

**Representative Steve Eliason** proposes the following substitute bill:

**HOMELESS SERVICES AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Steve Eliason**

Senate Sponsor: Jacob L. Anderegg

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**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;



- 26           ▶ requires certain counties to convene a county overflow task force for the purpose of
- 27 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



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)(i)]~~ (a) 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 ~~[(ii)]~~ (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) [(†)] 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) [(†)] 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:

641 (a) has not certified as an eligible municipality in accordance with Section  
 642 35A-16-404; and

643 (b) determines to have a homeless shelter located within the municipality's geographic  
 644 boundaries; and

645 (2) the number of beds available at all homeless shelters located within each

646 municipality described in Subsection (1).

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

648 **35A-16-501. Definitions.**

649 As used in this part:

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

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

653 ~~[(2)]~~ (3) "Capacity limit" means a limit as to the number of individuals that a homeless  
654 shelter may provide overnight shelter to under a conditional use permit.

655 (4) "Chief executive officer" means the same as that term is defined in Section  
656 11-51-102.

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

658 ~~[(3)]~~ (6) "Conference of mayors" means an association consisting of the mayor of each  
659 municipality located within a county.

660 ~~[(4)]~~ (7) "Council of governments" means the same as that term is defined in Section  
661 72-2-117.5.

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

664 ~~[(5)]~~ (9) "Homeless shelter" means a facility that:

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

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

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

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

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

672 ~~[(6)]~~ (10) "Municipality" means a city, town, or metro township.

673 ~~[(7)]~~ (11) "Overflow period" means the period beginning October ~~[±]~~ 15 and ending  
674 April 30 of the following year.

675 ~~[(8)]~~ (12) "Overflow plan" means the plan described in Subsection 35A-16-502(1).

676 ~~[(9)]~~ (13) "State facility" means the same as that term is defined in Section

677 [63A-5b-1001](#).

678 ~~[(+H)]~~ (14) "Subsequent overflow period" means the overflow period that begins on  
679 October 1 of the year in which a council of governments is required to submit an overflow plan  
680 to the office under Section [35A-16-502](#).

681 (15) "Targeted overflow bed count" means the targeted bed count number for an  
682 applicable county during the overflow period, as determined jointly by the applicable local  
683 homeless council and the office.

684 ~~[(+H)]~~ (16) "Temporary overflow shelter" means a facility that:

685 (a) provides temporary emergency shelter to ~~[no more than 150]~~ individuals  
686 experiencing homelessness during an overflow period; and

687 (b) does not operate year-round.

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

689 **35A-16-501.5. County overflow task force.**

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

692 (2) (a) The task force for Salt Lake County shall consist of the following 14 voting  
693 members:

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

696 (ii) the chief executive officer, or the chief executive officer's designee, of each of the  
697 following 11 municipalities:

698 (A) Draper;

699 (B) Midvale;

700 (C) Millcreek;

701 (D) Murray;

702 (E) Salt Lake City;

703 (F) Sandy;

704 (G) South Jordan;

705 (H) South Salt Lake;

706 (I) Taylorsville;

