

**EMERGENCY RESPONSE PLANS FOR HOMELESSNESS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Escamilla**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill relates to emergency response plans for homelessness.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires certain local oversight bodies to develop an emergency response plan to respond to conditions that pose a risk to the health or safety of homeless individuals and families; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

**35A-8-602**, as last amended by Laws of Utah 2019, Chapter 234

**35A-8-604**, as last amended by Laws of Utah 2019, Chapters 53, 94, and 234

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

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



28           **35A-8-602. Purposes of Homeless Coordinating Committee -- Uses of Pamela**  
29 **Atkinson Homeless Account.**

30           (1) As used in this section:

31           (a) "Council of governments" means the same as that term is defined in Section  
32 17B-2a-802.

33           (b) "Emergency situation" means conditions exist that pose a risk to the health or safety  
34 of individuals and families experiencing homelessness.

35           [(+)] (2) The Homeless Coordinating Committee shall work to ensure that services  
36 provided to the homeless by state agencies, local governments, and private organizations are  
37 provided in a cost-effective and service efficient manner by:

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

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

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

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

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

48           (b) evaluating annually the progress made toward achieving the goals outlined in the  
49 plan described in Subsection [(+)] (2)(a); and

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

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

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

54           (iii) monitor the progress toward achieving state and local goals; [~~and~~]

55           (iv) align local funding to projects that are improving outcomes and targeting specific  
56 needs in the community[-]; and

57           (v) develop a locally appropriate emergency response plan in coordination with the  
58 council of governments of the county in which the local oversight body provides services that:

- 59 (A) establishes guidelines for emergency response during an emergency situation;
- 60 (B) ensures that the basic needs of individuals and families experiencing homelessness
- 61 are met during an emergency situation;
- 62 (C) expands local capacity and infrastructure in response to an emergency situation,
- 63 including the development, construction, and improvement of emergency shelters;
- 64 (D) facilitates access to emergency services and individualized support for individuals
- 65 and families experiencing homelessness during an emergency situation; and
- 66 (E) expands outreach and education efforts for individuals and families experiencing
- 67 homelessness during an emergency situation.

68 ~~[(2)]~~ (3) (a) Programs funded by the committee shall emphasize emergency housing  
69 and self-sufficiency, including placement in meaningful employment or occupational training  
70 activities and, where needed, special services to meet the unique needs of the homeless who:

- 71 (i) have families with children;
  - 72 (ii) have a disability or a mental illness; or
  - 73 (iii) suffer from other serious challenges to employment and self-sufficiency.
- 74 (b) The committee may also fund treatment programs to ameliorate the effects of  
75 substance abuse or a disability.

76 ~~[(3)]~~ (4) The committee members designated in Subsection 35A-8-601(2) shall:

77 (a) award contracts funded by the Pamela Atkinson Homeless Account with the advice  
78 and input of those designated in Subsection 35A-8-601(3);

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

80 (i) the proposed award addresses the needs identified in the strategic plan described in  
81 Subsection ~~[(1)]~~ (2);

82 (ii) the proposed award is aligned with the process described in Subsection ~~[(1)]~~ (2);  
83 and

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

87 (c) identify specific targets and benchmarks for each contract that align with the  
88 strategic plan described in Subsection ~~[(1)]~~ (2).

89 ~~[(4)]~~ (5) (a) In any fiscal year, no more than 80% of the funds in the Pamela Atkinson

90 Homeless Account may be allocated to organizations that provide services only in Salt Lake,  
91 Davis, Weber, and Utah Counties.

92 (b) The committee may:

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

96 (ii) pay for the initial costs of the State Tax Commission in implementing Section  
97 59-10-1306 from the account.

98 [~~5~~] (6) If there are decreases in contributions to the account, the committee may  
99 expend money held in the account to provide program stability, but the committee shall  
100 reimburse the amount of those expenditures to the account.

101 [~~6~~] (7) The committee shall make an annual report to the department regarding the  
102 progress made implementing the strategic plan described in Subsection [~~1~~] (2) for inclusion  
103 in the annual written report described in Section 35A-1-109.

