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HOMELESS SERVICES AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the formula used by the Office of Homeless Services (office) to disburse funds from the Homeless Shelter Cities Mitigation Restricted Account (account) to municipalities to mitigate the impacts of homeless shelters;
- ▶ prohibits a municipality from receiving funds from the account if the municipality does not enforce an ordinance that prohibits camping, except in certain circumstances;
- ▶ modifies the annual local contribution amount that certain local governments are required to provide from the local government's collected sales tax revenue for deposit into the account;
- ▶ provides for the State Tax Commission to subtract a certain amount from a local government's annual local contribution to the account based on the availability of homeless shelter beds within the local government's boundaries;
- ▶ requires certain counties to convene a county overflow task force for the purpose of preparing a county overflow plan;



- 28 ▶ describes the membership of a county overflow task force;
- 29 ▶ expands the county overflow plan requirements to counties of the second class;
- 30 ▶ modifies the process and requirements for a county overflow plan and the
- 31 consequences of noncompliance during the overflow period;
- 32 ▶ requires the Department of Health and Human Services to issue a code blue alert for
- 33 certain weather events that may pose a danger to individuals experiencing
- 34 homelessness;
- 35 ▶ provides for certain requirements and limitations to take effect within a county that
- 36 is impacted by a code blue alert; and
- 37 ▶ makes technical and conforming changes.

38 Money Appropriated in this Bill:

39 None

40 Other Special Clauses:

41 This bill provides a special effective date.

42 Utah Code Sections Affected:

43 AMENDS:

44 **26B-1-202**, as last amended by Laws of Utah 2022, Chapters 40, 274 and renumbered

45 and amended by Laws of Utah 2022, Chapter 255

46 **35A-16-203**, as last amended by Laws of Utah 2022, Chapter 403

47 **35A-16-302**, as renumbered and amended by Laws of Utah 2021, Chapter 281

48 **35A-16-303**, as renumbered and amended by Laws of Utah 2021, Chapter 281

49 **35A-16-401**, as enacted by Laws of Utah 2022, Chapter 403

50 **35A-16-402**, as last amended by Laws of Utah 2022, Chapter 82 and renumbered and

51 amended by Laws of Utah 2022, Chapter 403

52 **35A-16-403**, as renumbered and amended by Laws of Utah 2022, Chapter 403

53 **35A-16-404**, as renumbered and amended by Laws of Utah 2022, Chapter 403

54 **35A-16-501**, as enacted by Laws of Utah 2022, Chapter 403

55 **35A-16-602**, as enacted by Laws of Utah 2022, Chapter 467

56 **59-12-205**, as last amended by Laws of Utah 2022, Chapters 59, 82 and 403

57 ENACTS:

58 **35A-16-405**, Utah Code Annotated 1953

- 59 **35A-16-501.5**, Utah Code Annotated 1953
- 60 **35A-16-502.5**, Utah Code Annotated 1953
- 61 **35A-16-701**, Utah Code Annotated 1953
- 62 **35A-16-702**, Utah Code Annotated 1953
- 63 **35A-16-703**, Utah Code Annotated 1953

64 REPEALS AND REENACTS:

- 65 **35A-16-502**, as enacted by Laws of Utah 2022, Chapter 403

66

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

68 Section 1. Section **26B-1-202** is amended to read:

69 **26B-1-202. Department authority and duties.**

70 The department may, subject to applicable restrictions in state law and in addition to all
71 other authority and responsibility granted to the department by law:

72 (1) adopt rules, in accordance with Title 63G, Chapter 3, Utah Administrative
73 Rulemaking Act, and not inconsistent with law, as the department may consider necessary or
74 desirable for providing health and social services to the people of this state;

75 (2) establish and manage client trust accounts in the department's institutions and
76 community programs, at the request of the client or the client's legal guardian or representative,
77 or in accordance with federal law;

78 (3) purchase, as authorized or required by law, services that the department is
79 responsible to provide for legally eligible persons;

80 (4) conduct adjudicative proceedings for clients and providers in accordance with the
81 procedures of Title 63G, Chapter 4, Administrative Procedures Act;

82 (5) establish eligibility standards for the department's programs, not inconsistent with
83 state or federal law or regulations;

84 (6) take necessary steps, including legal action, to recover money or the monetary value
85 of services provided to a recipient who was not eligible;

86 (7) set and collect fees for the department's services;

87 (8) license agencies, facilities, and programs, except as otherwise allowed, prohibited,
88 or limited by law;

89 (9) acquire, manage, and dispose of any real or personal property needed or owned by

90 the department, not inconsistent with state law;

91 (10) receive gifts, grants, devises, and donations; gifts, grants, devises, donations, or
92 the proceeds thereof, may be credited to the program designated by the donor, and may be used
93 for the purposes requested by the donor, as long as the request conforms to state and federal
94 policy; all donated funds shall be considered private, nonlapsing funds and may be invested
95 under guidelines established by the state treasurer;

96 (11) accept and employ volunteer labor or services; the department is authorized to
97 reimburse volunteers for necessary expenses, when the department considers that
98 reimbursement to be appropriate;

99 (12) carry out the responsibility assigned in the workforce services plan by the State
100 Workforce Development Board;

101 (13) carry out the responsibility assigned by Section [62A-5a-105](#) with respect to
102 coordination of services for students with a disability;

103 (14) provide training and educational opportunities for the department's staff;

104 (15) collect child support payments and any other money due to the department;

105 (16) apply the provisions of Title 78B, Chapter 12, Utah Child Support Act, to parents
106 whose child lives out of the home in a department licensed or certified setting;

107 (17) establish policy and procedures, within appropriations authorized by the
108 Legislature, in cases where the Division of Child and Family Services or the Division of
109 Juvenile Justice Services is given custody of a minor by the juvenile court under Title 80, Utah
110 Juvenile Code, or the department is ordered to prepare an attainment plan for a minor found not
111 competent to proceed under Section [80-6-403](#), including:

112 (a) designation of interagency teams for each juvenile court district in the state;

113 (b) delineation of assessment criteria and procedures;

114 (c) minimum requirements, and timeframes, for the development and implementation
115 of a collaborative service plan for each minor placed in department custody; and

116 (d) provisions for submittal of the plan and periodic progress reports to the court;

117 (18) carry out the responsibilities assigned to the department by statute;

118 (19) examine and audit the expenditures of any public funds provided to a local
119 substance abuse authority, a local mental health authority, a local area agency on aging, and any
120 person, agency, or organization that contracts with or receives funds from those authorities or

