

HOMELESS AND TRANSITIONAL HOUSING PROGRAM

AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions of Title 35A, Chapter 8, Housing and Community Development Division (division).

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates the position of state homeless services director within the division;
- ▶ describes the duties of the state homeless services director;
- ▶ modifies provisions regarding the Homeless Coordinating Committee (committee),

including:

- the committee's membership; and
- that the state homeless services director has final decision making authority after

considering the recommendations of the committee;

- ▶ modifies the authorized uses and oversight of the Pamela Atkinson Homeless Account, the Homeless to Housing Reform Restricted Account, and the Homeless Shelter Cities Mitigation Restricted Account; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **35A-8-101**, as renumbered and amended by Laws of Utah 2012, Chapter 212

33 **35A-8-601**, as last amended by Laws of Utah 2018, Chapters 251 and 312

34 **35A-8-602**, as last amended by Laws of Utah 2019, Chapter 234

35 **35A-8-603**, as renumbered and amended by Laws of Utah 2012, Chapter 212

36 **35A-8-604**, as last amended by Laws of Utah 2019, Chapters 53, 94, and 234

37 **35A-8-605**, as last amended by Laws of Utah 2018, Chapter 251

38 **35A-8-606**, as enacted by Laws of Utah 2018, Chapter 312

39 **35A-8-607**, as enacted by Laws of Utah 2018, Chapter 312

40 **35A-8-608**, as last amended by Laws of Utah 2019, Chapters 17, 53, and 136

41 **35A-8-609**, as last amended by Laws of Utah 2019, Chapters 17 and 136

42 ENACTS:

43 **35A-8-203**, Utah Code Annotated 1953

44 **35A-8-204**, Utah Code Annotated 1953



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

47 Section 1. Section **35A-8-101** is amended to read:

48 **35A-8-101. Definitions.**

49 As used in this chapter:

50 (1) "Accessible housing" means housing which has been constructed or modified to be
51 accessible, as described in the State Construction Code or an approved code under Title 15A,
52 State Construction and Fire Codes Act.

53 (2) "Director" means the director of the division.

54 (3) "Division" means the Housing and Community Development Division.

55 (4) "Homeless services director" means the state homeless services director described
56 in Section 35A-8-203.

57 Section 2. Section **35A-8-203** is enacted to read:

58 **35A-8-203. State homeless services director.**

59 (1) The governor shall appoint in consultation with the executive director and director,
60 and with the consent of the Senate, a state homeless services director who shall serve at the
61 pleasure of the governor.

62 (2) The governor shall appoint a homeless services director who is experienced in
63 administration and knowledgeable about providing services to the homeless.

64 Section 3. Section **35A-8-204** is enacted to read:

65 **35A-8-204. Duties of the state homeless services director.**

66 (1) The state homeless services director shall:

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

68 (b) approve and oversee all funding provided for the provision of homeless services
69 from the:

70 (i) Pamela Atkinson Homeless Account created in Section [35A-8-603](#); and

71 (ii) Homeless to Housing Reform Restricted Account created in Section [35A-8-605](#);
72 and

73 (c) oversee the staffing and consider the recommendations of the Homeless
74 Coordinating Committee created in Section [35A-8-601](#).

75 (2) In approving funding for the provision of homeless services as described in
76 Subsection (1)(b), the homeless services director:

77 (a) shall prioritize the funding of programs and providers that have a documented
78 history of successfully transitioning homeless individuals to self-reliance;

79 (b) shall prioritize the funding of programs and providers that require participation in
80 appropriate services as a condition of receiving any permanent housing; and

81 (c) may not approve funding to a program or provider that does not enter into a written
82 agreement with the division to collect and share electronic data regarding the provision of
83 services to homeless individuals so that the provision of services can be coordinated among
84 state agencies, local governments, and private organizations.

85 (3) The homeless services director shall work to ensure that services provided to the
86 homeless by state agencies, local governments, and private organizations are provided in a safe,
87 cost-effective, and efficient manner by:

88 (a) considering the recommendations of the Homeless Coordinating Committee created
89 in Section [35A-8-601](#);

90 (b) maintaining and implementing a statewide strategic plan to minimize homelessness
91 in the state that:

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

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

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

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

100 (c) evaluating annually the progress made toward achieving the goals outlined in the
101 plan described in Subsection (2)(b); and

102 (d) designating local oversight bodies that are responsible to:

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

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

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

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

109 (4) The homeless services director shall update the strategic plan described in this
110 section on an annual basis.

111 (5) On or before September 15, the homeless services director shall provide an annual
112 written report regarding the progress made implementing the strategic plan described in this
113 section to:

114 (a) the Economic Development and Workforce Services Interim Committee; and

115 (b) the department, for inclusion in the annual written report described in Section
116 [35A-1-109](#).

117 Section 4. Section **35A-8-601** is amended to read:

118 **35A-8-601. Creation.**

119 (1) There is created within the division the Homeless Coordinating Committee.

