

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:	Katy Hall	Keven J. Stratton
7	Nelson T. Abbott	Jon Hawkins	Christine F. Watkins
8	Jefferson S. Burton	Karianne Lisonbee	
9	Stephanie Gricius	Thomas W. Peterson	

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 and membership of the executive committee of the board;
- ▶ modifies 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 councils to establish goals for making



25 progress towards exiting individuals from homelessness;

26 ▶ establishes the Shelter Cities Advisory Board and provides the advisory board's
27 responsibilities;

28 ▶ modifies provisions related to the winter response plan for a county of the first or
29 second class;

30 ▶ changes the limitations in effect during a code blue event; and

31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **35A-16-102**, as last amended by Laws of Utah 2022, Chapter 403

39 **35A-16-202**, as enacted by Laws of Utah 2021, Chapter 281

40 **35A-16-203**, as last amended by Laws of Utah 2023, Chapter 302

41 **35A-16-205**, as last amended by Laws of Utah 2022, Chapter 403

42 **35A-16-301**, as renumbered and amended by Laws of Utah 2021, Chapter 281

43 **35A-16-302**, as last amended by Laws of Utah 2023, Chapter 302

44 **35A-16-401**, as last amended by Laws of Utah 2023, Chapter 302

45 **35A-16-402**, as last amended by Laws of Utah 2023, Chapter 302

46 **35A-16-403**, as last amended by Laws of Utah 2023, Chapter 302

47 **35A-16-501.5**, as enacted by Laws of Utah 2023, Chapter 302

48 **35A-16-502**, as repealed and reenacted by Laws of Utah 2023, Chapter 302

49 **35A-16-602**, as last amended by Laws of Utah 2023, Chapter 302

50 **35A-16-703**, as enacted by Laws of Utah 2023, Chapter 302

51 ENACTS:

52 **35A-16-208**, Utah Code Annotated 1953

53 **35A-16-209**, Utah Code Annotated 1953

54 **35A-16-210**, Utah Code Annotated 1953

55 REPEALS AND REENACTS:

56 [35A-16-204](#), as last amended by Laws of Utah 2022, Chapter 403



57
58 *Be it enacted by the Legislature of the state of Utah:*

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

60 **35A-16-102. Definitions.**

61 As used in this chapter:

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

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

65 (3) "Chief executive officer" means the same as that term is defined in Section
66 [11-51-102](#).

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

70 ~~[(2)]~~ (5) "Continuum of care" means a regional or local planning body designated by
71 the United States Department of Housing and Urban Development to coordinate services for
72 individuals experiencing homelessness within an area of the state.

73 ~~[(3)]~~ (6) "Coordinator" means the state homelessness coordinator appointed under
74 Section [63J-4-202](#).

75 ~~[(4)]~~ (7) "Executive committee" means the executive committee of the [~~homelessness~~
76 council described in Section [35A-16-204](#)] board.

77 (8) "Exit destination" means:

78 (a) transitional housing;

79 (b) permanent supportive housing;

80 (c) permanent housing;

81 (d) correctional facility;

82 (e) treatment center;

83 (f) death;

84 (g) other; or

85 (h) unknown.

86 (9) "First-tier eligible municipality" means a municipality that:

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

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

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

92 (d) is certified as a first-tier eligible municipality in accordance with Section
93 35A-16-404.

94 ~~[(5)]~~ (10) "Homeless Management Information System" or "HMIS" means an
95 information technology system that:

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

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

100 ~~[(6)]~~ (11) "Homeless services budget" means the comprehensive annual budget and
101 overview of all homeless services available in the state described in Subsection
102 35A-16-203(1)(b).

103 ~~[(7)] "Homelessness council" means the Utah Homelessness Council created in Section~~
104 ~~35A-16-204.]~~

105 ~~[(8)]~~ (12) "Local homeless council" means a local planning body designated by the
106 steering committee to coordinate services for individuals experiencing homelessness within an
107 area of the state.

108 ~~[(9)]~~ (13) "Office" means the Office of Homeless Services.

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

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

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

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

115 (d) is certified as a second-tier eligible municipality in accordance with Section
116 35A-16-404.

117 ~~[(10)]~~ (15) (a) "Service provider" means a state agency, a local government, or a

118 private organization that provides services to clients.