707 (J) West Jordan; and

708 (K) West Valley City; and  
709 (iii) the chief executive officer, or the chief executive officer's designee, of any two  
710 municipalities located in Salt Lake County that are not described in Subsection (2)(a)(ii),  
711 appointed by the conference of mayors of Salt Lake County.  
712 (b) A task force for an applicable county not described in Subsection (2)(a) shall  
713 consist of the following voting members:  
714 (i) the chief executive officer of the applicable county, or the chief executive officer's  
715 designee; and  
716 (ii) the chief executive officer, or the chief executive officer's designee, of a number of  
717 municipalities located in the applicable county that the conference of mayors of the applicable  
718 county considers to be appropriate, appointed by the conference of mayors of the applicable  
719 county.  
720 (3) In addition to the voting members required in Subsection (2), a task force shall  
721 include the following nonvoting members:  
722 (a) the coordinator, or the coordinator's designee;  
723 (b) one representative of the Utah League of Cities and Towns, appointed by the Utah  
724 League of Cities and Towns, or the representative's designee;  
725 (c) one representative of the Utah Association of Counties, appointed by the Utah  
726 Association of Counties, or the representative's designee;  
727 (d) two individuals experiencing homelessness or having previously experienced  
728 homelessness, appointed by the applicable local homelessness council; and  
729 (e) three representatives of the applicable local homeless council, appointed by the  
730 applicable local homeless council, or the representative's designee.  
731 (4) (a) Any vacancy on a task force shall be filled in the same manner as the  
732 appointment of the member whose vacancy is being filled.  
733 (b) Each member of a task force shall serve until a successor is appointed.  
734 (5) A majority of the voting members of a task force constitutes a quorum and may act  
735 on behalf of the task force.  
736 (6) A task force shall:  
737 (a) select officers from the task force's members as the task force finds necessary; and  
738 (b) meet as necessary to effectively conduct the task force's business and duties as



739 prescribed by statute.

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

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

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

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

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

748 (iii) rules made by the Division of Finance in accordance with Sections [63A-3-106](#) and  
749 [63A-3-107](#).

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

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

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

755 **35A-16-502. Overflow plan required -- Contents -- Review -- Consequences after**  
756 **determination of noncompliance.**

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

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

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

764 (2) The overflow plan shall:

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

769 (b) ensure that any temporary overflow shelter established under Subsection (2)(a) will

770 meet all local zoning requirements;

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

773 (d) include a detailed county plan for a code blue event as defined in Section  
774 35A-16-701, including the number and location of available beds for individuals experiencing  
775 homelessness for the duration of the code blue event; and

776 (e) be approved by the chief executive officer of each municipality located within the  
777 applicable county in which a temporary overflow shelter is planned for operation during the  
778 subsequent overflow period.

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

782 (a) the targeted overflow bed count;

783 (b) the availability of funds that can be used to mitigate the overflow plan; and

784 (c) any component required for the overflow plan to achieve compliance that is not  
785 described in Subsection (2).

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

787 (a) the office;

788 (b) the applicable local homeless council; and

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

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

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

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

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

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

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

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

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

- 801 (B) the council of governments for the applicable county;
- 802 (C) the applicable local homeless council; and
- 803 (D) the legislative body of each municipality located within the applicable county.

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

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

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

810 Section 13. Section [35A-16-502.5](#) is enacted to read:

811 **[35A-16-502.5](#). County noncompliance with overflow plan requirements.**

812 (1) This section applies to an applicable county that is in noncompliance with Section  
813 [35A-16-502](#).

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

816 (a) the office may authorize:

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

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

819 (b) a municipality located within the applicable county may not enact or enforce an  
820 ordinance, or otherwise take any action, that limits or restricts the office's authority under

821 Subsection (2)(a).

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

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

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

827 (b) In authorizing the operation of a temporary overflow shelter under Subsection  
828 (2)(a), the office:

829 (i) may not authorize the siting of a temporary overflow shelter within a one-half mile  
830 radius of any homeless shelter;

831 (ii) shall prioritize a site located more than 500 feet from any community location; and

832 (iii) shall consider:

833 (A) the potential impact of a temporary overflow shelter on community locations; and

834 (B) any recommendations included in the applicable county's overflow plan, regardless  
835 of the office's determination of noncompliance.

836 (4) A temporary overflow shelter authorized by the office under this section may not be  
837 converted into a permanent facility after calendar year 2026 without the consent of the  
838 municipality in which the facility is located.