120 (2) (a) The committee shall consist of the following members:

- 121 (i) the lieutenant governor or the lieutenant governor's designee;
- 122 (ii) the state planning coordinator or the coordinator's designee;
- 123 (iii) the state superintendent of public instruction or the superintendent's designee;
- 124 (iv) the chair of the board of trustees of the Utah Housing Corporation or the chair's
125 designee;
- 126 (v) the executive director of the Department of Workforce Services or the executive
127 director's designee;
- 128 (vi) the executive director of the Department of Corrections or the executive director's
129 designee;
- 130 (vii) the executive director of the Department of Health or the executive director's
131 designee;
- 132 (viii) the executive director of the Department of Human Services or the executive
133 director's designee;
- 134 (ix) the mayor of Salt Lake City or the mayor's designee;
- 135 (x) the mayor of Salt Lake County or the mayor's designee;
- 136 (xi) the mayor of Ogden or the mayor's designee;
- 137 (xii) the mayor of Midvale or the mayor's designee;
- 138 (xiii) the mayor of St. George or the mayor's designee; and
- 139 (xiv) the mayor of South Salt Lake or the mayor's designee.
- 140 (b) (i) The lieutenant governor shall serve as the chair of the committee.
- 141 (ii) The lieutenant governor may appoint a vice chair from among committee members,
142 who shall conduct committee meetings in the absence of the lieutenant governor.
- 143 ~~[(3) The governor may appoint as members of the committee:]~~
- 144 ~~[(a) representatives of local governments, local housing authorities, local law~~
145 ~~enforcement agencies;]~~
- 146 ~~[(b) representatives of federal and private agencies and organizations concerned with~~
147 ~~the homeless, persons with a mental illness, the elderly, single-parent families, persons with a~~
148 ~~substance use disorder, and persons with a disability; and]~~
- 149 ~~[(c) a resident of Salt Lake County.]~~
- 150 ~~[(4) (a) Except as required by Subsection (4)(b), as terms of current committee~~
151 ~~members appointed under Subsection (3) expire, the governor shall appoint each new member~~

152 or reappointed member to a four-year term.]

153 ~~[(b) Notwithstanding the requirements of Subsection (4)(a), the governor shall, at the~~
154 ~~time of appointment or reappointment, adjust the length of terms to ensure that the terms of~~
155 ~~committee members are staggered so that approximately half of the committee is appointed~~
156 ~~every two years.]~~

157 ~~[(c) A member appointed under Subsection (3) may not be appointed to serve more~~
158 ~~than three consecutive terms.]~~

159 ~~[(5) When a vacancy occurs in the membership for any reason, the replacement is~~
160 ~~appointed for the unexpired term.]~~

161 ~~[(6)]~~ (3) A member may not receive compensation or benefits for the member's service,
162 but may receive per diem and travel expenses in accordance with:

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

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

165 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
166 63A-3-107.

167 Section 5. Section 35A-8-602 is amended to read:

168 **35A-8-602. Purposes of Homeless Coordinating Committee -- Uses of Pamela**
169 **Atkinson Homeless Account.**

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

173 ~~[(a) preparing and implementing a statewide strategic plan to minimize homelessness~~
174 ~~in the state that:]~~

175 ~~[(i) outlines specific goals and measurable benchmarks for progress;]~~

176 ~~[(ii) identifies gaps in service delivery to the variety of homeless populations;]~~

177 ~~[(iii) provides recommendations to the governor and the Legislature on strategies,~~
178 ~~policies, procedures, and programs to address the needs of the homeless populations in the~~
179 ~~state; and]~~

180 ~~[(iv) identifies best practices and recommends improvements in coordinating service~~
181 ~~delivery to the variety of homeless populations through the use of electronic databases and~~
182 ~~through data sharing among service providers;]~~

183 ~~[(b) evaluating annually the progress made toward achieving the goals outlined in the~~
184 ~~plan described in Subsection (1)(a); and]~~

185 ~~[(c) designating local oversight bodies that are responsible to:]~~

186 ~~[(i) develop a common agenda and vision for reducing homelessness in the local~~
187 ~~oversight bodies' respective region;]~~

188 ~~[(ii) develop a spending plan that coordinates the funding supplied to local~~
189 ~~stakeholders;]~~

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

191 ~~[(iv) align local funding to projects that are improving outcomes and targeting specific~~
192 ~~needs in the community.]~~

193 (1) In accordance with this section, the Homeless Coordinating Committee shall
194 prioritize and make recommendations to the homeless services director regarding providing
195 funding to programs and providers that assist the homeless from money in the Pamela Atkinson
196 Homeless Account created in Section [35A-8-603](#).

