

1 **HOMELESS PROVIDER OVERSIGHT AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian S. King**

5 Senate Sponsor: Jacob L. Anderegg

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the Homeless Coordinating Committee.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires the Homeless Coordinating Committee to prepare and implement a
- 13 statewide strategy for minimizing homelessness in the state;
- 14 ▶ describes requirements for evaluating and reporting on progress toward the strategic
- 15 plan goals;
- 16 ▶ describes requirements related to awarding contracts from the Pamela Atkinson
- 17 Homeless Account; and
- 18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **35A-8-602**, as last amended by Laws of Utah 2016, Chapter 157

26 **35A-8-604**, as last amended by Laws of Utah 2018, Chapter 251



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

29 Section 1. Section **35A-8-602** is amended to read:

30 **35A-8-602. Purposes of Homeless Coordinating Committee -- Uses of Pamela**
31 **Atkinson Homeless Account.**

32 (1) [~~(a)~~] The Homeless Coordinating Committee shall work to ensure that services
33 provided to the homeless by state agencies, local governments, and private organizations are
34 provided in a cost-effective and service efficient manner[-] by:

35 (a) preparing and implementing a statewide strategic plan to minimize homelessness in
36 the state that:

37 (i) outlines specific goals and measurable benchmarks for progress;

38 (ii) identifies gaps in service delivery to the variety of homeless populations;

39 (iii) provides recommendations to the governor and the Legislature on strategies,
40 policies, procedures, and programs to address the needs of the homeless populations in the
41 state; and

42 (iv) identifies best practices and recommends improvements in coordinating service
43 delivery to the variety of homeless populations through the use of electronic databases and
44 through data sharing among service providers;

45 (b) evaluating annually the progress made toward achieving the goals outlined in the
46 plan described in Subsection (1)(a); and

47 (c) designating local oversight bodies that are responsible to:

48 (i) develop a common agenda and vision for reducing homelessness in the local
49 oversight bodies' respective region;

50 (ii) develop a spending plan that coordinates the funding supplied to local stakeholders;

51 (iii) monitor the progress toward achieving state and local goals; and

52 (iv) align local funding to projects that are improving outcomes and targeting specific
53 needs in the community.

54 [~~(b)~~] (2) (a) Programs funded by the committee shall emphasize emergency housing
55 and self-sufficiency, including placement in meaningful employment or occupational training
56 activities and, where needed, special services to meet the unique needs of the homeless who:

57 (i) have families with children;

58 (ii) have a disability or a mental illness; or

- 59 (iii) suffer from other serious challenges to employment and self-sufficiency.
- 60 ~~[(e)]~~ (b) The committee may also fund treatment programs to ameliorate the effects of
61 substance abuse or a disability.
- 62 ~~[(d) Before October 1, 2016, the committee shall conduct a needs assessment or
63 contract with another state agency or private entity to conduct a needs assessment that:]~~
- 64 ~~[(i) identifies desired statewide outcomes related to minimizing homelessness;]~~
- 65 ~~[(ii) reviews technology used for data gathering by state, county and local governments
66 and private organizations for reporting information about, and providing service to, homeless
67 individuals in the state, including an evaluation of:]~~
- 68 ~~[(A) the functionality of existing databases;]~~
- 69 ~~[(B) the ability to expand and tailor existing databases to better serve the needs of
70 homeless individuals; and]~~
- 71 ~~[(C) the ability of the technology to ensure proper privacy restrictions and sharing
72 between reporting entities, including those addressing domestic violence, as allowed by federal
73 privacy regulations;]~~
- 74 ~~[(iii) identifies gaps between the data described in Subsection (1)(d)(i) and the data
75 needed to implement best practices in minimizing homelessness and achieve the outcomes
76 identified in accordance with this Subsection (1)(d);]~~
- 77 ~~[(iv) evaluates the technical capacity of existing databases and information technology
78 systems used to gather and report data related to homelessness and identifies improvements
79 needed to better serve the homeless population and meet the needs of all stakeholders;]~~
- 80 ~~[(v) identifies opportunities to align data gathering and reporting related to
81 homelessness with state efforts to reduce intergenerational poverty, incarceration, and
82 recidivism rates; and]~~
- 83 ~~[(vi) makes recommendations regarding the needed improvements related to this
84 Subsection (1)(d) and outlines steps for implementing the recommendations.]~~
- 85 ~~[(e) Before October 1, 2016, the committee shall report to the department the findings
86 and recommendations of the needs assessment described in Subsection (1)(d) for inclusion in
87 the annual written report described in Section [35A-1-109](#).]~~
- 88 ~~[(2)]~~ (3) The committee members designated in Subsection [35A-8-601\(2\)](#) shall:
- 89 (a) award contracts funded by the Pamela Atkinson Homeless Account with the advice