121 agencies. Those local authorities, area agencies, and any person or entity that contracts with or
122 receives funds from those authorities or area agencies, shall provide the department with any
123 information the department considers necessary. The department is further authorized to issue
124 directives resulting from any examination or audit to a local authority, an area agency, and
125 persons or entities that contract with or receive funds from those authorities with regard to any
126 public funds. If the department determines that it is necessary to withhold funds from a local
127 mental health authority or local substance abuse authority based on failure to comply with state
128 or federal law, policy, or contract provisions, the department may take steps necessary to
129 ensure continuity of services. For purposes of this Subsection (19) "public funds" means the
130 same as that term is defined in Section [62A-15-102](#);

131 (20) in accordance with Subsection [62A-2-106\(1\)\(d\)](#), accredit one or more agencies
132 and persons to provide intercountry adoption services;

133 (21) within legislative appropriations, promote and develop a system of care and
134 stabilization services:

135 (a) in compliance with Title 63G, Chapter 6a, Utah Procurement Code; and

136 (b) that encompasses the department, department contractors, and the divisions,
137 offices, or institutions within the department, to:

138 (i) navigate services, funding resources, and relationships to the benefit of the children
139 and families whom the department serves;

140 (ii) centralize department operations, including procurement and contracting;

141 (iii) develop policies that govern business operations and that facilitate a system of care
142 approach to service delivery;

143 (iv) allocate resources that may be used for the children and families served by the
144 department or the divisions, offices, or institutions within the department, subject to the
145 restrictions in Section [63J-1-206](#);

146 (v) create performance-based measures for the provision of services; and

147 (vi) centralize other business operations, including data matching and sharing among
148 the department's divisions, offices, and institutions;

149 (22) ensure that any training or certification required of a public official or public
150 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
151 22, State Training and Certification Requirements, if the training or certification is required:

- 152 (a) under this title;
- 153 (b) by the department; or
- 154 (c) by an agency or division within the department;
- 155 (23) enter into cooperative agreements with the Department of Environmental Quality
- 156 to delineate specific responsibilities to assure that assessment and management of risk to
- 157 human health from the environment are properly administered;
- 158 (24) consult with the Department of Environmental Quality and enter into cooperative
- 159 agreements, as needed, to ensure efficient use of resources and effective response to potential
- 160 health and safety threats from the environment, and to prevent gaps in protection from potential
- 161 risks from the environment to specific individuals or population groups;
- 162 (25) to the extent authorized under state law or required by federal law, promote and
- 163 protect the health and wellness of the people within the state;
- 164 (26) establish, maintain, and enforce rules authorized under state law or required by
- 165 federal law to promote and protect the public health or to prevent disease and illness;
- 166 (27) investigate the causes of epidemic, infectious, communicable, and other diseases
- 167 affecting the public health;
- 168 (28) provide for the detection and reporting of communicable, infectious, acute,
- 169 chronic, or any other disease or health hazard which the department considers to be dangerous,
- 170 important, or likely to affect the public health;
- 171 (29) collect and report information on causes of injury, sickness, death, and disability
- 172 and the risk factors that contribute to the causes of injury, sickness, death, and disability within
- 173 the state;
- 174 (30) collect, prepare, publish, and disseminate information to inform the public
- 175 concerning the health and wellness of the population, specific hazards, and risks that may affect
- 176 the health and wellness of the population and specific activities which may promote and protect
- 177 the health and wellness of the population;
- 178 (31) abate nuisances when necessary to eliminate sources of filth and infectious and
- 179 communicable diseases affecting the public health;
- 180 (32) make necessary sanitary and health investigations and inspections in cooperation
- 181 with local health departments as to any matters affecting the public health;
- 182 (33) establish laboratory services necessary to support public health programs and

183 medical services in the state;

184 (34) establish and enforce standards for laboratory services which are provided by any
185 laboratory in the state when the purpose of the services is to protect the public health;

186 (35) cooperate with the Labor Commission to conduct studies of occupational health
187 hazards and occupational diseases arising in and out of employment in industry, and make
188 recommendations for elimination or reduction of the hazards;

189 (36) cooperate with the local health departments, the Department of Corrections, the
190 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime
191 Victim Reparations and Assistance Board to conduct testing for HIV infection of alleged
192 sexual offenders, convicted sexual offenders, and any victims of a sexual offense;

193 (37) investigate the causes of maternal and infant mortality;

194 (38) establish, maintain, and enforce a procedure requiring the blood of adult
195 pedestrians and drivers of motor vehicles killed in highway accidents be examined for the
196 presence and concentration of alcohol, and provide the Commissioner of Public Safety with
197 monthly statistics reflecting the results of these examinations, with necessary safeguards so that
198 information derived from the examinations is not used for a purpose other than the compilation
199 of these statistics;

200 (39) establish qualifications for individuals permitted to draw blood under Subsection
201 [41-6a-523\(1\)\(a\)\(vi\)](#), [53-10-405\(2\)\(a\)\(vi\)](#), [72-10-502\(5\)\(a\)\(vi\)](#), or [77-23-213\(3\)\(a\)\(vi\)](#), and to
202 issue permits to individuals the department finds qualified, which permits may be terminated or
203 revoked by the department;

204 (40) establish a uniform public health program throughout the state which includes
205 continuous service, employment of qualified employees, and a basic program of disease
206 control, vital and health statistics, sanitation, public health nursing, and other preventive health
207 programs necessary or desirable for the protection of public health;

208 (41) conduct health planning for the state;

209 (42) monitor the costs of health care in the state and foster price competition in the
210 health care delivery system;

211 (43) establish methods or measures for health care providers, public health entities, and
212 health care insurers to coordinate among themselves to verify the identity of the individuals the
213 providers serve;

214 (44) designate Alzheimer's disease and related dementia as a public health issue and,
215 within budgetary limitations, implement a state plan for Alzheimer's disease and related
216 dementia by incorporating the plan into the department's strategic planning and budgetary
217 process;

218 (45) coordinate with other state agencies and other organizations to implement the state
219 plan for Alzheimer's disease and related dementia;

220 (46) ensure that any training or certification required of a public official or public
221 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
222 22, State Training and Certification Requirements, if the training or certification is required by
223 the agency or under this title, Title 26, Utah Health Code, or Title 62A, Utah Human Services
224 Code; [~~and~~]

225 (47) oversee public education vision screening as described in Section 53G-9-404[-];
226 and

227 (48) issue code blue alerts in accordance with Title 35A, Chapter 16, Part 7, Code Blue
228 Alert.