197 (2) (a) Programs ~~[funded]~~ recommended for funding by the committee shall emphasize
198 emergency housing and self-sufficiency, including placement in meaningful employment or
199 occupational training activities and, where needed, special services to meet the unique needs of
200 the homeless who:

201 (i) have families with children;

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

203 (iii) suffer from other serious challenges to employment and self-sufficiency.

204 (b) The committee may also ~~[fund]~~ recommend funding treatment programs to
205 ameliorate the effects of substance abuse or a disability.

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

207 ~~[(a) award contracts funded by the Pamela Atkinson Homeless Account with the advice~~
208 ~~and input of those designated in Subsection [35A-8-601](#)(3);]~~

209 ~~[(b) in the evaluation of contract awards, consider whether: (i)]~~

210 (3) In determining the committee's funding recommendations, including the
211 committee's recommendations regarding the awarding of a contract to a provider of homeless
212 services, the committee:

213 (a) shall consider whether the proposed award addresses the needs identified in the

214 strategic plan described in [~~Subsection (1)~~] Section 35A-8-204;

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

216 [~~(iii)~~] (b) may only recommend funding if the proposed [~~contractor~~] provider has a
217 policy to share client-level service information with other entities in accordance with state and
218 federal law to enhance coordinated services for those experiencing homelessness; and

219 (c) shall identify specific targets and benchmarks for each [~~contract~~] award that the
220 committee recommends that align with the strategic plan described in [~~Subsection (1)~~] Section
221 35A-8-204.

222 (4) In accordance with the provisions of this section and Section 35A-8-204, and after
223 considering the recommendations of the committee, the homeless services director may award
224 contracts and provide funding from the Pamela Atkinson Homeless Account.

225 [~~(4)~~] (5) (a) In any fiscal year, the homeless services director may allocate no more than
226 80% of the funds in the Pamela Atkinson Homeless Account [~~may be allocated~~] to
227 organizations that provide services only in Salt Lake, Davis, Weber, and Utah Counties.

228 (b) The [~~committee~~] homeless services director may [~~not~~] expend up to 3% of [~~its~~] the
229 annual appropriation to the Pamela Atkinson Homeless Account for administrative costs
230 associated with the allocation of funds from the Pamela Atkinson Homeless Account, and up to
231 2% of [~~its~~] the annual appropriation for marketing the account and soliciting donations to the
232 account [~~; and~~].

233 [~~(ii) pay for the initial costs of the State Tax Commission in implementing Section~~
234 59-10-1306 from the account.]

235 [~~(5)~~] (6) If there are decreases in contributions to the account, the [~~committee~~]
236 homeless services director may expend money held in the account to provide program stability,
237 but the [~~committee~~] homeless services director shall reimburse the amount of those
238 expenditures to the account.

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

242 [~~(7) The committee shall update the strategic plan described in Subsection (1)(a) on an~~
243 annual basis.]

244 [~~(8) The state treasurer shall invest the money in the Pamela Atkinson Homeless~~

245 Account according to the procedures and requirements of Title 51, Chapter 7, State Money
246 Management Act, except that interest and other earnings derived from the restricted account
247 shall be deposited in the restricted account.]

248 Section 6. Section **35A-8-603** is amended to read:

249 **35A-8-603. Creation of Pamela Atkinson Homeless Account.**

250 (1) There is created a restricted account within the General Fund known as the "Pamela
251 Atkinson Homeless Account."

252 (2) Private contributions received under this section and Section **59-10-1306** shall be
253 deposited into the restricted account to be used only for programs described in Section
254 **35A-8-602**.

255 (3) Money shall be appropriated from the restricted account to the [~~State Homeless~~
256 ~~Coordinating Committee~~] homeless services director in accordance with Title 63J, Chapter 1,
257 Budgetary Procedures Act.

258 (4) The [~~State Homeless Coordinating Committee~~] homeless services director may
259 accept transfers, grants, gifts, bequests, or money made available from any source to implement
260 this part.

261 (5) The state treasurer shall invest the money in the restricted account according to the
262 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that
263 interest and other earnings derived from the restricted account shall be deposited in the
264 restricted account.

265 Section 7. Section **35A-8-604** is amended to read:

266 **35A-8-604. Uses of Homeless to Housing Reform Restricted Account.**

267 (1) [~~With the concurrence of the division and in accordance with this section~~] After
268 considering the recommendations of the Homeless Coordinating Committee, the [Homeless
269 Coordinating Committee members designated in Subsection 35A-8-601(2)] homeless services
270 director may award ongoing or one-time grants or contracts funded from the Homeless to
271 Housing Reform Restricted Account created in Section **35A-8-605**.

272 (2) Before final approval of a grant or contract awarded under this section, the
273 [~~Homeless Coordinating Committee and the division~~] homeless services director shall provide
274 written information regarding the grant or contract to, and shall consider the recommendations
275 of, the Executive Appropriations Committee.

