

Representative Steve Eliason proposes the following substitute bill:

HOMELESSNESS AND VULNERABLE POPULATIONS

AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ authorizes the Utah State Hospital to contract for certain services;
- ▶ provides for the duty of the executive committee of the Utah Homelessness Council (council) to serve in an advisory capacity for the council;
- ▶ requires the council to establish standards for prioritizing beds in homeless shelters;
- ▶ prohibits a homeless shelter from receiving funds from the Office of Homeless Services (office) upon failing to comply with the council's prioritization standards;
- ▶ allows a homeless shelter to receive grants from the council upon providing any amount of matching funds;
- ▶ requires the council to consider the amount of matching grants provided by a homeless shelter in awarding grants;
- ▶ allows the Department of Public Safety to receive Homeless Shelter Cities Mitigation Restricted Account funds (mitigation funds) under certain



26 circumstances;

27 ▶ clarifies that mitigation funds are nonlapsing and allows the office to disburse
28 uncommitted mitigation funds to municipalities in the following year;

29 ▶ prohibits a municipality from receiving mitigation funds unless the municipality
30 enforces certain prohibitions and demonstrates improvement in reducing certain
31 conduct;

32 ▶ exempts certain counties from winter response plan requirements if a county
33 develops a year-round plan for addressing the needs of individuals experiencing
34 homelessness;

35 ▶ increases the temperature for a code blue alert to take effect;

36 ▶ allows a municipality to implement emergency measures to assist individuals
37 experiencing homelessness during dangerous weather conditions; and

38 ▶ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides a special effective date.

43 This bill provides retrospective operation.

44 **Utah Code Sections Affected:**

45 AMENDS:

46 **35A-16-205**, as last amended by Laws of Utah 2022, Chapter 403

47 **35A-16-302**, as last amended by Laws of Utah 2023, Chapter 302

48 **35A-16-402**, as last amended by Laws of Utah 2023, Chapter 302

49 **35A-16-403**, as last amended by Laws of Utah 2023, Chapter 302

50 **35A-16-502**, as repealed and reenacted by Laws of Utah 2023, Chapter 302

51 **35A-16-701**, as enacted by Laws of Utah 2023, Chapter 302

52 **35A-16-702**, as enacted by Laws of Utah 2023, Chapter 302

53 **59-12-205**, as last amended by Laws of Utah 2023, Chapters 302, 471 and 492

54 **63J-1-602.1**, as last amended by Laws of Utah 2023, Chapters 26, 33, 34, 194, 212,
55 330, 419, 434, 448, and 534

56 ENACTS:

57 [26B-5-381](#), Utah Code Annotated 1953

58 [35A-16-205.1](#), Utah Code Annotated 1953

59

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

61 Section 1. Section **26B-5-381** is enacted to read:

62 **26B-5-381. Contracted state hospital services.**

63 (1) In accordance with the authority, responsibilities, and duties granted to the division
64 and state hospital under this part, the state hospital may contract with any willing provider to:

65 (a) supervise and treat a patient with a mental illness who has been committed to the
66 state hospital's custody; or

67 (b) facilitate the reentry of a discharged patient into the community.

68 (2) A provider who enters into a contract with the state hospital under Subsection (1)
69 shall provide a level of supervision and security that is equal to or greater than the level of
70 supervision and security that:

71 (a) is necessary to treat the patient with a mental illness; and

72 (b) would be offered at or recommended by the state hospital.

73 (3) In collaboration with the Division of Integrated Healthcare, the superintendent and
74 clinical director shall provide a report to the Health and Human Services Interim Committee at
75 or before the committee's 2024 November interim meeting that includes information and
76 recommendations on:

77 (a) the number of patients with a mental illness served through a state hospital contract
78 in accordance with Subsection (1), and the nature of the services rendered;

79 (b) addressing the needs of patients with complex legal and mental health statuses who
80 are expected to have significantly long stays at the state hospital and who are not able to be
81 discharged into the community;

82 (c) the creation of a low-acuity step-down facility to assist patients described in
83 Subsection (3)(b); and

84 (d) opportunities for collaboration with local mental health authorities and other
85 willing providers to provide low-acuity step-down services to assist patients described in
86 Subsection (3)(b).