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

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

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

125 (18) "Type of homelessness" means:

126 (a) chronic homelessness;

127 (b) episodic homelessness; or

128 (c) situational homelessness.

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

130 **35A-16-202. Powers and duties of the office.**

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

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

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

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

135 organizations approved by the United States Department of Housing and Urban Development,

136 a Homeless Management Information System for the state that:

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

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

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

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

147 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
148 make rules defining "successful exit," "unsuccessful exit," and "no change in residency."

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

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

157 **35A-16-203. Powers and duties of the coordinator.**

158 (1) The coordinator shall:

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

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

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

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

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

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

172 and

173 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section
174 [35A-16-402](#);

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

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

179 (g) report directly to the president of the Senate and the speaker of the House of

180 Representatives at least twice each year on issues regarding homelessness in the state and the
181 provision of homeless services in the state.

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

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

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

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

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

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

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

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

209 (b) except for a program or provider providing services to victims of domestic
210 violence, may not approve funding to a program or provider that does not enter into a written

211 agreement with the office to collect and share HMIS data regarding the provision of services to
212 individuals experiencing homelessness so that the provision of services can be coordinated
213 among state agencies, local governments, and private organizations.

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

216 (6) (a) On or before October 1, the coordinator shall provide a written report to the
217 department for inclusion in the department's annual written report described in Section
218 [35A-1-109](#).

219 (b) The written report shall include:

220 (i) the homeless services budget;

221 (ii) the strategic plan;

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

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

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

227 (B) the Homeless to Housing Reform Restricted Account created in Section
228 [35A-16-303](#);

229 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section
230 [35A-16-402](#);

231 (D) the COVID-19 Homeless Housing and Services Grant Program created in Section
232 [35A-16-602](#); and

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

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

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

236 **[35A-16-204](#). Utah Homeless Services Board.**

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

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

239 (i) a representative, appointed jointly by the speaker of the House of Representatives
240 and the president of the Senate;

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

- 242 (iii) a representative, appointed by the governor;
- 243 (iv) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the
244 partnership's successor organization;
- 245 (v) the mayor of Salt Lake City;
- 246 (vi) the chief executive officer appointed by the Shelter Cities Advisory Council in
247 accordance with Section 35A-16-210;
- 248 (vii) an elected official appointed by the Utah Association of Counties or the
249 association's successor organization;
- 250 (viii) a county employee who oversees behavioral health, appointed by the Utah
251 Association of Counties or the association's successor organization;
- 252 (ix) an individual who represents the Utah Homeless Network; and
- 253 (x) the coordinator.
- 254 (b) The governor shall select a board member to serve as chair of the board.
- 255 (c) The member described in Subsection (2)(a)(ix) is a nonvoting board member.
- 256 (3) The following four members of the board shall serve as the executive committee:
- 257 (a) the coordinator; and
- 258 (b) three board members chosen by the board chair, which shall include one of the
259 members described in Subsection 35A-16-204(2)(a)(v) or (2)(a)(vi).
- 260 (4) (a) The board shall meet at least once per calendar quarter.
- 261 (b) The chair, the coordinator, or three of the board members may call a board meeting.
- 262 (c) The individual calling the meeting shall provide notice of the meeting to the board
263 members at least three calendar days in advance of the meeting.
- 264 (5) A majority of the voting members of the board constitutes a quorum of the board at
265 any meeting, and the action of the majority of voting members present constitutes the action of
266 the board.
- 267 (6) A majority of members of the executive committee constitutes a quorum of the
268 executive committee at any meeting, and the action of the majority of members present
269 constitutes the action of the executive committee.
- 270 (7) (a) Except as required by Subsection (7)(c):
- 271 (i) each appointed member of the board, other than a board member described in
272 Subsection (2)(a)(vi), shall serve a four-year term; and

273 (ii) the board member appointed in accordance with Subsection (2)(a)(vi) shall serve a
274 two-year term.

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

276 (c) The appointing authority, at the time of appointment or reappointment, may adjust
277 the length of terms to ensure that the terms of board members are staggered so that
278 approximately half of the appointed board members are appointed every two years.