276 (3) As a condition of receiving money, including any ongoing money, from the
277 restricted account, an entity awarded a grant or contract under this section shall provide
278 detailed and accurate reporting on at least an annual basis to the ~~[division]~~ homeless services
279 director and the Homeless Coordinating Committee that describes:

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

281 (b) the progress towards measurable outcome-based benchmarks agreed to between the
282 entity and the ~~[Homeless Coordinating Committee]~~ homeless services director before the
283 awarding of the grant or contract.

284 (4) In determining the awarding of a grant or contract under this section, the ~~[Homeless~~
285 ~~Coordinating Committee, with the concurrence of the division,]~~ homeless services director
286 shall:

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

289 ~~[(b) consider the advice of committee members designated in Subsection~~
290 ~~35A-8-601(3);]~~

291 ~~[(e)]~~ (b) give priority to a project or contract that will include significant additional or
292 matching funds from a private organization, nonprofit organization, or local government entity;

293 ~~[(d)]~~ (c) ensure that the project or contract will target the distinct housing needs of one
294 or more at-risk or homeless subpopulations, which may include:

295 (i) families with children;

296 (ii) transitional-aged youth;

297 (iii) single men or single women;

298 (iv) veterans;

299 (v) victims of domestic violence;

300 (vi) individuals with behavioral health disorders, including mental health or substance
301 use disorders;

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

303 (viii) individuals exiting prison or jail; or

304 (ix) individuals who are homeless without shelter;

305 ~~[(e)]~~ (d) consider whether the project will address one or more of the following goals:

306 (i) diverting homeless or imminently homeless individuals and families from

- 307 emergency shelters by providing better housing-based solutions;
- 308 (ii) meeting the basic needs of homeless individuals and families in crisis;
- 309 (iii) providing homeless individuals and families with needed stabilization services;
- 310 (iv) decreasing the state's homeless rate;
- 311 (v) implementing a coordinated entry system with consistent assessment tools to
- 312 provide appropriate and timely access to services for homeless individuals and families;
- 313 (vi) providing access to caseworkers or other individualized support for homeless
- 314 individuals and families;
- 315 (vii) encouraging employment and increased financial stability for individuals and
- 316 families being diverted from or exiting homelessness;
- 317 (viii) creating additional affordable housing for state residents;
- 318 (ix) providing services and support to prevent homelessness among at-risk individuals
- 319 and adults;
- 320 (x) providing services and support to prevent homelessness among at-risk children,
- 321 adolescents, and young adults;
- 322 (xi) preventing the reoccurrence of homelessness among individuals and families
- 323 exiting homelessness; and
- 324 (xii) providing medical respite care for homeless individuals where the homeless
- 325 individuals can access medical care and other supportive services; and
- 326 ~~[(f)]~~ (e) address the needs identified in the strategic plan described in ~~[Subsection~~
- 327 ~~35A-8-602(1)(a) for inclusion in the annual written report described in Section 35A-1-109]~~
- 328 Section 35A-8-204.
- 329 (5) In addition to the other provisions of this section, in determining the awarding of a
- 330 grant or contract under this section to design, build, create, or renovate a facility that will
- 331 provide shelter or other resources for the homeless, the ~~[Homeless Coordinating Committee;~~
- 332 ~~with the concurrence of the division]~~ homeless services director, after considering the
- 333 recommendations of the Homeless Coordinating Committee, may consider whether the facility
- 334 will be:
- 335 (a) located near mass transit services;
- 336 (b) located in an area that meets or will meet all zoning regulations before a final
- 337 dispersal of funds;

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

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

341 [~~(6) In accordance with Subsection (5), and subject to the approval of the Homeless~~
342 ~~Coordinating Committee with the concurrence of the division, the following may recommend a~~
343 ~~site location, acquire a site location, and hold title to real property, buildings, fixtures, and~~
344 ~~appurtenances of a facility that provides or will provide shelter or other resources for the~~
345 ~~homeless:]~~

346 [~~(a) the county executive of a county of the first class on behalf of the county of the~~
347 ~~first class, if the facility is or will be located in the county of the first class in a location other~~
348 ~~than Salt Lake City;]~~

349 [~~(b) the state;]~~

350 [~~(c) a nonprofit entity approved by the Homeless Coordinating Committee with the~~
351 ~~concurrence of the division; and]~~

352 [~~(d) a mayor of a municipality on behalf of the municipality where a facility is or will~~
353 ~~be located;]~~

354 [~~(7)~~ (6) (a) As used in this Subsection [~~(7)~~ (6)] and in Subsection [~~(8)~~ (7)], "homeless
355 shelter" means a facility that:

356 (i) is located within a municipality; and

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

359 (b) In addition to the other provisions of this section, [~~the Homeless Coordinating~~
360 ~~Committee, with the concurrence of the division]~~ the homeless services director, after
361 considering the recommendations of the Homeless Coordinating Committee, may award a
362 grant or contract:

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

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

367 [~~(8)~~ (7)] (a) If a homeless shelter commits to provide matching funds equal to the total
368 grant awarded under this Subsection [~~(8)~~ (7)], the homeless services director, after considering

369 the recommendations of the Homeless Coordinating Committee, [with the concurrence of the
370 division,] may award a grant for the ongoing operations of the homeless shelter.