229 Section 2. Section 35A-16-203 is amended to read:

230 **35A-16-203. Powers and duties of the coordinator.**

231 (1) The coordinator shall:

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

233 (b) in cooperation with the homelessness council, develop and maintain a
234 comprehensive annual budget and overview of all homeless services available in the state,
235 which homeless services budget shall receive final approval by the homelessness council;

236 (c) in cooperation with the homelessness council, create a statewide strategic plan to
237 minimize homelessness in the state, which strategic plan shall receive final approval by the
238 homelessness council;

239 (d) in cooperation with the homelessness council, oversee funding provided for the
240 provision of homeless services, which funding shall receive final approval by the homelessness
241 council, including funding from the:

242 (i) Pamela Atkinson Homeless Account created in Section 35A-16-301;

243 (ii) Homeless to Housing Reform Restricted Account created in Section 35A-16-303;

244 and

245 (iii) Homeless Shelter Cities Mitigation Restricted Account created in Section
246 35A-16-402;

247 (e) provide administrative support to and serve as a member of the homelessness
248 council;

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

251 (g) report directly to the president of the Senate and the speaker of the House of
252 Representatives at least twice each year on issues regarding homelessness in the state and the
253 provision of homeless services in the state.

254 (2) The coordinator, in cooperation with the homelessness council, shall ensure that the
255 homeless services budget described in Subsection (1)(b) includes an overview and coordination
256 plan for all funding sources for homeless services in the state, including from state agencies,
257 Continuum of Care organizations, housing authorities, local governments, federal sources, and
258 private organizations.

259 (3) The coordinator, in cooperation with the homelessness council, shall ensure that the
260 strategic plan described in Subsection (1)(c):

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

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

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

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

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

275 (a) shall prioritize the funding of programs and providers that have a documented

276 history of successfully reducing the number of individuals experiencing homelessness,
277 reducing the time individuals spend experiencing homelessness, moving individuals
278 experiencing homelessness to permanent housing, or reducing the number of individuals who
279 return to experiencing homelessness; and

280 (b) except for a program or provider providing services to victims of domestic
281 violence, may not approve funding to a program or provider that does not enter into a written
282 agreement with the office to collect and share HMIS data regarding the provision of services to
283 individuals experiencing homelessness so that the provision of services can be coordinated
284 among state agencies, local governments, and private organizations.

285 (5) In cooperation with the homelessness council, the coordinator shall update the
286 annual statewide budget and the strategic plan described in this section on an annual basis.

287 (6) (a) On or before October 1, the coordinator shall provide a written report to the
288 department for inclusion in the department's annual written report described in Section
289 [35A-1-109](#).

290 (b) The written report shall include:

291 (i) the homeless services budget;

292 (ii) the strategic plan; ~~and~~

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

295 (iv) in coordination with the homelessness council, a complete accounting of the
296 office's disbursement of funds during the previous fiscal year from:

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

298 (B) the Homeless to Housing Reform Restricted Account created in Section
299 [35A-16-303](#);

300 (C) the Homeless Shelter Cities Mitigation Restricted Account created in Section
301 [35A-16-402](#);

302 (D) the COVID-19 Homeless Housing and Services Grant Program created in Section
303 [35A-16-602](#); and

304 (E) any other grant program created in statute that is administered by the office.

305 Section 3. Section **35A-16-302** is amended to read:

306 **35A-16-302. Uses of Homeless to Housing Reform Restricted Account.**

307 (1) The homelessness council may award ongoing or one-time grants or contracts
308 funded from the Homeless to Housing Reform Restricted Account created in Section
309 [35A-16-303](#).

310 ~~[(2) Before final approval of a grant or contract awarded under this section, the~~
311 ~~homelessness council and the coordinator shall provide written information regarding the grant~~
312 ~~or contract to, and shall consider the recommendations of, the Executive Appropriations~~
313 ~~Committee.]~~

314 [(3)] (2) As a condition of receiving money, including any ongoing money, from the
315 restricted account, an entity awarded a grant or contract under this section shall provide
316 detailed and accurate reporting on at least an annual basis to the homelessness council and the
317 coordinator that describes:

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

319 (b) the progress towards measurable outcome-based benchmarks agreed to between the
320 entity and the homelessness council before the awarding of the grant or contract.

321 [(4)] (3) In determining the awarding of a grant or contract under this section, the
322 homelessness council and the coordinator shall:

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

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

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

329 (i) families with children;

330 (ii) transitional-aged youth;

331 (iii) single men or single women;

332 (iv) veterans;

333 (v) victims of domestic violence;

334 (vi) individuals with behavioral health disorders, including mental health or substance
335 use disorders;

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

337 (viii) individuals exiting prison or jail; or

- 338 (ix) individuals who are homeless without shelter;
- 339 (d) consider whether the project will address one or more of the following goals:
- 340 (i) diverting homeless or imminently homeless individuals and families from
- 341 emergency shelters by providing better housing-based solutions;
- 342 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 343 (iii) providing homeless individuals and families with needed stabilization services;
- 344 (iv) decreasing the state's homeless rate;
- 345 (v) implementing a coordinated entry system with consistent assessment tools to
- 346 provide appropriate and timely access to services for homeless individuals and families;
- 347 (vi) providing access to caseworkers or other individualized support for homeless
- 348 individuals and families;
- 349 (vii) encouraging employment and increased financial stability for individuals and
- 350 families being diverted from or exiting homelessness;
- 351 (viii) creating additional affordable housing for state residents;
- 352 (ix) providing services and support to prevent homelessness among at-risk individuals
- 353 and adults;
- 354 (x) providing services and support to prevent homelessness among at-risk children,
- 355 adolescents, and young adults;
- 356 (xi) preventing the reoccurrence of homelessness among individuals and families
- 357 exiting homelessness; and
- 358 (xii) providing medical respite care for homeless individuals where the homeless
- 359 individuals can access medical care and other supportive services; and
- 360 (e) address the needs identified in the strategic plan described in Section [35A-16-203](#)
- 361 for inclusion in the annual written report described in Section [35A-1-109](#).
- 362 [~~5~~] (4) In addition to the other provisions of this section, in determining the awarding
- 363 of a grant or contract under this section to design, build, create, or renovate a facility that will
- 364 provide shelter or other resources for the homeless, of the homelessness council, with the
- 365 concurrence of the coordinator, may consider whether the facility will be:
- 366 (a) located near mass transit services;
- 367 (b) located in an area that meets or will meet all zoning regulations before a final
- 368 dispersal of funds;

