

HOMELESSNESS REVISIONS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nelson T. Abbott

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to addressing homelessness.

Highlighted Provisions:

This bill:

- defines terms;
- changes the membership of the Utah Homelessness Council;
- changes the membership of the executive committee of the Utah Homelessness Council;
- modifies the annual local contribution formula that local governments provide to the Homeless Shelter Cities Mitigation Restricted Account; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

35A-16-204, as last amended by Laws of Utah 2022, Chapter 403

59-12-205, as last amended by Laws of Utah 2023, Chapters 302, 471 and 492



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

Section 1. Section **35A-16-204** is amended to read:

35A-16-204. Utah Homelessness Council.

(1) There is created within the office the Utah Homelessness Council.

(2) (a) The homelessness council shall consist of the following members:

~~[(a)]~~ (i) a representative of the public sector with expertise in homelessness issues, appointed by the Legislature;

~~[(b)]~~ (ii) a representative of the private sector, appointed by the Utah Impact Partnership or the partnership's successor organization;

~~[(c)]~~ (iii) a representative of the private sector with expertise in homelessness issues, appointed by the governor;

~~[(d)]~~ (iv) a statewide philanthropic leader, appointed by the governor;

~~[(e)]~~ (v) a statewide philanthropic leader, appointed by the Utah Impact Partnership or the partnership's successor organization;

~~[(f) the mayor of Salt Lake County;]~~

~~[(g) the mayor of Salt Lake City;]~~

~~[(h) the mayor of Midvale;]~~

~~[(i) the mayor of South Salt Lake;]~~

~~[(j) the mayor of Ogden;]~~

~~[(k) the mayor of St. George;]~~

~~[(H)]~~ (vi) the following representatives of political subdivisions:

(A) the mayor of Salt Lake County, or the mayor's designee;

(B) a commissioner for Weber County, or the commissioner's designee;

(C) a commissioner for Davis County, or the commissioner's designee;

(D) a commissioner for Utah County, or the commissioner's designee; and

(E) a commissioner for Washington County, or the commissioner's designee;

(vii) the executive director of the Department of Health and Human Services, or the executive director's designee;

~~[(m)]~~ (viii) the commissioner of public safety, or the commissioner's designee;

~~[(n)]~~ (ix) the executive director of the Department of Corrections, or the executive director's designee;

59 ~~[(t)]~~ (x) the executive director of the Department of Workforce Services, or the
60 executive director's designee;

61 ~~[(p)]~~ (xi) the executive director of the Governor's Office of Planning and Budget, or the
62 executive director's designee;

63 ~~[(q)]~~ (xii) a member of the Senate, appointed by the president of the Senate;

64 ~~[(r)]~~ (xiii) a member of the House of Representatives, appointed by the speaker of the
65 House of Representatives;

66 ~~[(s)]~~ (xiv) the state superintendent of public instruction or the superintendent's
67 designee;

68 ~~[(t)]~~ (xv) a faith-based leader in the state, appointed by the governor;

69 ~~[(u)]~~ (xvi) five local representatives appointed by the steering committee, of which at
70 least two are private providers of services for people experiencing homelessness;

71 ~~[(v)]~~ (xvii) one individual who has experienced homelessness, appointed by the
72 governor; and

73 ~~[(w)]~~ (xviii) the coordinator.

74 (b) The individuals selected in accordance with Subsections (2)(a)(vi)(B) through
75 (2)(a)(vi)(E) are chosen by the respective county commissions.

76 (3) The member appointed under Subsection (2)(a)(i) and the member appointed under
77 Subsection ~~[(2)(b)]~~ (2)(a)(ii) shall serve as the cochairs of the homelessness council.

78 (4) (a) The following nine members of the homelessness council shall serve as the
79 executive committee of the homelessness council:

80 ~~[(a)]~~ (i) the cochairs of the homelessness council as described in Subsection (3);

81 ~~[(b)]~~ (ii) the private sector representative appointed under Subsection ~~[(2)(c)]~~
82 (2)(a)(iii);

83 ~~[(c)]~~ (iii) the statewide philanthropic leader appointed under Subsection ~~[(2)(d)]~~
84 (2)(a)(iv);

85 ~~[(d)]~~ (iv) the statewide philanthropic leader appointed under Subsection ~~[(2)(e)]~~
86 (2)(a)(v);

87 ~~[(e) the mayor of Salt Lake County;]~~

88 ~~[(f)]~~ (v) ~~[a mayor chosen among the member mayors described in Subsections (2)(g)~~
89 ~~through (2)(k), appointed by the member mayors;]~~ two representatives of political subdivisions

chosen in accordance with Subsection 4(b);

~~[(g)]~~ (vi) a local representative chosen among the local representatives described in Subsection ~~[(2)(u)]~~ (2)(a)(xvi), appointed by the cochaIRS of the homelessness council; and ~~[(h)]~~ (vii) the coordinator.

(b) The individuals described in Subsection (2)(a)(vi) shall collectively designate, by majority vote, two mayor or commissioner representatives from the individuals selected in accordance with Subsections (2)(a)(vi)(B) through (2)(a)(vi)(E).

(5) The cochaIRS and the executive committee may call homelessness council meetings and set agendas for meetings.

(6) The homelessness council shall meet at least four times per year.