371 (b) In awarding a grant under this Subsection [~~(8)~~] (7), the [~~Homeless Coordinating~~
372 ~~Committee, with the concurrence of the division]~~ homeless services director, after considering
373 the recommendations of the Homeless Coordinating Committee, shall consider the number of
374 beds available at the homeless shelter and the number and quality of the homeless services
375 provided by the homeless shelter.

376 [~~(9)~~] (8) The [~~division]~~ homeless services director may expend money from the
377 restricted account to offset actual [~~division and Homeless Coordinating Committee]~~ expenses
378 related to administering this section.

379 Section 8. Section **35A-8-605** is amended to read:

380 **35A-8-605. Homeless to Housing Reform Restricted Account.**

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

383 (2) The restricted account shall be administered by the [~~division]~~ homeless services
384 director for the purposes described in Section **35A-8-604**.

385 (3) The state treasurer shall invest the money in the restricted account according to the
386 procedures and requirements of Title 51, Chapter 7, State Money Management Act, except that
387 interest and other earnings derived from the restricted account shall be deposited in the
388 restricted account.

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

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

391 (b) private donations, grants, gifts, bequests, or money made available from any other
392 source to implement this section and Section **35A-8-604**.

393 (5) Subject to appropriation, the [~~director]~~ homeless services director shall use
394 restricted account money as described in Section **35A-8-604**.

395 (6) The [~~Homeless Coordinating Committee]~~ homeless services director, in
396 cooperation with the [~~division]~~ Homeless Coordinating Committee, shall submit an annual
397 written report to the department that gives a complete accounting of the use of money from the
398 restricted account for inclusion in the department's annual report described in Section
399 **35A-1-109**.

400 Section 9. Section **35A-8-606** is amended to read:

401 **35A-8-606. Homeless Shelter Cities Mitigation Restricted Account.**

402 (1) As used in this section:

403 (a) "Annual local contribution" means:

404 (i) for a participating local government, the lesser of \$200,000 or an amount equal to
405 1.8% of the participating local government's tax revenue distribution amount under Subsection
406 **59-12-205(2)(a)** for the previous fiscal year; or

407 (ii) for an eligible municipality or a grant eligible entity that is certified in accordance
408 with Section **35A-8-609**, \$0.

409 (b) "Eligible municipality" means the same as that term is defined in Section
410 **35A-8-607**.

411 (c) "Grant eligible entity" means the same as that term is defined in Section **35A-8-608**.

412 (d) "Participating local government" means a county or municipality, as defined in
413 Section **10-1-104**, that is not an eligible municipality or grant eligible entity as certified by the
414 department in accordance with Section **35A-8-609**.

415 (2) There is created a restricted account within the General Fund known as the
416 Homeless Shelter Cities Mitigation Restricted Account.

417 (3) The account shall be funded by:

418 (a) local sales and use tax revenue deposited into the account in accordance with
419 Section **59-12-205**; and

420 (b) interest earned on the account.

421 (4) (a) The [department] homeless services director shall administer the account.

422 (b) Subject to appropriation, the [department] homeless services director shall disburse
423 funds from the account to:

424 (i) eligible municipalities in accordance with Sections **35A-8-607** and **63J-1-802**; and

425 (ii) grant eligible entities in accordance with Sections **35A-8-608** and **63J-1-802**.

426 Section 10. Section **35A-8-607** is amended to read:

427 **35A-8-607. Eligible municipality application process for Homeless Shelter Cities**
428 **Mitigation Restricted Account funds.**

429 (1) As used in this section:

430 (a) "Account" means the restricted account created in Section **35A-8-606**.

431 (b) "Committee" means the Homeless Coordinating Committee created in this part.

432 (c) "Eligible municipality" means a city of the third, fourth, or fifth class, a town, or a
433 metro township that:

434 (i) has, or is proposed to have, a homeless shelter within the city's, town's, or metro
435 township's geographic boundaries;

436 (ii) due to the location of a homeless shelter within the city's, town's, or metro
437 township's geographic boundaries, needs more public safety services than the city, town, or
438 metro township needed before the location of the homeless shelter within the city's, town's, or
439 metro township's geographic boundaries; and

440 (iii) is certified as an eligible municipality in accordance with Section [35A-8-609](#).

441 (d) "Homeless shelter" means a facility that:

442 (i) provides or is proposed to provide temporary shelter to homeless individuals;

443 (ii) has or is proposed to have the capacity to provide temporary shelter to at least 200
444 individuals per night; and

445 (iii) operates year-round and is not subject to restrictions that limit the hours, days,
446 weeks, or months of operation.

447 (e) "Public safety services" means law enforcement, emergency medical services, and
448 fire protection.