104 [~~7~~] (8) The committee shall update the strategic plan described in Subsection [~~1~~](a)  
105 (2) on an annual basis.

106 [~~8~~] (9) The state treasurer shall invest the money in the Pamela Atkinson Homeless  
107 Account according to the procedures and requirements of Title 51, Chapter 7, State Money  
108 Management Act, except that interest and other earnings derived from the restricted account  
109 shall be deposited in the restricted account.

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

111 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

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

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

120 (3) As a condition of receiving money, including any ongoing money, from the

121 restricted account, an entity awarded a grant or contract under this section shall provide  
122 detailed and accurate reporting on at least an annual basis to the division and the Homeless  
123 Coordinating Committee that describes:

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

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

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

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

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

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

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

136 (i) families with children;

137 (ii) transitional-aged youth;

138 (iii) single men or single women;

139 (iv) veterans;

140 (v) victims of domestic violence;

141 (vi) individuals with behavioral health disorders, including mental health or substance  
142 use disorders;

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

144 (viii) individuals exiting prison or jail; or

145 (ix) individuals who are homeless without shelter;

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

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

149 (ii) meeting the basic needs of homeless individuals and families in crisis;

150 (iii) providing homeless individuals and families with needed stabilization services;

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

- 152 (v) implementing a coordinated entry system with consistent assessment tools to
- 153 provide appropriate and timely access to services for homeless individuals and families;
- 154 (vi) providing access to caseworkers or other individualized support for homeless
- 155 individuals and families;
- 156 (vii) encouraging employment and increased financial stability for individuals and
- 157 families being diverted from or exiting homelessness;
- 158 (viii) creating additional affordable housing for state residents;
- 159 (ix) providing services and support to prevent homelessness among at-risk individuals
- 160 and adults;
- 161 (x) providing services and support to prevent homelessness among at-risk children,
- 162 adolescents, and young adults;
- 163 (xi) preventing the reoccurrence of homelessness among individuals and families
- 164 exiting homelessness; and
- 165 (xii) providing medical respite care for homeless individuals where the homeless
- 166 individuals can access medical care and other supportive services; and
- 167 (f) address the needs identified in the strategic plan described in Subsection
- 168 [35A-8-602](#)~~(1)(a)~~(2) for inclusion in the annual written report described in Section [35A-1-109](#).
- 169 (5) In addition to the other provisions of this section, in determining the awarding of a
- 170 grant or contract under this section to design, build, create, or renovate a facility that will
- 171 provide shelter or other resources for the homeless, the Homeless Coordinating Committee,
- 172 with the concurrence of the division, may consider whether the facility will be:
- 173 (a) located near mass transit services;
- 174 (b) located in an area that meets or will meet all zoning regulations before a final
- 175 dispersal of funds;
- 176 (c) safe and welcoming both for individuals using the facility and for members of the
- 177 surrounding community; and
- 178 (d) located in an area with access to employment, job training, and positive activities.
- 179 (6) In accordance with Subsection (5), and subject to the approval of the Homeless
- 180 Coordinating Committee with the concurrence of the division, the following may recommend a
- 181 site location, acquire a site location, and hold title to real property, buildings, fixtures, and
- 182 appurtenances of a facility that provides or will provide shelter or other resources for the

183 homeless:

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

187 (b) the state;

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

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

192 (7) (a) As used in this Subsection (7) and in Subsection (8), "homeless shelter" means a  
193 facility that:

194 (i) is located within a municipality; and

195 (ii) provides temporary shelter year-round to homeless individuals, including an  
196 emergency shelter or medical respite facility.

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

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

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

203 (8) (a) If a homeless shelter commits to provide matching funds equal to the total grant  
204 awarded under this Subsection (8), the Homeless Coordinating Committee, with the  
205 concurrence of the division, may award a grant for the ongoing operations of the homeless  
206 shelter.

207 (b) In awarding a grant under this Subsection (8), the Homeless Coordinating  
208 Committee, with the concurrence of the division, shall consider the number of beds available at  
209 the homeless shelter and the number and quality of the homeless services provided by the  
210 homeless shelter.

211 (9) The division may expend money from the restricted account to offset actual  
212 division and Homeless Coordinating Committee expenses related to administering this section.