87 Section 2. Section **35A-16-205** is amended to read:

88 **35A-16-205. Duties of the homelessness council and executive committee.**
89 (1) The homelessness council:
90 ~~(1)~~ (a) shall provide final approval for:
91 ~~(a)~~ (i) the homeless services budget;
92 ~~(b)~~ (ii) the strategic plan; and
93 ~~(c)~~ (iii) the awarding of funding for the provision of homeless services as described
94 in Subsection 35A-16-203(1)(d);
95 ~~(2)~~ (b) in cooperation with the coordinator, shall:
96 ~~(a)~~ (i) develop and maintain the homeless services budget;
97 ~~(b)~~ (ii) develop and maintain the strategic plan; and
98 ~~(c)~~ (iii) review applications and approve funding for the provision of homeless
99 services in the state as described in Subsection 35A-16-203(1)(d);
100 ~~(3)~~ (c) shall review local and regional plans for providing services to individuals
101 experiencing homelessness;
102 ~~(4)~~ (d) shall cooperate with local homeless councils to:
103 ~~(a)~~ (i) develop a common agenda and vision for reducing homelessness in each local
104 oversight body's respective region;
105 ~~(b)~~ (ii) as part of the homeless services budget, develop a spending plan that
106 coordinates the funding supplied to local stakeholders; and
107 ~~(c)~~ (iii) align local funding to projects that improve outcomes and target specific
108 needs in each community;
109 ~~(5)~~ (e) shall coordinate gap funding with private entities for providing services to
110 individuals experiencing homelessness;
111 ~~(6)~~ (f) shall recommend performance and accountability measures for service
112 providers, including the support of collecting consistent and transparent data; ~~and~~
113 ~~(7)~~ (g) when reviewing and giving final approval for requests as described in
114 Subsection 35A-16-203(1)(d):
115 ~~(a)~~ (i) may only recommend funding if the proposed recipient has a policy to share
116 client-level service information with other entities in accordance with state and federal law to
117 enhance the coordination of services for individuals who are experiencing homelessness; and
118 ~~(b)~~ (ii) shall identify specific targets and benchmarks that align with the strategic plan

119 for each recommended award[-]; and

120 (h) shall establish standards for the prioritization of beds located in homeless shelters
121 in accordance with Section [35A-16-205.1](#).

122 (2) The executive committee shall act in an advisory capacity for the homelessness
123 council and make recommendations regarding the homelessness council's duties under
124 Subsection (1).

125 Section 3. Section **35A-16-205.1** is enacted to read:

126 **35A-16-205.1. Homelessness council to establish standards for the prioritization of**
127 **homeless shelter beds -- Dissemination -- Compliance with standards required for receipt**
128 **of state funds.**

129 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
130 homelessness council shall make rules establishing standards for the prioritization of beds
131 located in a homeless shelter.

132 (2) In establishing standards under Subsection (1), the homelessness council shall:

133 (a) assign highest priority for available beds to:

134 (i) individuals eligible for Temporary Assistance for Needy Families funds pursuant to
135 42 U.S.C. Sec. 604; and

136 (ii) individuals discharged from the Utah State Hospital created in Section [26B-5-302](#);
137 and

138 (b) require a homeless shelter, if feasible, to allocate an average of 85% of the total
139 number of beds located in a homeless shelter to individuals described in Subsection (2)(a)(i).

140 (3) The office shall disseminate the standards established by the homelessness council
141 under Subsection (1) to each homeless shelter located within the state.

142 (4) Notwithstanding any other provisions in this chapter, state funds may not be
143 awarded under this chapter directly to or for the benefit of a homeless shelter located within the
144 state unless the homeless shelter complies with the standards established by the homelessness
145 council under Subsection (1).

146 Section 4. Section **35A-16-302** is amended to read:

147 **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

148 (1) The homelessness council may award ongoing or one-time grants or contracts
149 funded from the Homeless to Housing Reform Restricted Account created in Section

150 35A-16-303.

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

- 155 (a) how money provided from the restricted account has been spent by the entity; and
- 156 (b) the progress towards measurable outcome-based benchmarks agreed to between the
157 entity and the homelessness council before the awarding of the grant or contract.

158 (3) In determining the awarding of a grant or contract under this section, the
159 homelessness council and the coordinator shall:

- 160 (a) ensure that the services to be provided through the grant or contract will be
161 provided in a cost-effective manner;
- 162 (b) give priority to a project or contract that will include significant additional or
163 matching funds from a private organization, nonprofit organization, or local government entity;
- 164 (c) ensure that the project or contract will target the distinct housing needs of one or
165 more at-risk or homeless subpopulations, which may include:
 - 166 (i) families with children;
 - 167 (ii) transitional-aged youth;
 - 168 (iii) single men or single women;
 - 169 (iv) veterans;
 - 170 (v) victims of domestic violence;
 - 171 (vi) individuals with behavioral health disorders, including mental health or substance
172 use disorders;
 - 173 (vii) individuals who are medically frail or terminally ill;
 - 174 (viii) individuals exiting prison or jail; or
 - 175 (ix) individuals who are homeless without shelter;
- 176 (d) consider whether the project will address one or more of the following goals:
 - 177 (i) diverting homeless or imminently homeless individuals and families from
178 emergency shelters by providing better housing-based solutions;
 - 179 (ii) meeting the basic needs of homeless individuals and families in crisis;
 - 180 (iii) providing homeless individuals and families with needed stabilization services;