449 (2) (a) An eligible municipality may request account funds to employ and equip
450 additional personnel to provide public safety services in and around a homeless shelter within
451 the eligible municipality's geographic boundaries.

452 (b) (i) An eligible municipality that builds or has proposed to build a homeless shelter
453 on or after July 1, 2018, shall be eligible to receive at least 40% of the account funds, if the
454 eligible municipality meets the requirements of this section.

455 (ii) An eligible municipality that built a homeless shelter on or before June 30, 2018,
456 shall be eligible to receive at least 20% of the account funds, if the eligible municipality meets
457 the requirements of this section.

458 (3) (a) This Subsection (3) applies to an eligible municipality's request for account
459 funds for the fiscal year beginning on July 1, 2018, only.

460 (b) An eligible municipality may make a request for account funds by:

461 (i) sending an electronic copy of the request to the committee before the first meeting

462 of the committee on or after July 1, 2018; and

463 (ii) appearing at the first meeting of the committee on or after July 1, 2018, to present
464 the request.

465 (c) The request described in Subsection (3)(b) shall contain:

466 (i) data relating to the eligible municipality's public safety services for the last fiscal
467 year before a homeless shelter was located or proposed to be located within the eligible
468 municipality's boundaries, including:

469 (A) crime statistics; and

470 (B) calls for public safety services;

471 (ii) data showing the eligible municipality's need for public safety services in the next
472 fiscal year;

473 (iii) a summary of the eligible municipality's proposed use of account funds; and

474 (iv) a copy of the eligible municipality's budget, which includes a request in a specific
475 amount for additional personnel to provide public safety services.

476 (d) The committee shall evaluate a request made in accordance with this Subsection (3)
477 using the following factors:

478 (i) the strength and reliability of the data that the eligible municipality provides to
479 support the request;

480 (ii) the availability of alternative funding for the eligible municipality to address the
481 eligible municipality's need for public safety services; and

482 (iii) any other considerations identified by the committee.

483 (e) (i) After making the evaluation described in Subsection (3)(d) and subject to
484 appropriation, the committee shall vote to:

485 (A) fund the eligible municipality's request; or

486 (B) fund the eligible municipality's request at a reduced level, as determined by the
487 committee.

488 (ii) The committee shall support the vote described in Subsection (3)(e)(i) with
489 findings on each of the factors described in Subsection (3)(d).

490 (f) (i) An eligible municipality that receives an award of account funds under this
491 Subsection (3) shall submit an invoice of the eligible municipality's expenses, with supporting
492 documentation, to the department monthly for reimbursement.

493 (ii) Each month, beginning in January 2019, the department shall disburse the revenue
494 in the account to reimburse the eligible municipality that submits the information described in
495 Subsection (3)(f)(i) for the amount on the invoice or contract.

496 (4) (a) This Subsection (4) applies to a fiscal year beginning on or after July 1, 2019.

497 (b) (i) The committee shall set aside time on an the agenda of a committee meeting that
498 occurs on or after July 1 and on or before November 30 to allow an eligible municipality to
499 present a request for account funds for the next fiscal year.

500 (ii) An eligible municipality may present a request for account funds by:

501 (A) sending an electronic copy of the request to the committee before the meeting; and

502 (B) appearing at the meeting to present the request.

503 (c) The request described in Subsection (4)(b) shall contain:

504 (i) data relating to the eligible municipality's public safety services for the last fiscal
505 year before a homeless shelter was located or proposed to be located within the eligible
506 municipality's boundaries, including:

507 (A) crime statistics; and

508 (B) calls for public safety services;

509 (ii) data showing the eligible municipality's need for public safety services in the next
510 fiscal year;

511 (iii) a summary of the eligible municipality's proposed use of account funds; and

512 (iv) a copy of the eligible municipality's budget, which includes a request in a specific
513 amount for additional personnel to provide public safety services.

514 (d) (i) On or before November 30, an eligible municipality that received account funds
515 during the previous fiscal year shall file electronically with the [~~committee~~] homeless services
516 director a report that includes:

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

519 (B) an evaluation of the eligible municipality's effectiveness in using the account funds
520 to address the eligible municipality's public safety needs; and

521 (C) any proposals for improving the eligible municipality's effectiveness in using
522 account funds that the eligible municipality may receive in future fiscal years.

523 (ii) The committee may request additional information as needed to make the

524 evaluation described in Subsection (4)(e).

525 (e) The committee shall evaluate a request made in accordance with this Subsection (4)
526 using the following factors:

527 (i) the strength and reliability of the data that the eligible municipality provided to
528 support the request;

529 (ii) if the eligible municipality received account funds during the previous fiscal year,
530 the efficiency with which the eligible municipality used any account funds during the previous
531 fiscal year;

532 (iii) the availability of alternative funding for the eligible municipality to address the
533 eligible municipality's need for public safety services; and

534 (iv) any other considerations identified by the committee.