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

840 **35A-16-602. COVID-19 Homeless Housing and Services Grant Program.**

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

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

845 (a) include affordable housing units for households:

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

848 (ii) at rental rates no greater than [~~the rates described in Subsection 35A-8-511(2)(b)]~~  
849 30% of the income described in Subsection (2)(a)(i) for a household of:

850 (A) one person if the unit is an efficiency unit;

851 (B) two people if the unit is a one-bedroom unit;

852 (C) four people if the unit is a two-bedroom unit;

853 (D) five people if the unit is a three-bedroom unit;

854 (E) six people if the unit is a four-bedroom unit; or

855 (F) eight people if the unit is a five-bedroom or larger unit; and

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

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

859 (3) The office shall:

860 (a) administer the grant program, including:

861 (i) reviewing grant applications and making recommendations to the homelessness  
862 council; and

863 (ii) distributing grant money to approved grant recipients; and  
864 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
865 make rules to administer the program, including:

- 866 (i) grant application requirements;
- 867 (ii) procedures to approve a grant; and
- 868 (iii) procedures for distributing money to grant recipients.

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

- 871 (a) an applicant's rental income plan;
- 872 (b) proposed case management and service plans for households;
- 873 (c) any matching funds proposed by an applicant;
- 874 (d) proposed restrictions, including deed restrictions, and the duration of restrictions on  
875 housing units to facilitate long-term assistance to households;
- 876 (e) whether use of funds for the proposed project complies with 42 U.S.C. Sec. 802;
- 877 and
- 878 (f) any other considerations as adopted by the council.

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

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

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

886 **Part 7. Code Blue Alert**

887 **35A-16-701. Definitions.**

888 As used in this part:

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

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

893 (3) "Capacity limit" means a limit as to the number of individuals that a homeless

894 shelter may provide temporary shelter to under a conditional use permit.

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

897 (5) "Code blue event" means a weather event in which the National Weather Service  
898 predicts temperatures of 15 degrees Fahrenheit or less, including wind chill, or any other  
899 extreme weather conditions established in rules made by the Department of Health and Human  
900 Services under Subsection 35A-16-702(4), to occur in any county of the first, second, third, or  
901 fourth class for two hours or longer within the next 24 to 48 hours.

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

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

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

906 **35A-16-702. Code blue alert -- Content -- Dissemination -- Rulemaking.**

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

908 (a) monitor and evaluate forecasts and advisories produced by the National Weather  
909 Service;

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

912 (c) disseminate the code blue alert to:

913 (i) the public at large;

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

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

916 (iv) the office; and

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

919 (2) The code blue alert shall:

920 (a) identify each affected county;

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

922 (c) describe the provisions that take effect for the duration of the code blue alert as  
923 described in Section 35A-16-703; and

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

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

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

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

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

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

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

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

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

939 (ii) establish standards for:

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

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

944 (C) coordinating with emergency services, community organizations, and other  
945 relevant public and private entities to ensure the health and safety of individuals experiencing  
946 homelessness during a code blue event;

947 (D) the provisions that take effect within an affected county for the duration of a code  
948 blue alert, as provided in Section [35A-16-703](#); and

949 (E) coordinating with the office to receive the information described in Subsection (3).

950 Section 17. Section **35A-16-703** is enacted to read:

951 **35A-16-703. Provisions in effect for duration of code blue alert.**

952 Subject to rules made by the Department of Health and Human Services under  
953 Subsection [35A-16-702](#)(4), the following provisions take effect within an affected county for  
954 the duration of a code blue alert:

955 (1) a homeless shelter may expand the homeless shelter's capacity limit by up to 35%

956 to provide temporary shelter to any number of individuals experiencing homelessness, so long  
957 as the homeless shelter is in compliance with the applicable building code and fire code;

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

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

964 (4) any facility owned by a private organization, nonprofit organization, state  
965 government entity, or local government entity may be used to provide temporary shelter to  
966 individuals experiencing homelessness and is exempt from the licensure requirements of Title  
967 62A, Chapter 2, Licensure of Programs and Facilities, for the duration of the code blue alert  
968 and 30 days following the day on which the code blue alert ends, so long as the facility is in  
969 compliance with the applicable building code and fire code;

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

974 (6) if no beds are available at any homeless shelter located within the affected county, a  
975 municipality may not enforce an ordinance that prohibits or abates camping for the duration of  
976 the code blue alert and the two days following the day on which the code blue alert ends;

