described in Subsection (2)(a)(vi) shall collectively designate, by
273 majority vote, two mayor or commissioner representatives from the individuals selected in
274 accordance with Subsections (2)(a)(vi)(B) through (2)(a)(vi)(E).

275 (5) The cochairs and the executive committee may call homelessness council meetings

276 and set agendas for meetings.

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

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

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

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

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

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

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

295 (i) Section 63A-3-106;

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

297 (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
298 63A-3-107.

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

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

304 Section 5. Section 35A-16-208 is enacted to read:

305 **35A-16-208. Reporting requirements -- Outcome measures.**

306 (1) (a) The office shall report:

- 307 (i) the state's year-to-date progress toward reaching a functional zero level of
308 homelessness;
- 309 (ii) the total number of unique individuals who are currently experiencing
310 homelessness and the number of instances of homelessness for each individual;
- 311 (iii) the number of individuals who are currently experiencing homelessness by familial
312 status;
- 313 (iv) the percentage of individuals experiencing homelessness who have a mental illness
314 or drug addiction;
- 315 (v) the number of individuals who exited homeless services since the last report by:
316 (A) type of homelessness;
317 (B) subpopulation; and
318 (C) exit destination;
- 319 (vi) the cost per bed at a new shelter, transitional housing, or permanent supportive
320 housing compared to historic averages;
- 321 (vii) operating cost of a homeless resource center, including utilities, staff, and
322 maintenance; and
- 323 (viii) the state's progress, by provider type, on each outcome measure identified in
324 Subsection (3).
- 325 (b) The report shall contain aggregated, de-identified information.
- 326 (2) The office shall report the data described in Subsection (1)(a):
- 327 (a) in the annual report required by Section [35A-16-203](#);
328 (b) on or before October 1 of each year, through an oral presentation to the Economic
329 Development and Workforce Services Interim Committee; and.
- 330 (c) monthly on the office's public webpage on homelessness.
- 331 (3) (a) The homelessness council and the local homelessness councils shall establish
332 goals for:
- 333 (i) all service providers including:
- 334 (A) the percentage of clients who were receiving social services benefits when the
335 client encountered the service provider;
- 336 (B) the percentage of clients whom the service provider assisted in enrolling in social
337 services benefits;

338 (C) the percentage of clients who were employed 25 hours or more per week when the
339 client encountered the service provider;

340 (D) the percentage of clients who became employed 25 hours or more per week with
341 assistance from the service provider; and

342 (E) the percentage of clients who met with a caseworker, received a needs assessment,
343 and a case management or move-on plan within the first week of encountering the service
344 provider;

345 (ii) homeless resource centers including:

346 (A) the percentage of clients who are homeless for the first time;

347 (B) the percentage of beds occupied each night;

348 (C) the percentage of clients who exit to transitional housing;

349 (D) the percentage of clients who exit to permanent supportive housing; and

350 (E) the percentage of clients who exit to independent living;

351 (iii) transitional housing programs serving clients who are experiencing mental illness
352 or substance abuse including:

353 (A) the percentage of clients who successfully exit to permanent supportive housing or
354 other housing arrangement;

355 (B) the percentage of clients who return to homelessness;

356 (C) the percentage of clients who are incarcerated upon exit;

357 (D) the percentage of clients who die while in transitional housing; and

358 (E) the average length of treatment before exit;

359 (iv) permanent supportive housing including:

360 (A) the percentage of clients who have a move-on plan; and

361 (B) the percentage of clients who exit permanent supportive housing into permanent
362 housing; and

363 (v) other service providers, including rapid rehousing programs, homeless prevention
364 programs, and homeless outreach.

365 (b) The homelessness council and the local homelessness councils shall review and
366 make any adjustments to the goals:

367 (i) at least annually; and

368 (ii) after reviewing the data provided in accordance with Subsection (2).

369 Section 6. Section 35A-16-401 is amended to read:

370 **35A-16-401. Definitions.**

371 As used in this part:

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

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

377 (3) "Eligible municipality" means:

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

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

385 (5) "Eligible shelter" means:

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

- 387 (i) has the capacity to provide temporary shelter to at least 80 individuals per night, as
388 verified by the office;
- 389 (ii) operates year-round; and
- 390 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of

391 operation;

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

- 393 (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as
394 verified by the office;
- 395 (ii) operates year-round; and
- 396 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of

397 operation; and

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

- 399 (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night,

400 as verified by the office; and

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

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

404 (B) increases capacity during a winter response period, as defined in Section
405 35A-16-501 [~~in accordance with Subsection 35A-16-502(6)(a)~~].

406 (6) "First-tier eligible municipality" means a municipality that:

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

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

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

412 (d) is certified as a first-tier eligible municipality in accordance with Section
413 35A-16-404.

414 (7) "Homeless shelter" means a facility that provides or is proposed to provide
415 temporary shelter to individuals experiencing homelessness.

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

417 (9) "Public safety services" means law enforcement, emergency medical services, or
418 fire protection.