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

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

372 ~~[(6)]~~ (5) In accordance with Subsection ~~[(5)]~~ (4), and subject to the approval the
373 homelessness council, with the concurrence of the coordinator, the following may recommend
374 a site location, acquire a site location, and hold title to real property, buildings, fixtures, and
375 appurtenances of a facility that provides or will provide shelter or other resources for the
376 homeless:

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

380 (b) the state;

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

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

385 ~~[(7)]~~ (6) (a) If a homeless shelter commits to provide matching funds equal to the total
386 grant awarded under this Subsection ~~[(7)]~~ (6), the homelessness council, with the concurrence
387 of the coordinator, may award a grant for the ongoing operations of the homeless shelter.

388 (b) In awarding a grant under this Subsection ~~[(7)]~~ (6), the homelessness council, with
389 the concurrence of the coordinator, shall consider the number of beds available at the homeless
390 shelter and the number and quality of the homeless services provided by the homeless shelter.

391 ~~[(8)]~~ (7) The office may expend money from the restricted account to offset actual
392 office and homelessness council expenses related to administering this section.

393 ~~[(9) In addition to other provisions of this section, the homelessness council, with the
394 concurrence of the coordinator, may award one-time money from the state's sale of the land at
395 210 South Rio Grande Street, Salt Lake City, which was the location of a former emergency
396 homeless shelter, to a nonprofit entity that owns three or more homeless shelters in a county of
397 the first class to assist the entity in paying off a loan taken out by the entity to build a homeless
398 shelter located in a county of the first class in a location other than Salt Lake City.]~~

399 Section 4. Section **35A-16-303** is amended to read:

400 **35A-16-303. Homeless to Housing Reform Restricted Account.**

401 (1) There is created a restricted account within the General Fund known as the
402 Homeless to Housing Reform Restricted Account.

403 (2) The restricted account shall be administered by the office for the purposes
404 described in Section 35A-16-302.

405 (3) The state treasurer shall invest the money in the restricted account according to the
406 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that
407 interest and other earnings derived from the restricted account shall be deposited [in] into the
408 restricted account.

409 (4) The restricted account shall be funded by:

410 (a) appropriations made to the account by the Legislature; and

411 (b) private donations, grants, gifts, bequests, or money made available from any other
412 source to implement this section and Section 35A-16-302.

413 (5) Subject to appropriation, the coordinator shall use restricted account money as
414 described in Section 35A-16-302.

415 [~~(6) The coordinator, in cooperation with the homelessness council, shall submit an
416 annual written report to the department that gives a complete accounting of the use of money
417 from the restricted account for inclusion in the annual report described in Section 35A-1-109.]~~

418 [~~(7) In addition to the funding sources described in Subsection (4), the restricted
419 account shall be funded by the one-time deposit of the proceeds of the state's sale of land
420 located at 210 South Rio Grande Street, Salt Lake City, on or after March 1, 2020, which was
421 the former location of an emergency homeless shelter.]~~

422 Section 5. Section 35A-16-401 is amended to read:

423 **35A-16-401. Definitions.**

424 As used in this part:

425 (1) "Account" means the Homeless Shelter Cities Mitigation Restricted Account
426 created in Section 35A-16-402.

427 (2) "Authorized provider" means a nonprofit provider of homeless services that is
428 authorized by a third-tier eligible municipality to operate a temporary overflow shelter within
429 the municipality in accordance with Part 5, Overflow Plan Requirements.

430 [~~(2)~~] (3) "Eligible municipality" means:

431 (a) a first-tier eligible municipality;

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

433 (c) a third-tier eligible municipality.

434 ~~[(3)]~~ (4) "Eligible services" means ~~[public safety services or any other]~~ any activities or
435 services that mitigate the impacts of the location of an eligible shelter, including direct
436 services, public safety services, and emergency services, as further defined by rule made by the
437 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

438 ~~[(4)]~~ (5) "Eligible shelter" means:

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

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

442 (ii) operates year-round; and

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

445 (b) for a second-tier municipality, a homeless shelter that:

446 (i) has the capacity to provide temporary shelter to at least 25 individuals per night, as
447 verified by the office;

448 (ii) operates year-round; and

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

451 (c) for a third-tier eligible municipality, a homeless shelter that:

452 (i) (A) has the capacity to provide temporary shelter to at least 50 individuals per night,
453 as verified by the office; and

454 (B) operates for no less than three months during the period beginning October 1 and
455 ending April 30 of the following year; or

456 (ii) (A) meets the definition of a homeless shelter under Section 35A-16-501; and

457 (B) increases capacity during an overflow period, as defined in Section 35A-16-501, in
458 accordance with Subsection 35A-16-502(6)(a).

459 ~~[(5)]~~ (6) "First-tier eligible municipality" means a municipality that:

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

461 (b) as determined by the office, has or is proposed to have an eligible shelter within the

462 municipality's geographic boundaries within the following fiscal year;

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

465 (d) is certified as a first-tier eligible municipality in accordance with Section
466 35A-16-404.

467 ~~[(6)]~~ (7) "Homeless shelter" means a facility that provides or is proposed to provide
468 temporary shelter to individuals experiencing homelessness.

469 ~~[(7)]~~ (8) "Municipality" means a city, town, or metro township.

470 ~~[(8)]~~ (9) "Public safety services" means law enforcement, emergency medical services,
471 or fire protection.

472 ~~[(9)]~~ (10) "Second-tier eligible municipality" means a municipality that:

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

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

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

478 (d) is certified as a second-tier eligible municipality in accordance with Section
479 35A-16-404.

480 ~~[(10)]~~ (11) "Third-tier eligible municipality" means a municipality that:

481 (a) is located within any county;

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

484 (c) due to the location of an eligible shelter within the municipality's geographic
485 boundaries, requires eligible services.

486 Section 6. Section 35A-16-402 is amended to read:

487 **35A-16-402. Homeless Shelter Cities Mitigation Restricted Account -- Formula**
488 **for disbursing account funds to eligible municipalities.**

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

491 (2) The account shall be funded by:

492 (a) local sales and use tax revenue deposited into the account in accordance with

493 Section 59-12-205;

494 (b) interest earned on the account; and

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

496 (3) The office shall administer the account.