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

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

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

985 **59-12-205. Ordinances to conform with statutory amendments -- Distribution of**  
986 **tax revenue -- Determination of population.**



987 (1) To maintain in effect sales and use tax ordinances adopted pursuant to Section  
988 59-12-204, a county, city, or town shall adopt amendments to the county's, city's, or town's  
989 sales and use tax ordinances:

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

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

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

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

998 (ii) (A) except as provided in Subsections (2)(a)(ii)(B), (C), and (D), 50% of each  
999 dollar collected from the sales and use tax authorized by this part shall be distributed to each  
1000 county, city, and town on the basis of the location of the transaction as determined under  
1001 Sections 59-12-211 through 59-12-215;

1002 (B) 50% of each dollar collected from the sales and use tax authorized by this part  
1003 within a project area described in a project area plan adopted by the military installation  
1004 development authority under Title 63H, Chapter 1, Military Installation Development  
1005 Authority Act, shall be distributed to the military installation development authority created in  
1006 Section 63H-1-201;

1007 (C) beginning July 1, 2022, 50% of each dollar collected from the sales and use tax  
1008 authorized by this part within a project area under Title 11, Chapter 58, Utah Inland Port  
1009 Authority Act, shall be distributed to the Utah Inland Port Authority, created in Section  
1010 11-58-201; and

1011 (D) 50% of each dollar collected from the sales and use tax authorized by this part  
1012 within the lake authority boundary, as defined in Section 11-65-101, shall be distributed to the  
1013 Utah Lake Authority, created in Section 11-65-201, beginning the next full calendar quarter  
1014 following the creation of the Utah Lake Authority.

1015 (b) Subsection (2)(a)(ii)(C) does not apply to sales and use tax revenue collected before  
1016 July 1, 2022.

1017 (3) (a) Beginning on July 1, 2017, and ending on June 30, 2022, the commission shall

1018 distribute annually to a county, city, or town the distribution required by this Subsection (3) if:

1019 (i) the county, city, or town is a:

1020 (A) county of the third, fourth, fifth, or sixth class;

1021 (B) city of the fifth class; or

1022 (C) town;

1023 (ii) the county, city, or town received a distribution under this section for the calendar  
1024 year beginning on January 1, 2008, that was less than the distribution under this section that the  
1025 county, city, or town received for the calendar year beginning on January 1, 2007;

1026 (iii) (A) for a county described in Subsection (3)(a)(i)(A), the county had located  
1027 within the unincorporated area of the county for one or more days during the calendar year  
1028 beginning on January 1, 2008, an establishment described in NAICS Industry Group 2121,  
1029 Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the 2002 North  
1030 American Industry Classification System of the federal Executive Office of the President,  
1031 Office of Management and Budget; or

1032 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
1033 (3)(a)(i)(C), the city or town had located within the city or town for one or more days during  
1034 the calendar year beginning on January 1, 2008, an establishment described in NAICS Industry  
1035 Group 2121, Coal Mining, or NAICS Code 213113, Support Activities for Coal Mining, of the  
1036 2002 North American Industry Classification System of the federal Executive Office of the  
1037 President, Office of Management and Budget; and

1038 (iv) (A) for a county described in Subsection (3)(a)(i)(A), at least one establishment  
1039 described in Subsection (3)(a)(iii)(A) located within the unincorporated area of the county for  
1040 one or more days during the calendar year beginning on January 1, 2008, was not the holder of  
1041 a direct payment permit under Section [59-12-107.1](#); or

1042 (B) for a city described in Subsection (3)(a)(i)(B) or a town described in Subsection  
1043 (3)(a)(i)(C), at least one establishment described in Subsection (3)(a)(iii)(B) located within a  
1044 city or town for one or more days during the calendar year beginning on January 1, 2008, was  
1045 not the holder of a direct payment permit under Section [59-12-107.1](#).