90 and input of those designated in Subsection [35A-8-601\(3\)](#);

91 ~~[(b) consider need, diversity of geographic location, coordination with or enhancement~~
92 ~~of existing services, and the extensive use of volunteers in awarding contracts described in~~
93 ~~Subsection (2)(a); and]~~

94 ~~[(c) give priority for funding to programs that serve the homeless who have a mental~~
95 ~~illness and who are in families with children.]~~

96 (b) in the evaluation of contract awards, consider whether:

97 (i) the proposed award addresses the needs identified in the strategic plan described in
98 Subsection (1);

99 (ii) the proposed award is aligned with the process described in Subsection (1); and

100 (iii) the proposed contractor has a policy to share client-level service information with
101 other entities in accordance with state and federal law to enhance coordinated services for those
102 experiencing homelessness; and

103 (c) identify specific targets and benchmarks for each contract that align with the
104 strategic plan described in Subsection (1).

105 ~~[(3)]~~ (4) (a) In any fiscal year, no more than 80% of the funds in the Pamela Atkinson
106 Homeless Account may be allocated to organizations that provide services only in Salt Lake,
107 Davis, Weber, and Utah Counties.

108 (b) The committee may:

109 (i) expend up to 3% of its annual appropriation for administrative costs associated with
110 the allocation of funds from the Pamela Atkinson Homeless Account, and up to 2% of its
111 annual appropriation for marketing the account and soliciting donations to the account; and

112 (ii) pay for the initial costs of the State Tax Commission in implementing Section
113 [59-10-1306](#) from the account.

114 ~~[(4)]~~ (5) If there are decreases in contributions to the account, the committee may
115 expend money held in the account to provide program stability, but the committee shall
116 reimburse the amount of those expenditures to the account.

117 ~~[(5)]~~ (6) The committee shall make an annual report to the department regarding the
118 ~~[programs and services funded by contributions to the Pamela Atkinson Homeless Account]~~
119 progress made implementing the strategic plan described in Subsection (1) for inclusion in the
120 annual written report described in Section [35A-1-109](#).

121 (7) The committee shall update the strategic plan described in Section [35A-1-109](#) on an
122 annual basis.

123 ~~[(6)]~~ (8) The state treasurer shall invest the money in the Pamela Atkinson Homeless
124 Account according to the procedures and requirements of Title 51, Chapter 7, State Money
125 Management Act, except that interest and other earnings derived from the restricted account
126 shall be deposited in the restricted account.

127 Section 2. Section **35A-8-604** is amended to read:

128 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

129 (1) With the concurrence of the division and in accordance with this section, the
130 Homeless Coordinating Committee members designated in Subsection [35A-8-601](#)(2) may
131 award ongoing or one-time grants or contracts funded from the Homeless to Housing Reform
132 Restricted Account created in Section [35A-8-605](#).

133 (2) Before final approval of a grant or contract awarded under this section, the
134 Homeless Coordinating Committee and the division shall provide written information
135 regarding the grant or contract to, and shall consider the recommendations of, the Executive
136 Appropriations Committee.

137 (3) As a condition of receiving money, including any ongoing money, from the
138 restricted account, an entity awarded a grant or contract under this section shall provide
139 detailed and accurate reporting on at least an annual basis to the division and the Homeless
140 Coordinating Committee that describes:

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

142 (b) the progress towards measurable outcome-based benchmarks agreed to between the
143 entity and the Homeless Coordinating Committee before the awarding of the grant or contract.