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

281 (9) (a) Except as described in Subsection (9)(b), a member may not receive
282 compensation or benefits for the member's service but may receive per diem and travel
283 expenses in accordance with:

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

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

286 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and
287 [63A-3-107](#).

288 (b) Compensation and expenses of a board member who is a legislator are governed by
289 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

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

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

292 **35A-16-205. Duties of the board.**

293 The [~~homelessness council~~] board:

294 (1) shall provide final approval for:

295 (a) the homeless services budget;

296 (b) the strategic plan; and

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

299 (2) in cooperation with the coordinator, shall:

300 (a) develop and maintain the homeless services budget;

301 (b) develop and maintain the strategic plan; and

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

- 304 (3) shall review local and regional plans for providing services to individuals
305 experiencing homelessness;
- 306 (4) shall cooperate with local homeless councils to:
- 307 (a) develop a common agenda and vision for reducing homelessness in each local
308 oversight body's respective region;
- 309 (b) as part of the homeless services budget, develop a spending plan that coordinates
310 the funding supplied to local stakeholders; and
- 311 (c) align local funding to projects that improve outcomes and target specific needs in
312 each community;
- 313 (5) shall coordinate gap funding with private entities for providing services to
314 individuals experiencing homelessness;
- 315 (6) shall recommend performance and accountability measures for service providers,
316 including the support of collecting consistent and transparent data; ~~and~~
- 317 (7) when reviewing and giving final approval for requests as described in Subsection
318 [35A-16-203\(1\)\(d\)](#):
- 319 (a) may only recommend funding if the proposed recipient has a policy to share
320 client-level service information with other entities in accordance with state and federal law to
321 enhance the coordination of services for individuals who are experiencing homelessness; and
- 322 (b) shall identify specific targets and benchmarks that align with the strategic plan for
323 each recommended award[-];
- 324 (8) shall regularly update the state strategic plan on homelessness to reflect proven
325 strategies to reduce homelessness among:
- 326 (a) the unsheltered;
- 327 (b) the chronically or episodically homeless; and
- 328 (c) the situationally homeless;
- 329 (9) shall develop annual state and local goals for reducing homelessness among the
330 target subpopulations identified by the board;
- 331 (10) shall work with the local homelessness councils to carry out the requirements of
332 Subsection [35A-16-208\(3\)](#);
- 333 (11) shall develop metrics for measuring the effectiveness of providers in assisting
334 clients to successfully progress through the services coordinated by a continuum of care;

335 (12) shall create best practices for a service provider to administer services to an
336 individual experiencing homelessness, including promotion of:

337 (a) a recognition of the human dignity of clients served;

338 (b) a need to develop self-reliance;

339 (c) the value of work;

340 (d) personal accountability; and

341 (e) personal progress toward greater personal independence;

342 (13) shall make recommendations for uniform standards for enforcing pedestrian safety
343 and camping laws and ordinances;

344 (14) shall identify best practices for responding to unsheltered individuals experiencing
345 mental illness and substance use disorder;

346 (15) shall make recommendations for strategies to reduce illegal drug use within
347 homeless shelters, transitional housing, and permanent supportive housing;

348 (16) shall facilitate client connection to alternative support systems, including
349 behavioral health services, addiction recovery, and residential services;

350 (17) shall facilitate data sharing arrangements and participation in HMIS among all
351 participants in a client support network, including homeless services, mental health systems,
352 and the criminal justice system;

353 (18) shall make recommendations to the office for defining "successful exit,"
354 "unsuccessful exit," and "no change in residency";

355 (19) shall evaluate additional opportunities for the office to become a collaborative
356 applicant;

357 (20) shall coordinate with the continuums of care to provide for cooperative
358 distribution of available funding; and

359 (21) 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 Section 6. Section **35A-16-208** is enacted to read:

