

Representative Joel K. Briscoe proposes the following substitute bill:

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:

This bill appropriates in fiscal year 2025:

- ▶ to Department of Workforce Services - Office of Homeless Services as an ongoing appropriation:
 - from the General Fund, \$1,000,000

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 ENACTS:

28 **35A-16-801**, Utah Code Annotated 1953

29 **35A-16-802**, Utah Code Annotated 1953

30

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

32 Section 1. Section **35A-16-801** is enacted to read:

33 **35A-16-801. Property Loss Related to Homelessness Compensation Fund.**

34 (1) As used in this section:

35 (a) "Homelessness services facility" includes:

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

37 (ii) a homeless resource center;

38 (iii) a daytime resource center; and

39 (iv) transitional housing or permanent supportive housing.

40 (b) "Property loss" means:

41 (i) documented damage to or theft of personal property; or

42 (ii) documented cost of cleaning, sanitizing, repairing, or restoring real property.

43 (2) There is created an expendable special revenue fund known as the "Property Loss

44 Related to Homelessness Compensation Fund."

45 (3) The fund shall consist of:

46 (a) gifts, grants, donations, loan repayments, or any other conveyance of money that

47 may be made to the fund from private sources; and

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

49 (4) The fund shall be administered by the coordinator.

50 (5) Fund money may be used to:

51 (a) compensate an individual who:

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

53 (ii) experiences property loss as a direct result of the presence of the homelessness

54 services facility;

55 (b) compensate a business that:

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

57 and

58 (ii) experiences property loss as a direct result of the presence of the homelessness
59 services facility; or

60 (c) provide a no-interest loan to a business that:

61 (i) meets the requirements of Subsection (5)(b); and

62 (ii) enters into an agreement with the department to:

63 (A) use loaned funds only to repair or mitigate property loss as a direct result of the
64 presence of the homelessness services facility; and

65 (B) repay the loan within one year of the day on which the loan is made.

66 (6) Not less than 50% of the fund shall be used each fiscal year to directly assist
67 individuals and businesses who meet the qualifications described in Subsection (5).

68 (7) An individual who receives compensation from the fund shall:

69 (a) be a resident of Utah; and

70 (b) have a need that can be met within the requirements of this section.

71 (8) A business that receives compensation or a loan from the fund shall be in good
72 standing with the State Tax Commission and Department of Commerce.

73 (9) The fund may not duplicate any services or support mechanisms being provided to
74 an individual by any other government or private agency.

75 (10) All actual and necessary operating expenses for the Property Loss Related to
76 Homelessness Advisory Committee created in Section 35A-16-802 and staff shall be paid by
77 the fund.

78 Section 2. Section **35A-16-802** is enacted to read:

79 **35A-16-802. Property Loss Related to Homelessness Advisory Committee.**

80 (1) As used in this section:

81 (a) "Committee" means the Property Loss Related to Homelessness Advisory
82 Committee created in this section.

83 (b) "Homelessness services facility" means the same as that term is defined in Section
84 35A-16-801.

85 (c) "Property loss" means the same as that term is defined in Section 35A-16-801.

86 (2) On or after July 1 of each year, the coordinator may create the 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 (b) representatives of an association which advocates for people experiencing

91 homelessness;

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

93 (d) office representatives.

94 (4) The office shall provide staff support to the committee.

95 (5) (a) If a vacancy occurs in the committee membership for any reason, a replacement

96 may be appointed for the unexpired term.

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

98 (c) A majority of the committee constitutes a quorum at any meeting, and, if a quorum

99 exists, the action of the majority of members present shall be the action of the committee.

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

101 (e) A committee member may be removed by the coordinator:

102 (i) if the member is unable or unwilling to carry out the member's assigned

103 responsibilities; or

104 (ii) for good cause.

105 (6) The committee shall:

106 (a) recommend criteria for disbursements and loans from the Property Loss Related to

107 Homelessness Compensation Fund, including criteria for confirming the amount of property

108 loss and prioritizing disbursements in the event of limited funds, to the coordinator; and

109 (b) review disbursements and loans from the Property Loss Related to Homelessness

110 Compensation Fund.

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

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

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

114 (8) A member may not receive compensation or benefits for the member's service, but,

115 at the coordinator's discretion, may receive per diem and travel expenses in accordance with:

116 (a) Section 63A-3-106;

117 (b) Section 63A-3-107; and

118 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

119 63A-3-107.

120 (9) Beginning in 2025, the committee shall provide an annual written report
121 summarizing the activities of the committee to the coordinator by November 30.

122 (10) The committee shall cease to exist on December 31 of each year, unless the
123 coordinator determines it necessary to continue.

124 Section 3. **FY 2025 Appropriation.**

125 The following sums of money are appropriated for the fiscal year beginning July 1,
126 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
127 fiscal year 2025.

128 Subsection 3(a). **Expendable Funds and Accounts.**

129 The Legislature has reviewed the following expendable funds. The Legislature
130 authorizes the State Division of Finance to transfer amounts between funds and accounts as
131 indicated. Outlays and expenditures from the funds or accounts to which the money is
132 transferred may be made without further legislative action, in accordance with statutory
133 provisions relating to the funds or accounts.

134	ITEM 1	To Department of Workforce Services - Office of Homeless Services	
135		From General Fund	\$1,000,000
136		Schedule of Programs:	
137		Property Loss Related to Homelessness	\$1,000,000
		Compensation Fund	

138 Section 4. **Effective date.**

139 This bill takes effect on July 1, 2024.