- 181 (iv) decreasing the state's homeless rate;
- 182 (v) implementing a coordinated entry system with consistent assessment tools to
- 183 provide appropriate and timely access to services for homeless individuals and families;
- 184 (vi) providing access to caseworkers or other individualized support for homeless
- 185 individuals and families;
- 186 (vii) encouraging employment and increased financial stability for individuals and
- 187 families being diverted from or exiting homelessness;
- 188 (viii) creating additional affordable housing for state residents;
- 189 (ix) providing services and support to prevent homelessness among at-risk individuals
- 190 and adults;
- 191 (x) providing services and support to prevent homelessness among at-risk children,
- 192 adolescents, and young adults;
- 193 (xi) preventing the reoccurrence of homelessness among individuals and families
- 194 exiting homelessness; and
- 195 (xii) providing medical respite care for homeless individuals where the homeless
- 196 individuals can access medical care and other supportive services; and
- 197 (e) address the needs identified in the strategic plan described in Section [35A-16-203](#)
- 198 for inclusion in the annual written report described in Section [35A-1-109](#).
- 199 (4) In addition to the other provisions of this section, in determining the awarding of a
- 200 grant or contract under this section to design, build, create, or renovate a facility that will
- 201 provide shelter or other resources for the homeless, of the homelessness council, with the
- 202 concurrence of the coordinator, may consider whether the facility will be:
- 203 (a) located near mass transit services;
- 204 (b) located in an area that meets or will meet all zoning regulations before a final
- 205 dispersal of funds;
- 206 (c) safe and welcoming both for individuals using the facility and for members of the
- 207 surrounding community; and
- 208 (d) located in an area with access to employment, job training, and positive activities.
- 209 (5) In accordance with Subsection (4), and subject to the approval the homelessness
- 210 council, with the concurrence of the coordinator, the following may recommend a site location,
- 211 acquire a site location, and hold title to real property, buildings, fixtures, and appurtenances of

212 a facility that provides or will provide shelter or other resources for the homeless:

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

216 (b) the state;

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

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

221 (6) (a) If a homeless shelter commits to provide any amount of matching funds under
222 this Subsection (6), the homelessness council, with the concurrence of the coordinator, may
223 award a grant for the ongoing operations of the homeless shelter.

224 (b) In awarding a grant under this Subsection (6), the homelessness council, with the
225 concurrence of the coordinator, shall consider:

226 (i) the number of beds available at the homeless shelter [~~and~~];

227 (ii) the number and quality of the homeless services provided by the homeless shelter[:]
228 ; and

229 (iii) the amount of matching funds provided by the homeless shelter.

230 (7) The office may expend money from the restricted account to offset actual office and
231 homelessness council expenses related to administering this section.

232 Section 5. Section **35A-16-402** is amended to read:

233 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula**
234 **for disbursing account funds to eligible municipalities.**

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

237 (2) The account shall be funded by:

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

240 (b) interest earned on the account; and

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

242 (3) The office shall administer the account.

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

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

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

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

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

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

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

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

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

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

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

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

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

284 (e) If any account funds are available to the office for disbursement under this section
285 after making the disbursements required in Subsection (4)(a), the office may disburse the
286 available account funds to third-tier municipalities that have been approved to receive account
287 funds under Section [35A-16-403](#).

288 (f) (i) Notwithstanding any other provision in this section, if an eligible municipality
289 requests account funds under Section [35A-16-403](#) and the request is denied for the sole reason
290 that the municipality has failed to comply with the requirements of Subsection
291 [35A-16-403](#)(2)(g)(i), the office may disburse the account funds that the municipality would
292 otherwise have received to:

293 (A) eligible municipalities in accordance with the provisions of this Subsection (4); or

294 (B) subject to Subsection (4)(f)(ii), the Department of Public Safety.

295 (ii) (A) The office may not disburse account funds to the Department of Public Safety
296 under Subsection (4)(f)(i) unless the disbursement is recommended and approved by the
297 homelessness council.

298 (B) The Department of Public Safety shall use any account funds received under
299 Subsection (4)(f)(i) to assist in the enforcement of state laws that promote the safety or
300 well-being of individuals experiencing homelessness.

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

303 (6) In accordance with Section [63J-1-602.1](#), appropriations from the account are
304 nonlapsing.

305 (7) The office may disburse any uncommitted account funds to municipalities under
306 this section in the following year.

307 Section 6. Section **35A-16-403** is amended to read:

308 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities**
309 **Mitigation Restricted Account funds.**

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

313 (2) (a) The homelessness council shall set aside time on the agenda of a homelessness
314 council meeting that occurs before the beginning of the next fiscal year to allow an eligible
315 municipality to present a request for account funds for that next fiscal year.

