

PROPERTY LOSS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill creates the Property Loss Related to Homelessness Compensation Fund.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the Property Loss Related to Homelessness Compensation Fund;
- ▶ describes acceptable uses of the Property Loss Related to Homelessness Compensation Fund;
- ▶ creates the Property Loss Related to Homelessness Advisory Committee; and
- ▶ describes the duties of the Property Loss Related to Homelessness Advisory Committee.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

26B-1-336, Utah Code Annotated 1953

26B-1-436, Utah Code Annotated 1953



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

29 Section 1. Section **26B-1-336** is enacted to read:

30 **26B-1-336. Property Loss Related to Homelessness Compensation Fund.**

31 (1) As used in this section:

32 (a) "Encampment" means a location where one or more homeless individuals live in an
33 unsheltered area for a period of at least seven consecutive days.

34 (b) "Homelessness services facility" includes:

35 (i) a homeless shelter, including an emergency shelter;

36 (ii) a homeless resource center;

37 (iii) a daytime resource center; and

38 (iv) transitional housing or permanent supportive housing.

39 (c) "Property loss" means:

40 (i) a quantifiable reduction in real property value;

41 (ii) a quantifiable reduction in business activity;

42 (iii) documented damage to property; or

43 (iv) documented cost of cleaning, sanitizing, repairing, or restoring real property.

44 (2) There is created an expendable special revenue fund known as the "Property Loss
45 Related to Homelessness Compensation Fund."

46 (3) The fund shall consist of:

47 (a) gifts, grants, donations, loan repayments, or any other conveyance of money that
48 may be made to the fund from private sources; and

49 (b) additional amounts as appropriated by the Legislature.

50 (4) The fund shall be administered by the executive director.

51 (5) Fund money may be used to:

52 (a) compensate an individual who:

53 (i) lives within 1/6 of a mile from a homelessness services facility or encampment; and

54 (ii) experiences property loss as a direct result of the presence of the homelessness
55 service or encampment;

56 (b) compensate a business that:

57 (i) is located within 1/6 of a mile of a homelessness services facility or encampment;

58 and

- 59 (ii) experiences property loss as a direct result of the presence of the homelessness
60 services facility or encampment; or
- 61 (c) provide a no-interest loan to a business that:
- 62 (i) meets the requirements of Subsection (5)(b); and
63 (ii) enters into an agreement with the department to:
- 64 (A) use loaned funds only to repair or mitigate property loss as a direct result of the
65 presence of the homelessness services facility or encampment; and
- 66 (B) repay the loan within one year of the day on which the loan is made.
- 67 (6) Not less than 50% of the fund shall be used each fiscal year to directly assist
68 individuals and businesses who meet the qualifications described in Subsection (5).
- 69 (7) An individual who receives compensation from the fund shall:
- 70 (a) be a resident of Utah; and
71 (b) have a need that can be met within the requirements of this section.
- 72 (8) A business that receives compensation or a loan from the fund shall be in good
73 standing with the State Tax Commission and Department of Commerce.
- 74 (9) The fund may not duplicate any services or support mechanisms being provided to
75 an individual by any other government or private agency.
- 76 (10) All actual and necessary operating expenses for the Property Loss Related to
77 Homelessness Advisory Committee created in Section [26B-1-436](#) and staff shall be paid by the
78 fund.
- 79 Section 2. Section **26B-1-436** is enacted to read:
- 80 **26B-1-436. Property Loss Related to Homelessness Advisory Committee.**
- 81 (1) As used in this section:
- 82 (a) "Encampment" means the same as that term is defined in Section [26B-1-336](#).
83 (b) "Homelessness services facility" means the same as that term is defined in Section
84 [26B-1-336](#).
- 85 (c) "Property loss" means the same as that term is defined in Section [26B-1-336](#).
- 86 (2) On or after July 1 of each year, the executive director may create a Property Loss
87 Related to Homelessness Advisory Committee of not more than nine members.
- 88 (3) The committee shall be composed of members of the community, including:
- 89 (a) persons who operate a business in proximity with a homelessness services facility

90 or encampment;

91 (b) representatives of an association which advocates for people experiencing
92 homelessness;

93 (c) individuals with experience in quantifying and evaluating property loss; and

94 (d) department representatives.

95 (4) The department shall provide staff support to the committee.

96 (5) (a) If a vacancy occurs in the committee membership for any reason, a replacement
97 may be appointed for the unexpired term.

98 (b) The committee shall elect a chairperson from the membership.

99 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum
100 exists, the action of the majority of members present shall be the action of the committee.

101 (d) The committee may adopt bylaws governing the committee's activities.

102 (e) A committee member may be removed by the executive director:

103 (i) if the member is unable or unwilling to carry out the member's assigned
104 responsibilities; or

105 (ii) for good cause.

106 (6) The committee shall:

107 (a) recommend criteria for disbursements and loans from the Property Loss Related to
108 Homelessness Compensation Fund, including criteria for prioritizing disbursements in the
109 event of limited funds, to the executive director; and

110 (b) review disbursements and loans from the Property Loss Related to Homelessness
111 Compensation Fund.

112 (7) The committee shall comply with the procedures and requirements of:

113 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

114 (b) Title 63G, Chapter 2, Government Records Access and Management Act.

115 (8) A member may not receive compensation or benefits for the member's service, but,
116 at the executive director's discretion, may receive per diem and travel expenses in accordance
117 with:

118 (a) Section [63A-3-106](#);

119 (b) Section [63A-3-107](#); and

120 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and

121 [63A-3-107.](#)

122 (9) Beginning in 2025, the committee shall provide an annual written report
123 summarizing the activities of the committee to the executive director by November 30.

124 (10) The committee shall cease to exist on December 31 of each year, unless the
125 executive director determines it necessary to continue.

126 Section 3. **Effective date.**

127 This bill takes effect on July 1, 2024.