364 **35A-16-208. Reporting requirements -- Outcome measures.**

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

- 366 (i) the state's year-to-date progress toward reaching a functional zero level of
367 homelessness;
- 368 (ii) the total number of unique individuals who are currently experiencing
369 homelessness and the number of instances of homelessness for each individual;
- 370 (iii) the number of individuals who are currently experiencing homelessness by familial
371 status;
- 372 (iv) the percentage of individuals experiencing homelessness who:
- 373 (A) have a mental illness;
- 374 (B) have a drug addiction;
- 375 (C) have a chronic health condition;
- 376 (D) have a physical disability;
- 377 (E) have a developmental disability;
- 378 (F) have HIV/AIDS;
- 379 (G) are a survivor of domestic violence;
- 380 (H) are a veteran;
- 381 (I) are an unaccompanied youth under 25 years old; and
- 382 (J) are a parent of a youth under 25 years old;
- 383 (v) the number of individuals who exited homeless services since the last report by:
- 384 (A) type of homelessness;
- 385 (B) subpopulation; and
- 386 (C) exit destination;
- 387 (vi) the cost per bed at a new shelter, transitional housing, or permanent supportive
388 housing compared to historic average cost of a similar facility;
- 389 (vii) the annual operating cost of a homeless resource center, including utilities, staff,
390 and maintenance; and
- 391 (viii) the state's progress, by service provider type, on each outcome measure identified
392 in Subsection (3).
- 393 (b) The report shall contain aggregated, de-identified information.
- 394 (2) The office shall report the data described in Subsection (1)(a):
- 395 (a) in the annual report required by Section [35A-16-203](#);
- 396 (b) on or before October 1 of each year, through an oral presentation to the Economic

397 Development and Workforce Services Interim Committee; and

398 (c) monthly on the office's public webpage on homelessness.

399 (3) For each service provider, the board and the local homelessness councils shall
400 jointly establish goals and make monthly and annual progress reports identifying the number of
401 clients with:

402 (a) a successful exit;

403 (b) an unsuccessful exit; and

404 (c) no changes in residency.

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

406 **35A-16-209. Cost measures.**

407 The office shall report annually for each local homelessness council the following:

408 (1) the cost of construction per bed for each new shelter, transitional housing, or
409 permanent supportive housing compared to the average cost of a similar facility during the past
410 three years; and

411 (2) annual operating cost per bed of a homeless resource center, including utilities,
412 staff, and maintenance.

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

414 **35A-16-210. Shelter Cities Advisory Board.**

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

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

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

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

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

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

426 (c) The Shelter Cities Advisory Board may not appoint the chief executive officer
427 described in Subsection [35A-16-204\(1\)\(a\)\(v\)](#).

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

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

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

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

435 **35A-16-301. Creation of Pamela Atkinson Homeless Account.**

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

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

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

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

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

445 **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

446 (1) The [~~homelessness council~~] board may award ongoing or one-time grants or
447 contracts funded from the Homeless to Housing Reform Restricted Account created in Section
448 35A-16-303.

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

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

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

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

458 (a) ensure that the services to be provided through the grant or contract will be

459 provided in a cost-effective manner;

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

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

464 (i) families with children;

465 (ii) transitional-aged youth;

466 (iii) single men or single women;

467 (iv) veterans;

468 (v) victims of domestic violence;

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

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

472 (viii) individuals exiting prison or jail; or

473 (ix) individuals who are homeless without shelter;

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

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

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

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

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

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

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

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

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

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

489 (x) providing services and support to prevent homelessness among at-risk children,

490 adolescents, and young adults;

491 (xi) preventing the reoccurrence of homelessness among individuals and families
492 exiting homelessness; and

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

495 (e) address the needs identified in the strategic plan described in Section 35A-16-203
496 for inclusion in the annual written report described in Section 35A-1-109.

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

501 (a) located near mass transit services;

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

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

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

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

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

515 (b) the state;

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

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

520 (6) (a) If a homeless shelter commits to provide matching funds under this Subsection

521 (6), the [~~homelessness council~~] board, with the concurrence of the coordinator, may award a
522 grant for the ongoing operations of the homeless shelter.

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

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

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

530 **35A-16-401. Definitions.**

531 As used in this part:

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

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

537 (3) "Eligible municipality" means:

538 (a) a first-tier eligible municipality;

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

540 (c) a third-tier eligible municipality.