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

317 (i) sending an electronic copy of the request to the homelessness council before the
318 meeting; and

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

320 (c) The request described in Subsection [~~(2)(b)(ii)~~] (2)(b)(i) shall contain:

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

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

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

326 (iv) the amount of account funds requested.

327 (d) (i) On or before September 30, an eligible municipality that received account funds
328 during the previous fiscal year shall file electronically with the homelessness council a report
329 that includes:

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

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

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

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

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

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

343 (i) the strength of the proposal that the eligible municipality provided to support the
344 request;

345 (ii) if the eligible municipality received account funds during the previous fiscal year,
346 the efficiency with which the eligible municipality used any account funds during the previous
347 fiscal year;

348 (iii) the availability of funding for the eligible municipality under Subsection
349 [35A-16-402\(4\)](#);

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

352 (v) any other considerations identified by the homelessness council.

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

356 (g) (i) [~~Except as provided in Subsection (2)(g)(ii), an eligible municipality may not~~] In
357 addition to the evaluation under Subsection (2)(e), the homelessness council may not approve
358 an eligible municipality's request to receive account funds under this section unless the eligible
359 municipality:

360 (A) enforces an ordinance that prohibits camping;

361 (B) enforces an ordinance or other applicable state law prohibiting conduct that
362 impedes or blocks traffic in violation of Subsection [41-6a-1009\(4\)](#); and

363 (C) demonstrates improvement in reducing the conduct described in Subsections
364 (2)(g)(i)(A) and (B).

365 [~~(ii) Subsection (2)(g)(i) does not apply if each homeless shelter located within the~~
366 ~~county in which the eligible municipality is located is at full capacity, as defined by rule made~~

367 ~~by the office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

368 (ii) In determining whether an eligible municipality has demonstrated improvement
369 under Subsection (2)(g)(i)(C), the homelessness council shall consider:

370 (A) the specific measures taken by the municipality to reduce the conduct described in
371 Subsections (2)(g)(i)(A) and (B), and the effectiveness of those measures in reducing the
372 conduct;

373 (B) the strategies utilized by the municipality in managing and improving public spaces
374 within the municipality, and the impact of these strategies on safety, cleanliness, and the
375 well-being of the community; and

376 (C) the gap between the number of individuals experiencing homelessness within the
377 municipality and the availability of beds at homeless shelters to which the individuals
378 experiencing homelessness have reasonable access, and any changes to this gap over time.

379 (iii) The homelessness council may coordinate with the Department of Public Safety
380 for the receipt of quantitative and qualitative data to determine compliance with applicable
381 state and local laws.

382 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
383 and with the approval of the homelessness council, the office shall make rules establishing
384 standards for the information required by an eligible municipality to demonstrate improvement
385 under Subsection (2)(g)(i)(C).

386 (h) If the homelessness council approves an eligible municipality's request to receive
387 account funds under Subsection (2)(f), the office, subject to appropriation, shall calculate the
388 amount of funds for disbursement to the eligible municipality under Subsection
389 [35A-16-402\(4\)](#).

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

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

394 **35A-16-502. Winter response plan required -- Contents -- Review --**

395 **Consequences after determination of noncompliance.**

396 (1) (a) The task force for an applicable county that is a county of the first class shall
397 annually prepare and submit to the office a winter response plan on or before August 1 in

398 calendar years 2023, 2024, and 2025.

399 (b) ~~[The]~~ Except as provided in Subsection (3), the task force for an applicable county
400 not described in Subsection (1)(a) shall annually prepare and submit to the office a winter
401 response plan on or before August 1 in calendar years 2024 and 2025.

402 (2) The winter response plan shall:

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

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

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

412 (d) include a detailed county plan for a code blue event as defined in Section
413 [35A-16-701](#), including the number and location of available beds for individuals experiencing
414 homelessness for the duration of the code blue event; and

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

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

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

420 (3) The requirements of Subsection (1)(b) do not apply to an applicable county if:

421 (a) on or before August 1, 2024, the applicable county submits to the office:

422 (i) documentation demonstrating that the applicable county is developing a plan to
423 address the needs of individuals experiencing homelessness within the county throughout the
424 entire year, as opposed to only during the winter response period; and

425 (ii) a county plan for a code blue event as described in Subsection (2)(d);

426 (b) on or before August 1, 2025, the applicable county submits to the office the
427 year-round plan developed under Subsection (3)(a)(i); and

428 (c) the office determines that the applicable county's year-round plan meets the

429 requirements of a winter response plan as described in Subsection (2) for the entire year.