535 (f) (i) After making the evaluation described in Subsection (4)(e) and subject to other
536 provisions of this Subsection (4)(f), the committee shall vote to recommend that an eligible
537 municipality's request be:

538 (A) funded as requested; or

539 (B) funded at a reduced level, as determined by the committee.

540 (ii) The committee shall support the recommendation described in Subsection (4)(f)(i)
541 with findings on each of the factors described in Subsection (4)(e).

542 (g) ~~[The]~~ After approval of the recommendation by the homeless services director, the
543 committee shall submit the recommendation described in Subsection (4)(f) to:

544 (i) the governor for inclusion in the governor's budget to be submitted to the
545 Legislature; and

546 (ii) the Social Services Appropriations Subcommittee of the Legislature for approval in
547 accordance with Section [63J-1-802](#).

548 (h) (i) An eligible municipality that is approved to receive account funds under Section
549 [63J-1-802](#) shall submit an invoice of the eligible municipality's expenses, with supporting
550 documentation, to the ~~[department]~~ homeless services director monthly for reimbursement.

551 (ii) Each month, the ~~[department]~~ homeless services director shall disburse the revenue
552 in the account to reimburse an eligible municipality that submits the information described in
553 Subsection (4)(h)(i) for the amount on the invoice or contract.

554 (5) On or before October 1, the ~~[department]~~ homeless services director, in cooperation

555 with the committee, shall:

556 (a) submit an annual written report electronically to the Social Services Appropriations
557 Subcommittee of the Legislature that gives a complete accounting of the [~~department's~~
558 homeless services director's disbursement of the money from the account under this section for
559 the previous fiscal year; and

560 (b) [~~include~~] provide information regarding the disbursement of money from the
561 account under this section [~~in the~~] to the department for inclusion in the department's annual
562 report described in Section 35A-1-109.

563 Section 11. Section 35A-8-608 is amended to read:

564 **35A-8-608. Grant eligible entity application process for Homeless Shelter Cities**
565 **Mitigation Restricted Account funds.**

566 (1) As used in this section:

567 (a) "Account" means the restricted account created in Section 35A-8-606.

568 (b) "Committee" means the Homeless Coordinating Committee created in this part.

569 (c) "Grant" means an award of funds from the account.

570 (d) "Grant eligible entity" means:

571 (i) the Department of Public Safety; or

572 (ii) a city, town, or metro township that:

573 (A) has a homeless shelter within the city's, town's, or metro township's geographic
574 boundaries;

575 (B) has increased community, social service, or public safety service needs due to the
576 location of a homeless shelter within the city's, town's, or metro township's geographic
577 boundaries; and

578 (C) is certified as a grant eligible entity in accordance with Section 35A-8-609.

579 (e) "Homeless shelter" means a facility that:

580 (i) provides temporary shelter to homeless individuals;

581 (ii) has the capacity to provide temporary shelter to:

582 (A) for a county of the first or second class, at least 60 individuals per night; or

583 (B) for a county of the third, fourth, fifth, or sixth class, at least 25 individuals per
584 night; and

585 (iii) operates year-round and is not subject to restrictions that limit the hours, days,

586 weeks, or months of operation.

587 (f) "Public safety services" means law enforcement, emergency medical services, and
588 fire protection.

589 (2) Subject to the availability of funds, a grant eligible entity may request a grant to
590 mitigate the impacts of the location of a homeless shelter:

591 (a) through employment of additional personnel to provide public safety services in
592 and around a homeless shelter; or

593 (b) for a grant eligible entity that is a city, town, or metro township, through:

594 (i) development of a community and neighborhood program within the city's, town's, or
595 metro township's boundaries; or

596 (ii) provision of social services within the city's, town's, or metro township's
597 boundaries.

598 (3) (a) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
599 department shall make rules governing:

600 (i) the process for determining whether there is sufficient revenue to the account to
601 offer a grant program for the next fiscal year; and

602 (ii) the process for notifying grant eligible entities about the availability of grants for
603 the next fiscal year.

604 (b) (i) If the [~~committee~~] homeless services director offers a grant program for the next
605 fiscal year, the homeless services director and the committee shall set aside time on the agenda
606 of a committee meeting that occurs on or after July 1 and on or before November 30 to allow a
607 grant eligible entity to present a request for account funds for the next fiscal year.

608 (ii) A grant eligible entity may present a request for account funds by:

609 (A) sending an electronic copy of the request to the committee before the meeting; and

610 (B) appearing at the meeting to present the request.