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

499 (i) ~~[92.5]~~ 87.5% shall be disbursed to first-tier eligible municipalities that have been
500 approved to receive account funds under Section 35A-16-403, of which:

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

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

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

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

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

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

522 (C) 10% of the amount described in Subsection (4)(a)(ii) shall be disbursed
523 proportionately among applicants based on the total year-round capacity of all eligible shelters

524 within each municipality, as determined by the office; and

525 (iii) ~~[5]~~ 10% shall be disbursed to third-tier eligible municipalities, that have been
526 approved to receive account funds under Section 35A-16-403, in accordance with a formula
527 established by the office and approved by the homelessness council.

528 (b) In disbursing funds to first-tier municipalities under Subsection (4)(a)(i), the
529 maximum amount of funds that the office may disburse each year to a single first-tier
530 municipality may not exceed ~~[the greater of:]~~ 33% of the total amount of funds disbursed under
531 Subsection (4)(a)(i).

532 ~~[(i) \$2,750,000, or]~~

533 ~~[(ii) 25% of the total amount of funds disbursed under Subsection (4)(a)(i).]~~

534 (c) In disbursing funds to second-tier municipalities under Subsection (4)(a)(ii), the
535 maximum amount of funds that the office may disburse each year to a single second-tier
536 municipality may not exceed 50% of the total amount of funds disbursed under Subsection
537 (4)(a)(ii).

538 (d) The office may disburse funds under Subsection (4)(a)(iii) to an authorized
539 provider of a third-tier eligible municipality.

540 ~~[(d)]~~ (e) The office may disburse funds to a third-tier municipality or an authorized
541 provider under Subsection (4)(a)(iii) regardless of whether the municipality receives funds
542 under Subsection (4)(a)(i) as a first-tier municipality or funds under Subsection (4)(a)(ii) as a
543 second-tier municipality.

544 (f) If any account funds are available to the office for disbursement under this section
545 after making the disbursements required in Subsection (4)(a), the office may disburse the
546 available account funds to third-tier municipalities that have been approved to receive account
547 funds under Section 35A-16-403.

548 Section 7. Section 35A-16-403 is amended to read:

549 **35A-16-403. Eligible municipality application process for Homeless Shelter Cities**
550 **Mitigation Restricted Account funds.**

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

554 (2) ~~[(a) This Subsection (2) applies to a fiscal year beginning on or after July 1, 2022.]~~

555 ~~[(b)]~~ (a) ~~[(i)]~~ The homelessness council shall set aside time on the agenda of a
556 homelessness council meeting that occurs ~~[on or after July 1 and on or before November 30]~~
557 before the beginning of the next fiscal year to allow an eligible municipality to present a
558 request for account funds for ~~[the]~~ that next fiscal year.

559 ~~[(i)]~~ (b) An eligible municipality may present a request for account funds by:
560 ~~[(A)]~~ (i) sending an electronic copy of the request to the homelessness council before
561 the meeting; and

562 ~~[(B)]~~ (ii) appearing at the meeting to present the request.

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

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

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

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

569 (iv) the amount of account funds requested.

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

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

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

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

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

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

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

586 (i) the strength of the proposal that the eligible municipality provided to support the
587 request;

588 (ii) if the eligible municipality received account funds during the previous fiscal year,
589 the efficiency with which the eligible municipality used any account funds during the previous
590 fiscal year;

591 (iii) the availability of funding for the eligible municipality under Subsection
592 [35A-16-402\(4\)](#);

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

595 ~~[(v) whether the eligible municipality enacts and enforces an ordinance that prohibits
596 camping; and]~~

597 ~~[(vi)]~~ (v) any other considerations identified by the homelessness council.

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

601 ~~[(ii) The homelessness council shall support the homelessness council's decision under
602 Subsection (2)(f)(i) with findings on each of the factors described in Subsection (2)(e).]~~

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

606 (ii) Subsection (2)(g)(i) does not apply if each homeless shelter located within the
607 county in which the eligible municipality is located is at full capacity.

608 ~~[(g)]~~ (h) ~~[(h)]~~ If the homelessness council approves an eligible municipality's request to
609 receive account funds under Subsection (2)(f), the office, subject to appropriation, shall
610 calculate the amount of funds for disbursement to the eligible municipality under Subsection
611 [35A-16-402\(4\)](#).

612 ~~[(ii) An eligible municipality that is approved to receive account funds may submit an
613 invoice of the eligible municipality's expenses, with supporting documentation, to the office
614 monthly for reimbursement.]~~

615 ~~[(3) On or before October 1, the coordinator, in cooperation with the homelessness
616 council, shall:]~~

617 ~~[(a) submit an annual written report electronically to the Social Services~~
618 ~~Appropriations Subcommittee of the Legislature that gives a complete accounting of the~~
619 ~~office's disbursement of the money from the account under this section for the previous fiscal~~
620 ~~year; and]~~

621 ~~[(b) include information regarding the disbursement of money from the account under~~
622 ~~this section in the annual report described in Section 35A-1-109;]~~

623 ~~[(4)]~~ (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
624 Act, the office shall make rules governing the process for calculating the amount of funds that
625 an eligible municipality may receive under Subsection 35A-16-402(4).

626 Section 8. Section 35A-16-404 is amended to read:

627 **35A-16-404. Certification of eligible municipality.**

628 On or before October 1 of each year, the office shall:

629 (1) ~~[The office shall certify each year, on or after July 1 and before the first meeting of~~
630 ~~the homelessness council after July 1,]~~ certify the municipalities that meet the requirements of
631 a first-tier eligible municipality or a second-tier eligible municipality as of July 1[-]; and

632 (2) ~~[On or before October 1, the office shall]~~ provide a list of the municipalities that
633 the office has certified as meeting the requirements of a first-tier eligible municipality or a
634 second-tier eligible municipality for the year to the State Tax Commission.

635 Section 9. Section 35A-16-405 is enacted to read:

636 **35A-16-405. Information to report to State Tax Commission regarding third-tier**
637 **eligible municipalities.**

638 On or before October 1 of each year, the office shall provide the following information
639 to the State Tax Commission:

640 (1) a list of the municipalities that the office has determined as meeting the
641 requirements of a third-tier eligible municipality for the year; and

642 (2) the number of beds available at all eligible shelters located within each
643 municipality described in Subsection (1).