430 ~~[(3)]~~ (4) To assist a task force in preparing a winter response plan, by no later than
431 March 30 of the year in which the winter response plan is due, the applicable local homeless
432 council, in coordination with the office, shall provide the following information to the task
433 force:

- 434 (a) the targeted winter response bed count;
- 435 (b) the requirements for the plan described in Subsection (2)(d);
- 436 (c) the availability of funds that can be used to mitigate the winter response plan; and
- 437 (d) any component required for the winter response plan to achieve compliance that is
438 not described in Subsection (2).

439 ~~[(4)]~~ (5) In preparing the winter response plan, the task force shall coordinate with:

- 440 (a) the office;
- 441 (b) the applicable local homeless council;
- 442 (c) for Salt Lake County, the conference of mayors for Salt Lake County; and
- 443 (d) for an applicable county not described in Subsection ~~[(4)(c)]~~ (5)(c), the council of
444 governments for the applicable county.

445 ~~[(5)]~~ (6) In conducting site selection for a temporary winter response shelter under a
446 winter response plan, the task force shall prioritize:

- 447 (a) a site located more than one mile from any homeless shelter;
- 448 (b) a site located more than one mile from any permanent supportive housing, as
449 verified by the office; and
- 450 (c) a site located in a municipality or unincorporated area of the applicable county that
451 does not have a homeless shelter.

452 ~~[(6)]~~ (7) (a) On or before August 15 of the year in which a winter response plan is
453 submitted, the office shall:

- 454 (i) conduct a review of the winter response plan for compliance with this section; and
- 455 (ii) send a written notice of the office's determination regarding compliance to:
 - 456 (A) the task force for the applicable county;
 - 457 (B) the council of governments for the applicable county;
 - 458 (C) the applicable local homeless council; and
 - 459 (D) the legislative body of each municipality located within the applicable county.

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

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

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

466 [~~7~~] (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
467 Act, the office may make rules establishing requirements for an applicable county's compliance
468 with this section.

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

470 **35A-16-701. Definitions.**

471 As used in this part:

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

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

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

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

480 (5) "Code blue event" means a weather event in which the National Weather Service
481 predicts temperatures of [~~+5~~] 18 degrees Fahrenheit or less, including wind chill, or any other
482 extreme weather conditions established in rules made by the Department of Health and Human
483 Services under Subsection 35A-16-702(4), to occur in any county of the first, second, third, or
484 fourth class for two hours or longer within the next 24 to 48 hours.

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

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

488 Section 9. Section 35A-16-702 is amended to read:

489 **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**

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

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

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

495 (c) disseminate the code blue alert to:

496 (i) the public at large;

497 (ii) homeless shelters located within an affected county;

498 (iii) local government entities located within an affected county;

499 (iv) the office; and

500 (v) any other relevant public or private entities that provide services to individuals
501 experiencing homelessness within an affected county.

502 (2) The code blue alert shall:

503 (a) identify each affected county;

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

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

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

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

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

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

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

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

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

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

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

522 (ii) establish standards for:

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

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

527 (C) the provisions that take effect within an affected county for the duration of a code
528 blue alert~~[, as provided in]~~ under Section 35A-16-703; and

529 (D) coordinating with the office to receive the information described in Subsection (3).

530 (5) Nothing in this section prohibits a municipality from ~~[issuing a safety alert based on~~
531 ~~other]~~ implementing emergency plans or other measures to assist individuals experiencing
532 homelessness at times when environmental conditions ~~[that]~~ present a substantial threat to the
533 health or safety of individuals experiencing homelessness, provided that the emergency plans
534 or other measures implemented by the municipality do not conflict with any applicable
535 provisions that take effect during a code blue event in accordance with Section 35A-16-703.

536 Section 10. Section **59-12-205** is amended to read:

537 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
538 **tax revenue -- Determination of population.**

539 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section
540 **59-12-204**, a county, city, or town shall adopt amendments to the county's, city's, or town's
541 sales and use tax ordinances:

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

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

545 (2) (a) Except as provided in Subsections (3) and (4) and subject to Subsection (5):

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

550 (ii) (A) except as provided in Subsections (2)(a)(ii)(B), (C), and (D), 50% of each
551 dollar collected from the sales and use tax authorized by this part shall be distributed to each
552 county, city, and town on the basis of the location of the transaction as determined under

553 Sections 59-12-211 through 59-12-215;

554 (B) 50% of each dollar collected from the sales and use tax authorized by this part
555 within a project area described in a project area plan adopted by the military installation
556 development authority under Title 63H, Chapter 1, Military Installation Development
557 Authority Act, shall be distributed to the military installation development authority created in
558 Section 63H-1-201;

559 (C) beginning July 1, 2022, 50% of each dollar collected from the sales and use tax
560 authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port
561 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section
562 11-58-201; and

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

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

569 (3) (a) As used in this Subsection (3):

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

571 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (3)(b)
572 equal to the amount described in Subsection (3)(b)(ii); and

573 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,
574 2016.