611 (c) The request described in Subsection (3)(b) shall contain:

612 (i) for a grant request to develop a community and neighborhood program:

613 (A) a proposal outlining the components of a community and neighborhood program;

614 (B) a summary of the grant eligible entity's proposed use of any grant awarded; and

615 (C) the amount requested;

616 (ii) for a grant request to provide social services:

- 617 (A) a proposal outlining the need for additional social services;
- 618 (B) a summary of the grant eligible entity's proposed use of any grant awarded; and
- 619 (C) the amount requested;
- 620 (iii) for a grant request to employ additional personnel to provide public safety
- 621 services:
- 622 (A) data relating to the grant eligible entity's public safety services for the current fiscal
- 623 year, including crime statistics and calls for public safety services;
- 624 (B) data showing an increase in the grant eligible entity's need for public safety
- 625 services in the next fiscal year;
- 626 (C) a summary of the grant eligible entity's proposed use of any grant awarded; and
- 627 (D) the amount requested; or
- 628 (iv) for a grant request to provide some combination of the activities described in
- 629 Subsections (3)(c)(i) through (iii), the information required by this Subsection (3) for each
- 630 activity for which the grant eligible entity requests a grant.
- 631 (d) (i) On or before November 30, a grant eligible entity that received a grant during
- 632 the previous fiscal year shall file electronically with the [~~committee~~] homeless services director
- 633 a report that includes:
- 634 (A) a summary of the amount of the grant that the grant eligible entity received and the
- 635 grant eligible entity's specific use of those funds;
- 636 (B) an evaluation of the grant eligible entity's effectiveness in using the grant to
- 637 address the grant eligible entity's increased needs due to the location of a homeless shelter; and
- 638 (C) any proposals for improving the grant eligible entity's effectiveness in using a grant
- 639 that the grant eligible entity may receive in future fiscal years.
- 640 (ii) The homeless services director or the committee may request additional
- 641 information as needed to make the evaluation described in Subsection (3)(e).
- 642 (e) The committee shall evaluate a grant request made in accordance with this
- 643 Subsection (3) using the following factors:
- 644 (i) the strength of the proposal that the grant eligible entity provides to support the
- 645 request;
- 646 (ii) if the grant eligible entity received a grant during the previous fiscal year, the
- 647 efficiency with which the grant eligible entity used the grant during the previous fiscal year;

648 (iii) the availability of alternative funding for the grant eligible entity to address the
649 grant eligible entity's needs due to the location of a homeless shelter; and

650 (iv) any other considerations identified by the homeless services director or the
651 committee.

652 (f) (i) After making the evaluation described in Subsection (3)(e) for each grant eligible
653 entity that makes a grant request and subject to other provisions of this Subsection (3)(f), the
654 committee shall vote to:

655 (A) prioritize the grant requests; and

656 (B) recommend a grant amount for each grant eligible entity.

657 (ii) The committee shall support the prioritization and recommendation described in
658 Subsection (3)(f)(i) with findings on each of the factors described in Subsection (3)(e).

659 (g) [~~The~~] After approval of the recommendation by the homeless services director, the
660 committee shall submit a list that prioritizes the grant requests and recommends a grant amount
661 for each grant eligible entity that requested a grant to:

662 (i) the governor for inclusion in the governor's budget to be submitted to the
663 Legislature; and

664 (ii) the Social Services Appropriations Subcommittee of the Legislature for approval in
665 accordance with Section [63J-1-802](#).

666 (4) (a) Subject to Subsection (4)(b), the [~~department~~] homeless services director shall
667 disburse the revenue in the account as a grant to a grant eligible entity:

668 (i) after making the disbursements required by Section [35A-8-607](#); and

669 (ii) subject to the availability of funds in the account:

670 (A) in the order of priority that the Legislature gives to each eligible grant entity under
671 Section [63J-1-802](#); and

672 (B) in the amount that the Legislature approves to a grant eligible entity under Section
673 [63J-1-802](#).

674 (b) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the
675 department shall make rules governing the process for the [~~department~~] homeless services
676 director to determine the timeline within the fiscal year for funding the grants.

677 (5) On or before October 1, the [~~department~~] homeless services director, in cooperation
678 with the committee, shall:

679 (a) submit an annual written report electronically to the Social Services Appropriations
680 Subcommittee of the Legislature that gives a complete accounting of the department's
681 disbursement of the money from the account under this section for the previous fiscal year; and

682 (b) ~~include~~ provide information regarding the disbursement of money from the
683 account under this section ~~in the~~ to the department for inclusion in the department's annual
684 report described in Section 35A-1-109.

685 Section 12. Section **35A-8-609** is amended to read:

686 **35A-8-609. Certification of eligible municipality or grant eligible entity.**

687 (1) The ~~department~~ homeless services director shall certify each year, on or after July
688 1 and before the first meeting of the Homeless Coordinating Committee after July 1, the cities
689 or towns that meet the requirements of an eligible municipality or a grant eligible entity as of
690 July 1.

691 (2) On or before October 1, the ~~department~~ homeless services director shall provide a
692 list of the cities, towns, or metro townships that the department has certified as meeting the
693 requirements of an eligible municipality or a grant eligible entity for the year to the State Tax
694 Commission.