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

545 (5) "Eligible shelter" means:

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

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

549 (ii) operates year-round; and

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

552 (b) for a second-tier municipality, a homeless shelter that:
553 (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as
554 verified by the office;
555 (ii) operates year-round; and
556 (iii) is not subject to restrictions that limit the hours, days, weeks, or months of
557 operation; and
558 (c) for a third-tier eligible municipality, a homeless shelter that:
559 (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night,
560 as verified by the office; and
561 (B) operates for no less than three months during the period beginning October 1 and
562 ending April 30 of the following year; or
563 (ii) (A) meets the definition of a homeless shelter under Section 35A-16-501; and
564 (B) increases capacity during a winter response period, as defined in Section
565 35A-16-501, in accordance with Subsection 35A-16-502(6)(a).
566 [~~(6) "First-tier eligible municipality" means a municipality that:~~
567 [~~(a) is located within a county of the first or second class;~~
568 [~~(b) as determined by the office, has or is proposed to have an eligible shelter within~~
569 ~~the municipality's geographic boundaries within the following fiscal year;~~
570 [~~(c) due to the location of an eligible shelter within the municipality's geographic~~
571 ~~boundaries, requires eligible services; and]~~
572 [~~(d) is certified as a first-tier eligible municipality in accordance with Section~~
573 ~~35A-16-404.]~~
574 [~~(7)~~ (6) "Homeless shelter" means a facility that provides or is proposed to provide
575 temporary shelter to individuals experiencing homelessness.
576 [~~(8)~~ (7) "Municipality" means a city, town, or metro township.
577 [~~(9)~~ (8) "Public safety services" means law enforcement, emergency medical services,
578 or fire protection.
579 [~~(10) "Second-tier eligible municipality" means a municipality that:~~
580 [~~(a) is located within a county of the third, fourth, fifth, or sixth class;~~
581 [~~(b) as determined by the office, has or is proposed to have an eligible shelter within~~
582 ~~the municipality's geographic boundaries within the following fiscal year;~~]

583 ~~[(c) due to the location of an eligible shelter within the municipality's geographic~~
584 ~~boundaries, requires eligible services, and]~~

585 ~~[(d) is certified as a second-tier eligible municipality in accordance with Section~~
586 ~~35A-16-404.]~~

587 [(H)] (9) "Third-tier eligible municipality" means a municipality that:

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

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

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

593 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula**
594 **for disbursing account funds to eligible municipalities.**

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

597 (2) The account shall be funded by:

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

600 (b) interest earned on the account; and

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

602 (3) The office shall administer the account.

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

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

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

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

614 total population of the municipality, as determined by the office; and

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

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

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

624 (B) 20% of the amount described in Subsection (4)(a)(ii) 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 compared to the
627 total population of the municipality, as determined by the office; and

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

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

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

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

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

644 (e) If any account funds are available to the office for disbursement under this section

645 after making the disbursements required in Subsection (4)(a), the office may disburse the
646 available account funds to third-tier municipalities that have been approved to receive account
647 funds under Section 35A-16-403.

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

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

651 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities**
652 **Mitigation Restricted Account funds.**

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

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

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

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

662 (ii) appearing at the meeting to present the request.

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

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

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

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

669 (iv) the amount of account funds requested.

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

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

675 (B) an evaluation of the eligible municipality's effectiveness in using the account funds

676 to address the eligible municipality's needs due to the location of an eligible shelter;

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

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

681 (ii) The [~~homelessness council~~] board may request additional information as needed to
682 make the evaluation described in Subsection (2)(e).

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

686 (i) the strength of the proposal that the eligible municipality provided to support the
687 request;

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

691 (iii) the availability of funding for the eligible municipality under Subsection
692 [35A-16-402\(4\)](#);

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

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

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

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

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

705 (h) If the [~~homelessness council~~] board approves an eligible municipality's request to
706 receive account funds under Subsection (2)(f), the office, subject to appropriation, shall

707 calculate the amount of funds for disbursement to the eligible municipality under Subsection
708 35A-16-402(4).

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

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

713 **35A-16-501.5. County winter response task force.**

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

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

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

720 (ii) the chief executive officer, or the chief executive officer's designee, of each of the
721 following 11 municipalities:

722 (A) Draper;

723 (B) Midvale;

724 (C) Millcreek;

725 (D) Murray;

726 (E) Salt Lake City;

727 (F) Sandy;

728 (G) South Jordan;

729 (H) South Salt Lake;

730 (I) Taylorsville;

731 (J) West Jordan; and

732 (K) West Valley City; and

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

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

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

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

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

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

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

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

751 (d) two individuals experiencing homelessness or having previously experienced
752 homelessness, appointed by the applicable local [~~homelessness~~] homeless council;

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

755 (f) any other individual appointed by the council of governments of the applicable
756 county.