575 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue
576 distributions an eligible county, city, or town received from a tax imposed in accordance with
577 this part for fiscal year 2004-05.

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

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

581 (ii) the minimum tax revenue distribution.

582 (4) (a) For purposes of this Subsection (4):

583 (i) "Annual local contribution" means the lesser of \$275,000 or an amount equal to

584 2.55% of the participating local government's tax revenue distribution amount under
585 Subsection (2)(a)(i) for the previous fiscal year.

586 (ii) "Participating local government" means a county or municipality, as defined in
587 Section 10-1-104, that is not an eligible municipality certified in accordance with Section
588 35A-16-404.

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

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

594 (A) subtracting an amount equal to one-twelfth of the annual local contribution for
595 each participating local government from the participating local government's tax revenue
596 distribution; and

597 (B) if applicable, reducing the amount described in Subsection (4)(b)(i)(A) by an
598 amount equal to one-twelfth of \$250 for each bed that is available at all homeless shelters
599 located within the boundaries of the participating local government, as reported to the
600 commission by the Office of Homeless Services in accordance with Section 35A-16-405; and

601 (ii) deposit the resulting amount described in Subsection (4)(b)(i) into the Homeless
602 Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

603 (c) For a participating local government that qualifies to receive a distribution
604 described in Subsection (3), the commission shall apply the provisions of this Subsection (4)
605 after the commission applies the provisions of Subsection (3).

606 (5) (a) As used in this Subsection (5):

607 (i) "Annual dedicated sand and gravel sales tax revenue" means an amount equal to the
608 total revenue an establishment described in NAICS Code 327320, Ready-Mix Concrete
609 Manufacturing, of the 2022 North American Industry Classification System of the federal
610 Executive Office of the President, Office of Management and Budget, collects and remits under
611 this part for a calendar year.

612 (ii) "Sand and gravel" means sand, gravel, or a combination of sand and gravel.

613 (iii) "Sand and gravel extraction site" means a pit, quarry, or deposit that:

614 (A) contains sand and gravel; and

615 (B) is assessed by the commission in accordance with Section 59-2-201.

616 (iv) "Ton" means a short ton of 2,000 pounds.

617 (v) "Tonnage ratio" means the ratio of:

618 (A) the total amount of sand and gravel, measured in tons, sold during a calendar year
619 from all sand and gravel extraction sites located within a county, city, or town; to

620 (B) the total amount of sand and gravel, measured in tons, sold during the same
621 calendar year from sand and gravel extraction sites statewide.

622 (b) For purposes of calculating the ratio described in Subsection (5)(a)(v), the
623 commission shall:

624 (i) use the gross sales data provided to the commission as part of the commission's
625 property tax valuation process; and

626 (ii) if a sand and gravel extraction site operates as a unit across municipal or county
627 lines, apportion the reported tonnage among the counties, cities, or towns based on the
628 percentage of the sand and gravel extraction site located in each county, city, or town, as
629 approximated by the commission.

630 (c) (i) Beginning July 2023, and each July thereafter, the commission shall distribute
631 from total collections under this part an amount equal to the annual dedicated sand and gravel
632 sales tax revenue for the preceding calendar year to each county, city, or town in the same
633 proportion as the county's, city's, or town's tonnage ratio for the preceding calendar year.

634 (ii) The commission shall ensure that the revenue distributed under this Subsection
635 (5)(c) is drawn from each jurisdiction's collections in proportion to the jurisdiction's share of
636 total collections for the preceding 12-month period.

637 (d) A county, city, or town shall use revenue described in Subsection (5)(c) for class B
638 or class C roads.

639 (6) (a) Population figures for purposes of this section shall be based on the most recent
640 official census or census estimate of the United States Bureau of the Census.

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

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

646 Section 11. Section **63J-1-602.1** is amended to read:

647 **63J-1-602.1. List of nonlapsing appropriations from accounts and funds.**

648 Appropriations made from the following accounts or funds are nonlapsing:

649 (1) The Native American Repatriation Restricted Account created in Section [9-9-407](#).

650 (2) Certain money payable for expenses of the Pete Suazo Utah Athletic Commission,
651 as provided under Title 9, Chapter 23, Pete Suazo Utah Athletic Commission Act.

652 (3) Funds collected for directing and administering the C-PACE district created in
653 Section [11-42a-106](#).

654 (4) Money received by the Utah Inland Port Authority, as provided in Section
655 [11-58-105](#).

656 (5) The Commerce Electronic Payment Fee Restricted Account created in Section
657 [13-1-17](#).

658 (6) The Division of Air Quality Oil, Gas, and Mining Restricted Account created in
659 Section [19-2a-106](#).