644 Section 10. Section 35A-16-501 is amended to read:

645 **35A-16-501. Definitions.**

646 As used in this part:

647 (1) "Applicable county" means a county of the first or second class.

648 (2) "Applicable local homeless council" means the local homeless council that is
649 responsible for coordinating homeless response within an applicable county.

650 ~~[(2)]~~ (3) "Capacity limit" means a limit as to the number of individuals that a homeless
651 shelter may provide overnight shelter to under a conditional use permit.

652 (4) "Chief executive officer" means the same as that term is defined in Section
653 11-51-102.

654 (5) "Community location" means the same as that term is defined in Section 10-8-41.6.

655 ~~[(3)]~~ (6) "Conference of mayors" means an association consisting of the mayor of each
656 municipality located within a county.

657 ~~[(4)]~~ (7) "Council of governments" means the same as that term is defined in Section
658 72-2-117.5.

659 (8) "County overflow task force" or "task force" means a task force described in
660 Section 35A-16-501.5.

661 ~~[(5)]~~ (9) "Homeless shelter" means a facility that:

662 ~~[(a) is located within an applicable county;]~~

663 ~~[(b)]~~ (a) provides temporary shelter to individuals experiencing homelessness;

664 ~~[(c)]~~ (b) has the capacity to provide temporary shelter to at least 200 individuals per
665 night;

666 ~~[(d)]~~ (c) operates year-round; and

667 ~~[(e)]~~ (d) is not subject to restrictions that limit the hours, days, weeks, or months of
668 operation.

669 ~~[(6)]~~ (10) "Municipality" means a city, town, or metro township.

670 ~~[(7)]~~ (11) "Overflow period" means the period beginning October [†] 15 and ending
671 April 30 of the following year.

672 ~~[(8)]~~ (12) "Overflow plan" means the plan described in Subsection 35A-16-502(1).

673 ~~[(9)]~~ (13) "State facility" means the same as that term is defined in Section
674 63A-5b-1001.

675 ~~[(10)]~~ (14) "Subsequent overflow period" means the overflow period that begins on
676 October 1 of the year in which a council of governments is required to submit an overflow plan
677 to the office under Section 35A-16-502.

678 (15) "Targeted overflow bed count" means the minimum total number of beds needed

679 for individuals experiencing homelessness within an applicable county during an overflow
680 period, as determined jointly by the applicable local homeless council and the office.

681 [(H)] (16) "Temporary overflow shelter" means a facility that:

682 (a) provides temporary emergency shelter to no more than 150 individuals

683 experiencing homelessness during an overflow period; and

684 (b) does not operate year-round.

685 Section 11. Section **35A-16-501.5** is enacted to read:

686 **35A-16-501.5. County overflow task force.**

687 (1) Subject to the requirements of Section 35A-16-502, the council of governments of
688 each applicable county shall annually convene a county overflow task force.

689 (2) (a) The task force for Salt Lake County shall consist of the following 13 voting
690 members:

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

693 (ii) the chief executive officer, or the chief executive officer's designee, of each of the
694 following 10 municipalities:

695 (A) Draper;

696 (B) Midvale;

697 (C) Millcreek;

698 (D) Murray;

699 (E) Salt Lake City;

700 (F) Sandy;

701 (G) South Salt Lake;

702 (H) Taylorsville;

703 (I) West Jordan; and

704 (J) West Valley City; and

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

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

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

712 (ii) the chief executive officer, or the chief executive officer's designee, of a number of
713 municipalities located in the applicable county that the conference of mayors of the applicable
714 county considers to be appropriate, appointed by the conference of mayors of the applicable
715 county.

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

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

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

721 (c) three representatives of the applicable local homeless council, appointed by the
722 applicable local homeless council, or the representative's designee.

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

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

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

728 (6) A task force shall:

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

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

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

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

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

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

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

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

741 [63A-3-107](#).

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

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

746 Section 12. Section [35A-16-502](#) is repealed and reenacted to read:

747 **35A-16-502. Overflow plan required -- Contents -- Review -- Consequences after**
748 **determination of noncompliance.**

749 (1) (a) Subject to Subsection (1)(b), the county overflow task force in each applicable
750 county shall annually prepare and submit to the office an overflow plan on or before August 1
751 of each year.

752 (b) (i) The task force for Salt Lake County shall prepare and submit an overflow plan
753 to the office in calendar years 2023, 2024, 2025, and 2026.

754 (ii) The task force for an applicable county not described in Subsection (1)(b)(i) shall
755 prepare and submit an overflow plan to the office in calendar years 2024, 2025, and 2026.

756 (2) The overflow plan shall:

757 (a) provide assurances to the office that the applicable county will meet the applicable
758 county's targeted overflow bed count during the subsequent overflow period by establishing
759 plans for the operation of one or more temporary overflow shelters within the applicable county
760 during the subsequent overflow period;

761 (b) ensure that any temporary overflow shelter established under Subsection (2)(a) will
762 meet all local zoning requirements;

763 (c) include a detailed transportation plan, budget, and any other component the office
764 specifies under Subsection (3) as a requirement to achieve compliance; and

765 (d) be approved by the chief executive officer of each municipality located within the
766 applicable county in which a temporary overflow shelter is planned for operation during the
767 subsequent overflow period.

768 (3) To assist a task force in preparing an overflow plan, by no later than March 30 of
769 the year in which the overflow plan is due, the applicable local homeless council, in
770 coordination with the office, shall provide the following information to the task force:

771 (a) the targeted overflow bed count;

772 (b) the availability of funds that can be used to mitigate the overflow plan; and
773 (c) any component required for the overflow plan to achieve compliance that is not
774 described in Subsection (2).

775 (4) In preparing the overflow plan, the task force shall coordinate with:

776 (a) the office;

777 (b) the applicable local homeless council; and

778 (c) the conference of mayors for the applicable county.

779 (5) In conducting site selection for a temporary overflow shelter under an overflow
780 plan, the task force shall prioritize:

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

782 (b) a site located more than one mile from any permanent supportive housing facility
783 designated by the United States Department of Housing and Urban Development; and

784 (c) a site located in a municipality that does not have a homeless shelter.

785 (6) (a) On or before August 15 of the year in which an overflow plan is submitted, the
786 office shall:

787 (i) conduct a review of the overflow plan for compliance with this section; and

788 (ii) send a written notice of the office's determination regarding compliance to:

789 (A) the task force for the applicable county;

790 (B) the council of governments for the applicable county;

791 (C) the applicable local homeless council; and

792 (D) the legislative body of each municipality located within the applicable county.