1046 (b) The commission shall make the distribution required by this Subsection (3) to a  
1047 county, city, or town described in Subsection (3)(a):

1048 (i) from the distribution required by Subsection (2)(a); and

1049 (ii) before making any other distribution required by this section.

1050 (c) (i) For purposes of this Subsection (3), the distribution is the amount calculated by

1051 multiplying the fraction calculated under Subsection (3)(c)(ii) by \$333,583.

1052 (ii) For purposes of Subsection (3)(c)(i):

1053 (A) the numerator of the fraction is the difference calculated by subtracting the

1054 distribution a county, city, or town described in Subsection (3)(a) received under this section

1055 for the calendar year beginning on January 1, 2008, from the distribution under this section that

1056 the county, city, or town received for the calendar year beginning on January 1, 2007; and

1057 (B) the denominator of the fraction is \$333,583.

1058 (d) A distribution required by this Subsection (3) is in addition to any other distribution

1059 required by this section.

1060 (4) (a) As used in this Subsection (4):

1061 (i) "Eligible county, city, or town" means a county, city, or town that:

1062 (A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (4)(b)

1063 equal to the amount described in Subsection (4)(b)(ii); and

1064 (B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1,

1065 2016.

1066 (ii) "Minimum tax revenue distribution" means the total amount of tax revenue

1067 distributions an eligible county, city, or town received from a tax imposed in accordance with

1068 this part for fiscal year 2004-05.

1069 (b) An eligible county, city, or town shall receive a tax revenue distribution for a tax

1070 imposed in accordance with this part equal to the greater of:

1071 (i) the payment required by Subsection (2); or

1072 (ii) the minimum tax revenue distribution.

1073 (5) (a) For purposes of this Subsection (5):

1074 (i) "Annual local contribution" means the lesser of [~~\$200,000~~] \$275,000 or an amount

1075 equal to [~~1.8~~] 2.55% of the participating local government's tax revenue distribution amount

1076 under Subsection (2)(a)(i) for the previous fiscal year.

1077 (ii) "Participating local government" means a county or municipality, as defined in

1078 Section 10-1-104, that is not an eligible municipality certified in accordance with Section

1079 35A-16-404.

1080 (b) For revenue collected from the tax authorized by this part that is distributed on or  
1081 after January 1, 2019, the commission, before making a tax revenue distribution under  
1082 Subsection (2)(a)(i) to a participating local government, shall:

1083 (i) subtract the following amounts from the local government's tax revenue distribution  
1084 under Subsection (2)(a)(i):

1085 (A) one-twelfth of the annual local contribution for each participating local  
1086 government [~~from the participating local government's tax revenue distribution under~~  
1087 ~~Subsection (2)(a);~~]; and

1088 (B) if applicable, \$250 for each bed that is available at all homeless shelters located  
1089 within the boundaries of the participating local government, as reported to the commission by  
1090 the Office of Homeless Services in accordance with Section [35A-16-405](#); and

1091 (ii) deposit the amount described in Subsection (5)(b)(i) into the Homeless Shelter  
1092 Cities Mitigation Restricted Account created in Section [35A-16-402](#).

1093 (c) For a participating local government that qualifies to receive a distribution  
1094 described in Subsection (3) or (4), the commission shall apply the provisions of this Subsection  
1095 (5) after the commission applies the provisions of Subsections (3) and (4).

1096 (6) (a) Population figures for purposes of this section shall be based on the most recent  
1097 official census or census estimate of the United States Bureau of the Census.

1098 (b) If a needed population estimate is not available from the United States Bureau of  
1099 the Census, population figures shall be derived from the estimate from the Utah Population  
1100 Committee.

1101 (c) The population of a county for purposes of this section shall be determined only  
1102 from the unincorporated area of the county.

1103 Section 19. **Effective date.**

1104 (1) Except as provided in Subsection (2), this bill takes effect on May 3, 2023.

1105 (2) The actions affecting Section [59-12-205](#) take effect on January 1, 2024.