660 (7) The Division of Water Quality Oil, Gas, and Mining Restricted Account created in
661 Section [19-5-126](#).

662 (8) State funds for matching federal funds in the Children's Health Insurance Program
663 as provided in Section [26B-3-906](#).

664 (9) Funds collected from the program fund for local health department expenses
665 incurred in responding to a local health emergency under Section [26B-7-111](#).

666 (10) The Technology Development Restricted Account created in Section [31A-3-104](#).

667 (11) The Criminal Background Check Restricted Account created in Section
668 [31A-3-105](#).

669 (12) The Captive Insurance Restricted Account created in Section [31A-3-304](#), except
670 to the extent that Section [31A-3-304](#) makes the money received under that section free revenue.

671 (13) The Title Licensee Enforcement Restricted Account created in Section
672 [31A-23a-415](#).

673 (14) The Health Insurance Actuarial Review Restricted Account created in Section
674 [31A-30-115](#).

675 (15) The State Mandated Insurer Payments Restricted Account created in Section
676 [31A-30-118](#).

- 677 (16) The Insurance Fraud Investigation Restricted Account created in Section
678 [31A-31-108](#).
- 679 (17) The Underage Drinking Prevention Media and Education Campaign Restricted
680 Account created in Section [32B-2-306](#).
- 681 (18) The Drinking While Pregnant Prevention Media and Education Campaign
682 Restricted Account created in Section [32B-2-308](#).
- 683 (19) The School Readiness Restricted Account created in Section [35A-15-203](#).
- 684 (20) Money received by the Utah State Office of Rehabilitation for the sale of certain
685 products or services, as provided in Section [35A-13-202](#).
- 686 (21) The Homeless Shelter Cities Mitigation Restricted Account created in Section
687 [35A-16-402](#).
- 688 [~~(21)~~] (22) The Oil and Gas Administrative Penalties Account created in Section
689 [40-6-11](#).
- 690 [~~(22)~~] (23) The Oil and Gas Conservation Account created in Section [40-6-14.5](#).
- 691 [~~(23)~~] (24) The Division of Oil, Gas, and Mining Restricted account created in Section
692 [40-6-23](#).
- 693 [~~(24)~~] (25) The Electronic Payment Fee Restricted Account created by Section
694 [41-1a-121](#) to the Motor Vehicle Division.
- 695 [~~(25)~~] (26) The License Plate Restricted Account created by Section [41-1a-122](#).
- 696 [~~(26)~~] (27) The Motor Vehicle Enforcement Division Temporary Permit Restricted
697 Account created by Section [41-3-110](#) to the State Tax Commission.
- 698 [~~(27)~~] (28) The State Disaster Recovery Restricted Account to the Division of
699 Emergency Management, as provided in Section [53-2a-603](#).
- 700 [~~(28)~~] (29) The Response, Recovery, and Post-disaster Mitigation Restricted Account
701 created in Section [53-2a-1302](#).
- 702 [~~(29)~~] (30) The Department of Public Safety Restricted Account to the Department of
703 Public Safety, as provided in Section [53-3-106](#).
- 704 [~~(30)~~] (31) The Utah Highway Patrol Aero Bureau Restricted Account created in
705 Section [53-8-303](#).
- 706 [~~(31)~~] (32) The DNA Specimen Restricted Account created in Section [53-10-407](#).
- 707 [~~(32)~~] (33) The Technical Colleges Capital Projects Fund created in Section

708 53B-2a-118.

709 [~~(33)~~] (34) The Higher Education Capital Projects Fund created in Section

710 53B-22-202.

711 [~~(34)~~] (35) A certain portion of money collected for administrative costs under the
712 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

713 [~~(35)~~] (36) The Public Utility Regulatory Restricted Account created in Section
714 54-5-1.5, subject to Subsection 54-5-1.5(4)(d).

715 [~~(36)~~] (37) Funds collected from a surcharge fee to provide certain licensees with
716 access to an electronic reference library, as provided in Section 58-3a-105.

717 [~~(37)~~] (38) Certain fines collected by the Division of Professional Licensing for
718 violation of unlawful or unprofessional conduct that are used for education and enforcement
719 purposes, as provided in Section 58-17b-505.

720 [~~(38)~~] (39) Funds collected from a surcharge fee to provide certain licensees with
721 access to an electronic reference library, as provided in Section 58-22-104.

722 [~~(39)~~] (40) Funds collected from a surcharge fee to provide certain licensees with
723 access to an electronic reference library, as provided in Section 58-55-106.

724 [~~(40)~~] (41) Funds collected from a surcharge fee to provide certain licensees with
725 access to an electronic reference library, as provided in Section 58-56-3.5.