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

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

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

762 (6) A task force shall:

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

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

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

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

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

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

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

774 (iii) rules made by the Division of Finance in accordance with Sections 63A-3-106 and
775 63A-3-107.

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

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

780 Section 15. Section 35A-16-502 is amended to read:

781 **35A-16-502. Winter response plan required -- Contents -- Review --**
782 **Consequences after determination of noncompliance.**

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

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

789 (2) The winter response plan shall:

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

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

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

799 (d) include a detailed county plan for a code blue event as defined in Section

800 35A-16-701, including the number and location of available beds for individuals experiencing
801 homelessness for the duration of the code blue event; and

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

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

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

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

810 (a) the targeted winter response bed count;

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

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

813 (d) any component required for the winter response plan to achieve compliance that is
814 not described in Subsection (2).

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

816 (a) the office;

817 (b) the applicable local homeless council;

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

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

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

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

824 (b) a site located more than one mile from any permanent supportive housing, as
825 verified by the office; and

826 (c) a site located in a municipality or unincorporated area of the applicable county that
827 does not have a homeless shelter.

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

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

831 (ii) send a written notice of the office's determination regarding compliance to:
832 (A) the task force for the applicable county;
833 (B) the council of governments for the applicable county;
834 (C) the applicable local homeless council; and
835 (D) the legislative body of each municipality located within the applicable county.
836 (b) For purposes of Section 35A-16-502.5, an applicable county is in noncompliance
837 with this section if:

838 (i) the applicable county's task force fails to submit a timely winter response plan under
839 this section; or
840 (ii) the office determines that the winter response plan prepared for the applicable
841 county does not comply with this section.

842 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
843 office may make rules establishing requirements for an applicable county's compliance with
844 this section.

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

846 **35A-16-602. COVID-19 Homeless Housing and Services Grant Program.**

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

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

851 (a) include affordable housing units for households:

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

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

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

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

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

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

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

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

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

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

865 (3) The office shall:

866 (a) administer the grant program, including:

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

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

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

872 (i) grant application requirements;

873 (ii) procedures to approve a grant; and

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

875 (4) When reviewing an application for approval, the [~~homelessness council~~] board
876 shall consider:

877 (a) an applicant's rental income plan;

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

879 (c) any matching funds proposed by an applicant;

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

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

883 and

884 (f) any other considerations as adopted by the [~~council~~] board.

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

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

888 **35A-16-703. Provisions in effect for duration of code blue alert.**

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

892 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35%

893 to provide temporary shelter to any number of individuals experiencing homelessness, so long
894 as the homeless shelter is in compliance with the applicable building code and fire code;

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

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

903 (4) any indoor facility owned by a private organization, nonprofit organization, state
904 government entity, or local government entity may be used to provide temporary shelter to
905 individuals experiencing homelessness and is exempt from the licensure requirements of [~~Title~~
906 ~~62A, Chapter 2, Licensure of Programs and Facilities~~] Title 26B, Chapter 2, Licensing and
907 Certifications, for the duration of the code blue alert and seven days following the day on
908 which the code blue alert ends, so long as the facility is in compliance with the applicable
909 building code and fire code and the governing body of the organization or the legislative body
910 of the government entity that owns the facility approves the use;

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

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

919 [~~(7)~~] (6) a state or local government entity, including a municipality, law enforcement
920 agency, and local health department, may enforce a camping ordinance but may not [~~enforce an~~
921 ~~ordinance or policy to~~] seize from individuals experiencing homelessness any personal items
922 for survival in cold weather, including clothing, blankets, tents, and sleeping bags[~~, heaters,~~
923 ~~stoves, and generators~~]; and

924 [~~(8)~~] (7) a municipality or other local government entity may not enforce any ordinance
925 or policy that limits or restricts the ability for the provisions described in Subsections (1)
926 through [~~(7)~~] (5) to take effect, including local zoning ordinances.

927 Section 18. **Effective date.**

928 This bill takes effect on May 1, 2024.