(7) A majority of members of the homelessness council constitutes a quorum of the homelessness council at any meeting, and the action of the majority of members present constitutes the action of the homelessness council.

(8) A majority of members of the executive committee constitutes a quorum of the executive committee at any meeting, and the action of the majority of members present constitutes the action of the executive committee.

(9) (a) Except as required by Subsection (9)(b), appointed members of the homelessness council shall serve a term of four years.

(b) Notwithstanding the requirements of Subsection (9)(a), the appointing authority, at the time of appointment or reappointment, may adjust the length of terms to ensure that the terms of homelessness council members are staggered so that approximately half of appointed homelessness council members are appointed every two years.

(10) When a vacancy occurs in the appointed membership for any reason, the replacement is appointed for the unexpired term.

(11) (a) Except as described in Subsection (11)(b), a member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

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

(b) Compensation and expenses of a commission member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(12) The office and the department shall provide administrative support to the homelessness council.

Section 2. Section 59-12-205 is amended to read:

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

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

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

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

(2) (a) Except as provided in Subsections (3) and (4) and subject to Subsection (5):

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

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

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

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

11-58-201; and

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

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

(3) (a) As used in this Subsection (3):

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

(A) for fiscal year 2012-13, received a tax revenue distribution under Subsection (3)(b) equal to the amount described in Subsection (3)(b)(ii); and

(B) does not impose a sales and use tax under Section 59-12-2103 on or before July 1, 2016.

(ii) "Minimum tax revenue distribution" means the total amount of tax revenue distributions an eligible county, city, or town received from a tax imposed in accordance with this part for fiscal year 2004-05.

(b) An eligible county, city, or town shall receive a tax revenue distribution for a tax imposed in accordance with this part equal to the greater of:

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

(ii) the minimum tax revenue distribution.

(4) (a) For purposes of this Subsection (4):

(i) "Annual local contribution" [~~means the lesser of \$275,000 or an amount equal to 2.55% of the participating local government's tax revenue distribution amount under Subsection (2)(a)(i) for the previous fiscal year.~~] means the lesser of \$200,000 or an amount equal to 1.8% of the participating local government's tax revenue distribution amount under Subsection (2)(a) for the previous fiscal year less any amounts spent by that municipality for a purpose described in Subsection 35A-16-302(3)(d) during the preceding fiscal year.

(ii) "Participating local government" means a county or municipality, as defined in Section 10-1-104, that is not an eligible municipality certified in accordance with Section 35A-16-404.

(b) For revenue collected from the tax authorized by this part that is distributed on or

after January 1, 2019, the commission, before making a tax revenue distribution under Subsection (2)(a)(i) to a participating local government, shall:

(i) adjust a participating local government's tax revenue distribution under Subsection (2)(a)(i) by:

(A) subtracting an amount equal to one-twelfth of the annual local contribution for each participating local government from the participating local government's tax revenue distribution; and

(B) if applicable, reducing the amount described in Subsection (4)(b)(i)(A) by \$250 for each bed that is available at all homeless shelters located within the boundaries of the participating local government, as reported to the commission by the Office of Homeless Services in accordance with Section 35A-16-405; and

(ii) deposit the resulting amount described in Subsection (4)(b)(i) into the Homeless Shelter Cities Mitigation Restricted Account created in Section 35A-16-402.

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

(5) (a) As used in this Subsection (5):

(i) "Annual dedicated sand and gravel sales tax revenue" means an amount equal to the total revenue an establishment described in NAICS Code 327320, Ready-Mix Concrete Manufacturing, of the 2022 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget, collects and remits under this part for a calendar year.

(ii) "Sand and gravel" means sand, gravel, or a combination of sand and gravel.

(iii) "Sand and gravel extraction site" means a pit, quarry, or deposit that:

(A) contains sand and gravel; and

(B) is assessed by the commission in accordance with Section 59-2-201.

(iv) "Ton" means a short ton of 2,000 pounds.

(v) "Tonnage ratio" means the ratio of:

(A) the total amount of sand and gravel, measured in tons, sold during a calendar year from all sand and gravel extraction sites located within a county, city, or town; to

(B) the total amount of sand and gravel, measured in tons, sold during the same

calendar year from sand and gravel extraction sites statewide.

(b) For purposes of calculating the ratio described in Subsection (5)(a)(v), the commission shall:

(i) use the gross sales data provided to the commission as part of the commission's property tax valuation process; and

(ii) if a sand and gravel extraction site operates as a unit across municipal or county lines, apportion the reported tonnage among the counties, cities, or towns based on the percentage of the sand and gravel extraction site located in each county, city, or town, as approximated by the commission.

(c) (i) Beginning July 2023, and each July thereafter, the commission shall distribute from total collections under this part an amount equal to the annual dedicated sand and gravel sales tax revenue for the preceding calendar year to each county, city, or town in the same proportion as the county's, city's, or town's tonnage ratio for the preceding calendar year.

(ii) The commission shall ensure that the revenue distributed under this Subsection (5)(c) is drawn from each jurisdiction's collections in proportion to the jurisdiction's share of total collections for the preceding 12-month period.

(d) A county, city, or town shall use revenue described in Subsection (5)(c) for class B or class C roads.

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

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

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

Section 3. Effective date.

This bill takes effect on May 1, 2024.