144 (4) In determining the awarding of a grant or contract under this section, the Homeless
145 Coordinating Committee, with the concurrence of the division, shall:

146 (a) ensure that the services to be provided through the grant or contract will be
147 provided in a cost-effective manner;

148 (b) consider the advice of committee members designated in Subsection [35A-8-601](#)(3);

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

151 (d) ensure that the project or contract will target the distinct housing needs of one or

152 more at-risk or homeless subpopulations, which may include:

- 153 (i) families with children;
- 154 (ii) transitional-aged youth;
- 155 (iii) single men or single women;
- 156 (iv) veterans;
- 157 (v) victims of domestic violence;
- 158 (vi) individuals with behavioral health disorders, including mental health or substance

159 use disorders;

- 160 (vii) individuals who are medically frail or terminally ill;
- 161 (viii) individuals exiting prison or jail; or

162 (ix) individuals who are homeless without shelter; [~~and~~]

163 (e) consider whether the project will address one or more of the following goals:

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

166 (ii) meeting the basic needs of homeless individuals and families in crisis;
167 (iii) providing homeless individuals and families with needed stabilization services;

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

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

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

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

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

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

178 (x) providing services and support to prevent homelessness among at-risk children,
179 adolescents, and young adults; ~~and~~

180 (xi) preventing the reoccurrence of homelessness among individuals and families
181 exiting homelessness[.] and;

181a ~~and~~ **(xii) providing medical respite care for homeless individuals where the homeless**
181b **individuals can access medical care and other supportive services; and** ~~and~~

182 (f) address the needs identified in the strategic plan described in Subsection

183 [35A-8-602\(1\)\(a\)](#) for inclusion in the annual written report described in Section [35A-1-109](#).

184 (5) In addition to the other provisions of this section, in determining the awarding of a
 185 grant or contract under this section to design, build, create, or renovate a facility that will
 186 provide shelter or other resources for the homeless, the Homeless Coordinating Committee,
 187 with the concurrence of the division, may consider whether the facility will be:

188 (a) located near mass transit services;

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

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

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

194 (6) In accordance with Subsection (5), and subject to the approval of the Homeless
 195 Coordinating Committee with the concurrence of the division, the following may recommend a
 196 site location, acquire a site location, and hold title to real property, buildings, fixtures, and
 197 appurtenances of a facility that provides or will provide shelter or other resources for the
 198 homeless:

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

202 (b) the state;

203 (c) a nonprofit entity approved by the Homeless Coordinating Committee with the
 204 concurrence of the division; and

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

207 ~~[(7) Subject to the requirements of Subsections (5) and (6), on or before March 30,~~
 208 ~~2017, the county executive of a county of the first class shall make a recommendation to the~~
 209 ~~Homeless Coordinating Committee identifying a site location for one facility within the county~~
 210 ~~of the first class that will provide shelter for the homeless in a location other than Salt Lake~~
 211 ~~City.]~~

212 ~~[(8)]~~ (7) (a) As used in this Subsection ~~[(8)]~~ (7) and in Subsection ~~[(9)]~~ (8), "homeless
 213 shelter" means a facility that:

214 (i) is located within a municipality; ~~Ĥ~~→ and ←~~Ĥ~~

215 (ii) provides temporary shelter year-round to homeless individuals ~~Ĥ~~→ [~~and~~] , including
215a an emergency shelter or medical respite facility.

216 [~~(iii) has the capacity to provide temporary shelter to at least 50 individuals per night.~~] ←~~Ĥ~~

217 (b) In addition to the other provisions of this section, the Homeless Coordinating
218 Committee, with the concurrence of the division, may award a grant or contract:

219 (i) to a municipality to improve sidewalks, pathways, or roadways near a homeless
220 shelter to provide greater safety to homeless individuals; and

221 (ii) to a municipality to hire one or more peace officers to provide greater safety to
222 homeless individuals.

223 [~~(9)~~] (8) (a) If a homeless shelter commits to provide matching funds equal to the total
224 grant awarded under this Subsection [~~(9)~~] (8), the Homeless Coordinating Committee, with the
225 concurrence of the division, may award a grant for the ongoing operations of the homeless
226 shelter.

227 (b) In awarding a grant under this Subsection [~~(9)~~] (8), the Homeless Coordinating
228 Committee, with the concurrence of the division, shall:

229 (i) give priority to a homeless shelter located in a county of the first class that has the
230 capacity to provide temporary shelter to at least 200 individuals per night; and

231 (ii) consider the number of beds available at the homeless shelter and the number and
232 quality of the homeless services provided by the homeless shelter.

233 [~~(10)~~] (9) The division may expend money from the restricted account to offset actual
234 division and Homeless Coordinating Committee expenses related to administering this section.