419 (10) "Second-tier eligible municipality" means a municipality that:

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

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

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

425 (d) is certified as a second-tier eligible municipality in accordance with Section
426 35A-16-404.

427 (11) "Third-tier eligible municipality" means a municipality that:

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

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

431 boundaries, requires eligible services.

432 Section 7. Section **35A-16-502** is amended to read:

433 **35A-16-502. Winter response plan required -- Contents -- Review.**

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

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

440 (2) The winter response plan shall:

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

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

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

450 (d) include a detailed county plan for a code blue event as defined in Section
451 **35A-16-701**, including the number and location of available beds for individuals experiencing
452 homelessness for the duration of the code blue event; and

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

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

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

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

461 (a) the targeted winter response bed count;

- 462 (b) the requirements for the plan described in Subsection (2)(d);
- 463 (c) the availability of funds that can be used to mitigate the winter response plan; and
- 464 (d) any component required for the winter response plan to achieve compliance that is
- 465 not described in Subsection (2).

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

- 467 (a) the office;
- 468 (b) the applicable local homeless council;
- 469 (c) for Salt Lake County, the conference of mayors for Salt Lake County; and
- 470 (d) for an applicable county not described in Subsection (4)(c), the council of
- 471 governments for the applicable county.

472 ~~[(5) In conducting site selection for a temporary winter response shelter under a winter~~

473 ~~response plan, the task force shall prioritize:]~~

474 ~~[(a) a site located more than one mile from any homeless shelter;]~~

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

476 ~~verified by the office; and]~~

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

478 ~~does not have a homeless shelter.]~~

479 ~~[(6) (5) (a)]~~ On or before August 15 of the year in which a winter response plan is

480 submitted, the office shall:

481 ~~[(i)]~~ (a) conduct a review of the winter response plan for compliance with this section;

482 and

483 ~~[(ii)]~~ (b) send a written notice of the office's determination regarding compliance to:

484 ~~[(A)]~~ (i) the task force for the applicable county;

485 ~~[(B)]~~ (ii) the council of governments for the applicable county;

486 ~~[(C)]~~ (iii) the applicable local homeless council; and

487 ~~[(D)]~~ (iv) the legislative body of each municipality located within the applicable

488 county.

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

490 ~~with this section if:]~~

491 ~~[(i) the applicable county's task force fails to submit a timely winter response plan~~

492 ~~under this section; or]~~

493 ~~[(ii) the office determines that the winter response plan prepared for the applicable~~
494 ~~county does not comply with this section.]~~

495 ~~[(7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
496 ~~the office may make rules establishing requirements for an applicable county's compliance with~~
497 ~~this section.]~~

498 Section 8. Section **35A-16-701** is amended to read:

499 **35A-16-701. Definitions.**

500 As used in this part:

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

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

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

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

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

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

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

517 Section 9. Section **35A-16-703** is amended to read:

518 **35A-16-703. Provisions in effect for duration of code blue alert.**

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

522 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35%
523 to provide temporary shelter to any number of individuals experiencing homelessness, so long

524 as the homeless shelter is in compliance with the applicable building code and fire code;

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

528 (3) a homeless shelter may not deny temporary shelter to any individual experiencing
529 homelessness who requests access to the homeless shelter for temporary shelter unless the
530 homeless shelter is at the capacity limit described in Subsection (1) or if a reasonable
531 individual would conclude that the individual presents a danger to [the homeless shelter's staff
532 or guests] public safety;

533 (4) any indoor facility owned by a private organization, nonprofit organization, state
534 government entity, or local government entity may be used to provide temporary shelter to
535 individuals experiencing homelessness and is exempt from the licensure requirements of [~~Title~~
536 ~~62A, Chapter 2, Licensure of Programs and Facilities~~] Title 26B, Chapter 2, Licensing and
537 Certifications, for the duration of the code blue alert and seven days following the day on
538 which the code blue alert ends, so long as the facility is in compliance with the applicable
539 building code and fire code and the governing body of the organization or the legislative body
540 of the government entity that owns the facility approves the use;

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

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

549 [~~(7)~~ (6) a state or local government entity, including a municipality, law enforcement
550 agency, and local health department, may enforce a camping ordinance but may not [enforce an
551 ordinance or policy to] seize from individuals experiencing homelessness any personal items
552 for survival in cold weather, including clothing, blankets, tents, and sleeping bags, [~~heaters,~~
553 ~~stoves, and generators]; and~~

554 [~~(8)~~ (7) a municipality or other local government entity may not enforce any ordinance

555 or policy that limits or restricts the ability for the provisions described in Subsections (1)
556 through [(7)] (5) to take effect, including local zoning ordinances.

557 Section 10. **Repealer.**

558 This bill repeals:

559 Section **35A-16-502.5, County noncompliance with winter response plan**
560 **requirements.**

561 Section 11. **Effective date.**

562 This bill takes effect on May 1, 2024.