793 (b) For purposes of Section [35A-16-502.5](#), an applicable county is in noncompliance
794 with this section if:

795 (i) the applicable county's task force fails to submit a timely overflow plan under this
796 section; or

797 (ii) the office determines that the overflow plan prepared for the applicable county does
798 not comply with this section.

799 Section 13. Section **35A-16-502.5** is enacted to read:

800 **35A-16-502.5. County noncompliance with overflow plan requirements.**

801 (1) This section applies to an applicable county that is in noncompliance with Section
802 [35A-16-502](#).

803 (2) Subject to Subsection (3), the following provisions apply within the applicable
804 county during the subsequent overflow period:

805 (a) the office may authorize:

806 (i) the expansion of a homeless shelter's capacity limit by up to 25%; and

807 (ii) the operation of one or more temporary overflow shelters; and

808 (b) a municipality located within the applicable county may not enact or enforce an
809 ordinance, or otherwise take any action, that limits or restricts the office's authority under
810 Subsection (2)(a).

811 (3) (a) The office may not authorize the expansion of a homeless shelter's capacity
812 under Subsection (2)(a) unless:

813 (i) the homeless shelter is in compliance with the applicable building code and fire
814 code; and

815 (ii) the fire code official approves the layout of the homeless shelter.

816 (b) In authorizing the operation of a temporary overflow shelter under Subsection
817 (2)(a), the office shall:

818 (i) prioritize a site located:

819 (A) more than one mile from any homeless shelter; and

820 (B) more than 500 feet from any community location;

821 (ii) consider the potential impact of a temporary overflow shelter on community
822 locations; and

823 (iii) consider any recommendations included in the applicable county's overflow plan,
824 regardless of the office's determination of noncompliance.

825 Section 14. Section **35A-16-602** is amended to read:

826 **35A-16-602. COVID-19 Homeless Housing and Services Grant Program.**

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

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

831 (a) include affordable housing units for households:

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

834 (ii) at rental rates no greater than [~~the rates described in Subsection 35A-8-511(2)(b)~~]
835 30% of the income described in Subsection (2)(a)(i) for a household of:

- 836 (A) one person if the unit is an efficiency unit;
- 837 (B) two people if the unit is a one-bedroom unit;
- 838 (C) four people if the unit is a two-bedroom unit;
- 839 (D) five people if the unit is a three-bedroom unit;
- 840 (E) six people if the unit is a four-bedroom unit; or
- 841 (F) eight people if the unit is a five-bedroom or larger unit; and

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

844 (b) have been approved by the homelessness council.

845 (3) The office shall:

846 (a) administer the grant program, including:

847 (i) reviewing grant applications and making recommendations to the homelessness
848 council; and

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

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

852 (i) grant application requirements;

853 (ii) procedures to approve a grant; and

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

855 (4) When reviewing an application for approval, the homelessness council shall
856 consider:

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

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

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

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

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

864 (f) any other considerations as adopted by the council.

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

867 [~~(6) On or before October 1, the coordinator, in cooperation with the homelessness~~
868 ~~council shall submit an annual report electronically to the Social Services Appropriations~~
869 ~~Subcommittee that gives a complete account of the office's disbursement of funds under this~~
870 ~~section.]~~

871 Section 15. Section 35A-16-701 is enacted to read:

872 **Part 7. Code Blue Alert**

873 **35A-16-701. Definitions.**

874 As used in this part:

875 (1) "Affected county" means a county in which a code blue event is anticipated.

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

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

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

882 (5) "Code blue event" means a weather event in which the National Weather Service
883 predicts temperatures of 32 degrees Fahrenheit or less, including wind chill, to occur in any
884 county for two hours or longer within the next 24 to 48 hours.

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

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

888 Section 16. Section 35A-16-702 is enacted to read:

889 **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**

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

891 (a) monitor and evaluate forecasts and advisories produced by the National Weather
892 Service;

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

895 (c) disseminate the code blue alert to:

896 (i) the public at large;
897 (ii) homeless shelters located within an affected county;
898 (iii) local government entities located within an affected county;
899 (iv) the office; and
900 (v) any other relevant public or private entities that provide services to individuals
901 experiencing homelessness within an affected county.

902 (2) The code blue alert shall:
903 (a) identify each affected county;
904 (b) specify the duration of the code blue alert;
905 (c) describe the provisions that take effect for the duration of the code blue alert as
906 described in Section [35A-16-703](#); and
907 (d) include the information prepared by the office under Subsection (3).

908 (3) (a) The office shall prepare and regularly update information to assist individuals
909 experiencing homelessness during a cold blue event, including:
910 (i) the location and availability of homeless shelters and other community resources
911 and services for individuals experiencing homelessness;
912 (ii) information regarding public safety and emergency services; and
913 (iii) any other information considered relevant by the office.
914 (b) The office shall submit to the Department of Health and Human Services the
915 information prepared and updated under Subsection (3)(a).

916 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
917 the Department of Health and Human Services, in coordination with the office, shall make
918 rules to implement this section.
919 (b) The rules under Subsection (4)(a) shall establish standards for:
920 (i) monitoring and evaluating National Weather Service forecasts and advisories to
921 identify code blue events;
922 (ii) issuing code blue alerts under this section, including the form, content, and
923 dissemination of code blue alerts; and
924 (iii) coordinating with the office to receive the information described in Subsection (3).

925 Section 17. Section **35A-16-703** is enacted to read:
926 **35A-16-703. Provisions in effect for duration of code blue alert.**

927 The following provisions take effect within an affected county for the duration of a
928 code blue alert:

929 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35%
930 to provide temporary shelter to any number of individuals experiencing homelessness;

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

934 (3) a homeless shelter may not deny temporary shelter to any individual experiencing
935 homelessness who requests access to the homeless shelter for temporary shelter unless the
936 individual presents a danger to the homeless shelter's staff or guests;

937 (4) any facility owned by a private organization, nonprofit organization, state
938 government entity, or local government entity may be used to provide temporary shelter to
939 individuals experiencing homelessness;

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

944 (6) if no beds are available at any homeless shelter located within the affected county, a
945 municipality may not enforce an ordinance that prohibits or abates camping during the
946 following periods:

947 (a) the two days preceding the day on which the code blue alert begins;

948 (b) the duration of the code blue alert; and

949 (c) the two days following the day on which the code blue alert ends;

950 (7) a state or local government entity, including a municipality, law enforcement
951 agency, and local health department may not enforce an ordinance or policy to seize from
952 individuals experiencing homelessness any personal items for survival in cold weather,
953 including clothing, blankets, tents, sleeping bags, heaters, stoves, and generators; and

954 (8) a municipality or other local government entity may not enforce any ordinance or
955 policy that limits or restricts the ability for the provisions described in Subsections (1) through
956 (7) to take effect, including local zoning ordinances.