726 [~~(41)~~] (42) Certain fines collected by the Division of Professional Licensing for use in
727 education and enforcement of the Security Personnel Licensing Act, as provided in Section
728 58-63-103.

729 [~~(42)~~] (43) The Relative Value Study Restricted Account created in Section 59-9-105.

730 [~~(43)~~] (44) The Cigarette Tax Restricted Account created in Section 59-14-204.

731 [~~(44)~~] (45) Funds paid to the Division of Real Estate for the cost of a criminal
732 background check for a mortgage loan license, as provided in Section 61-2c-202.

733 [~~(45)~~] (46) Funds paid to the Division of Real Estate for the cost of a criminal
734 background check for principal broker, associate broker, and sales agent licenses, as provided
735 in Section 61-2f-204.

736 [~~(46)~~] (47) Certain funds donated to the Department of Health and Human Services, as
737 provided in Section 26B-1-202.

738 [~~(47)~~] (48) Certain funds donated to the Division of Child and Family Services, as

739 provided in Section [80-2-404](#).

740 ~~[(48)]~~ [\(49\)](#) Funds collected by the Office of Administrative Rules for publishing, as
741 provided in Section [63G-3-402](#).

742 ~~[(49)]~~ [\(50\)](#) The Immigration Act Restricted Account created in Section [63G-12-103](#).

743 ~~[(50)]~~ [\(51\)](#) Money received by the military installation development authority, as
744 provided in Section [63H-1-504](#).

745 ~~[(51)]~~ [\(52\)](#) The Computer Aided Dispatch Restricted Account created in Section
746 [63H-7a-303](#).

747 ~~[(52)]~~ [\(53\)](#) The Unified Statewide 911 Emergency Service Account created in Section
748 [63H-7a-304](#).

749 ~~[(53)]~~ [\(54\)](#) The Utah Statewide Radio System Restricted Account created in Section
750 [63H-7a-403](#).

751 ~~[(54)]~~ [\(55\)](#) The Utah Capital Investment Restricted Account created in Section
752 [63N-6-204](#).

753 ~~[(55)]~~ [\(56\)](#) The Motion Picture Incentive Account created in Section [63N-8-103](#).

754 ~~[(56)]~~ [\(57\)](#) Funds collected by the housing of state probationary inmates or state parole
755 inmates, as provided in Subsection [64-13e-104\(2\)](#).

756 ~~[(57)]~~ [\(58\)](#) Certain forestry and fire control funds utilized by the Division of Forestry,
757 Fire, and State Lands, as provided in Section [65A-8-103](#).

758 ~~[(58)]~~ [\(59\)](#) The Amusement Ride Safety Restricted Account, as provided in Section
759 [72-16-204](#).

760 ~~[(59)]~~ [\(60\)](#) Certain funds received by the Office of the State Engineer for well drilling
761 fines or bonds, as provided in Section [73-3-25](#).

762 ~~[(60)]~~ [\(61\)](#) The Water Resources Conservation and Development Fund, as provided in
763 Section [73-23-2](#).

764 ~~[(61)]~~ [\(62\)](#) Award money under the State Asset Forfeiture Grant Program, as provided
765 under Section [77-11b-403](#).

766 ~~[(62)]~~ [\(63\)](#) Funds donated or paid to a juvenile court by private sources, as provided in
767 Subsection [78A-6-203\(1\)\(c\)](#).

768 ~~[(63)]~~ [\(64\)](#) Fees for certificate of admission created under Section [78A-9-102](#).

769 ~~[(64)]~~ [\(65\)](#) Funds collected for adoption document access as provided in Sections

770 78B-6-141, 78B-6-144, and 78B-6-144.5.

771 ~~[(65)]~~ (66) Funds collected for indigent defense as provided in Title 78B, Chapter 22,
772 Part 4, Utah Indigent Defense Commission.

773 ~~[(66)]~~ (67) The Utah Geological Survey Oil, Gas, and Mining Restricted Account
774 created in Section 79-3-403.

775 ~~[(67)]~~ (68) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades
776 State Park, and Green River State Park, as provided under Section 79-4-403.

777 ~~[(68)]~~ (69) Certain funds received by the Division of State Parks from the sale or
778 disposal of buffalo, as provided under Section 79-4-1001.

779 Section 12. **Effective date.**

780 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

781 (2) (a) Except as provided in Subsection (2)(b), if approved by two-thirds of all the
782 members elected to each house, the actions affecting Section 59-12-205 take effect upon
783 approval by the governor, or the day following the constitutional time limit of Utah
784 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
785 the date of veto override.

786 (b) If this bill is not approved by two-thirds of all members elected to each house, the
787 actions affecting Section 59-12-205 take effect May 1, 2024.

788 Section 13. **Retrospective operation.**

789 Section 59-12-205 has retrospective operation to January 1, 2024.