957 Section 18. Section **59-12-205** is amended to read:

958 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**
959 **tax revenue -- Determination of population.**

960 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section
961 [59-12-204](#), a county, city, or town shall adopt amendments to the county's, city's, or town's
962 sales and use tax ordinances:

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

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

966 (2) (a) Except as provided in Subsections (3) through (5) and subject to Subsection (6):

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

971 (ii) (A) except as provided in Subsections (2)(a)(ii)(B), (C), and (D), 50% of each
972 dollar collected from the sales and use tax authorized by this part shall be distributed to each
973 county, city, and town on the basis of the location of the transaction as determined under
974 Sections [59-12-211](#) through [59-12-215](#);

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

980 (C) beginning July 1, 2022, 50% of each dollar collected from the sales and use tax
981 authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port
982 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section
983 [11-58-201](#); and

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

988 (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before

989 July 1, 2022.

990 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall
991 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

992 (i) the county, city, or town is a:

993 (A) county of the third, fourth, fifth, or sixth class;

994 (B) city of the fifth class; or

995 (C) town;

996 (ii) the county, city, or town received a distribution under this section for the calendar
997 year beginning on January 1, 2008, that was less than the distribution under this section that the
998 county, city, or town received for the calendar year beginning on January 1, 2007;

999 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located
1000 within the unincorporated area of the county for one or more days during the calendar year
1001 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,
1002 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North
1003 American Industry Classification System of the federal Executive Office of the President,
1004 Office of Management and Budget; or

1005 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
1006 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during
1007 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry
1008 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the
1009 2002 North American Industry Classification System of the federal Executive Office of the
1010 President, Office of Management and Budget; and

1011 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment
1012 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for
1013 one or more days during the calendar year beginning on January 1, 2008, was not the holder of
1014 a direct payment permit under Section [59-12-107.1](#); or

1015 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection
1016 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a
1017 city or town for one or more days during the calendar year beginning on January 1, 2008, was
1018 not the holder of a direct payment permit under Section [59-12-107.1](#).

1019 (b) The commission shall make the distribution required by this Subsection (3) to a

- 1020 county, city, or town described in Subsection (3)(a):
- 1021 (i) from the distribution required by Subsection (2)(a); and
- 1022 (ii) before making any other distribution required by this section.
- 1023 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by
- 1024 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.
- 1025 (ii) For purposes of Subsection (3)(c)(i):
- 1026 (A) the numerator of the fraction is the difference calculated by subtracting the
- 1027 distribution a county, city, or town described in Subsection (3)(a) received under this section
- 1028 for the calendar year beginning on January 1, 2008, from the distribution under this section that
- 1029 the county, city, or town received for the calendar year beginning on January 1, 2007; and
- 1030 (B) the denominator of the fraction is \$333,583.
- 1031 (d) A distribution required by this Subsection (3) is in addition to any other distribution
- 1032 required by this section.
- 1033 (4) (a) As used in this Subsection (4):
- 1034 (i) "Eligible county, city, or town" means a county, city, or town that:
- 1035 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)
- 1036 equal to the amount described in Subsection (4)(b)(ii); and
- 1037 (B) does not impose a sales and use tax under Section [59-12-2103](#) on or before July 1,
- 1038 2016.
- 1039 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue
- 1040 distributions an eligible county, city, or town received from a tax imposed in accordance with
- 1041 this part for fiscal year 2004-05.
- 1042 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax
- 1043 imposed in accordance with this part equal to the greater of:
- 1044 (i) the payment required by Subsection (2); or
- 1045 (ii) the minimum tax revenue distribution.
- 1046 (5) (a) For purposes of this Subsection (5):
- 1047 (i) "Annual local contribution" means the lesser of [~~\$200,000~~] \$275,000 or an amount
- 1048 equal to [~~1.8~~] 2.55% of the participating local government's tax revenue distribution amount
- 1049 under Subsection (2)(a) for the previous fiscal year.
- 1050 (ii) "Eligible shelter" means the same as that term is defined in Section [35A-16-401](#).

1051 ~~[(it)]~~ (iii) "Participating local government" means a county or municipality, as defined
1052 in Section 10-1-104, that is not an eligible municipality certified in accordance with Section
1053 [35A-16-404](#).

1054 (iv) "Third-tier eligible municipality" means the same as that term is defined in Section
1055 [35A-16-402](#).

1056 (b) For revenue collected from the tax authorized by this part that is distributed on or
1057 after January 1, 2019, the commission, before making a tax revenue distribution under
1058 Subsection (2)(a) to a participating local government, shall:

1059 (i) subtract the following amounts from the local government's tax revenue distribution
1060 under Subsection (2)(a):

1061 (A) one-twelfth of the annual local contribution for each participating local
1062 government [from the participating local government's tax revenue distribution under
1063 Subsection (2)(a)]; and

1064 (B) if the participating local government is a third-tier eligible municipality, \$250 for
1065 each bed that is available at all eligible shelters located within the boundaries of the
1066 participating local government, as reported to the commission by the Office of Homeless
1067 Services under Section [35A-16-405](#); and

1068 (ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter
1069 Cities Mitigation Restricted Account created in Section [35A-16-402](#).

1070 (c) For a participating local government that qualifies to receive a distribution
1071 described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection
1072 (5) after the commission applies the provisions of Subsections (3) and (4).

1073 (6) (a) Population figures for purposes of this section shall be based on the most recent
1074 official census or census estimate of the United States Bureau of the Census.

1075 (b) If a needed population estimate is not available from the United States Bureau of
1076 the Census, population figures shall be derived from the estimate from the Utah Population
1077 Committee.

1078 (c) The population of a county for purposes of this section shall be determined only
1079 from the unincorporated area of the county.

1080 Section 19. **Effective date.**

1081 (1) Except as provided in Subsection (2), this bill takes effect on May 3, 2023.

1082

(2) The actions affecting Section [59-12-205](#) take effect on July 1, 2023.