

HB440 Homeless Services Amendments (Eliason) LPC Summary February 22, 2022

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President Neiderhauser, with support of ULCT, has requested an ongoing \$5m appropriation to the Homeless Mitigation Fund. This will increase the fund from ~\$5.725m to ~\$10.725m annually.

Previously, the homeless mitigation fund was distributed through entitlement and grants. With the state infusion, ULCT was tasked by OHS with developing a formula to distribute the mitigation funds amongst eligible municipalities for a more streamlined, data-driven distribution.

The proposed bill does not change the local option contribution or contribution cap for non-HRC cities/towns.

Cities and towns with an eligible HRC do not contribute to the mitigation fund, regardless of whether or not they apply for funding.

PART 1: HOMELESS SHELTER MITIGATION FUND CHANGES

I. Creates 3 Tiers of Funding in the Homeless Shelter Mitigation Fund

A. Tier 1 Municipalities

1. Is located within a county of the first or second class
2. Has an eligible shelter within the municipality's geographic boundaries that has the capacity to provide temporary shelter to at least 80 homeless individuals per night
3. Due to the location of an eligible shelter within the municipality's geographic boundaries, needs more public safety services than the municipality needed before the eligible shelter was located within the municipality's geographic boundaries

B. Tier 2 Municipalities

1. Is located within a county of the third, fourth, fifth, or sixth class
2. Has within the municipality's geographic boundaries that has a capacity to provide temporary shelter at least 25 homeless individuals per night

C. Tier 3 Municipalities

1. Is located in any county
2. Has an eligible temporary homeless shelter within the municipality's geographic boundaries that has the capacity to provide temporary shelter to at least 50 individuals per night

II. Creates Formula for Distribution:

- A. **70%** disbursed proportionately among applicants based on the total number of unduplicated homeless individuals served by eligible homeless shelters within each municipality, as verified by OHS
- B. **20%** disbursed proportionately among applicants based on the total number of unduplicated homeless individuals served by eligible shelters within each municipality as compared to the total population of the municipality as verified by OHS
- C. **10%** shall be disbursed proportionately among applicants based on the total number of beds of all eligible homeless shelters within each municipality as verified by OHS.

III. Outlines application and use of mitigation funds

- A. May apply for funds to mitigate the impacts of an eligible shelter in their boundaries through
 1. Social services
 2. Community or neighborhood programs
 3. Public safety

PART 2: OVERFLOW HOMELESS FACILITY PLAN

IV. Requires SLCo Overflow Plan

- A. On or before September 1 of each year, SLCo COG and the Salt Lake LHC shall prepare and submit to the office an overflow plan for a temporary shelter
- B. Overflow Plan Requirements:
 - 1. Establish plans to operate one or more temporary overflow shelters during the subsequent overflow period. (October 1 - April 30)
 - 2. Ensure that each temporary overflow shelter meets all local zoning requirements before operating.
 - 3. Provide assurances that homeless individuals in the applicable county will have sufficient access to shelter during the subsequent overflow period.
 - 4. Be approved by
 - a) SLCo COG
 - b) the chief executive officer of each municipality located within the applicable county in which a temporary overflow shelter is planned to be located under the overflow plan.
 - 5. Noncompliance: The office shall make a determination of noncompliance if after completing a review of the applicable county's overflow plan, the office determines that the overflow plan does not comply

V. Implements a failsafe if no temporary overflow shelter plan /noncompliance

- A. **FLEX:** A specified municipality (SLC, SSL, Midvale) may not
 - 1. Impose a capacity limit on a homeless resource center that is more restrictive than the capacity limit allowed under the applicable fire code during the subsequent overflow period (October 1 – April 30)
- B. **PREEMPTION:** a city in Salt Lake County may not restrict any entity from operating a temporary overflow shelter
- C. The office, in coordination with the Division of Facilities Construction and Management, may contract with a for-profit or nonprofit to operate a temporary overflow shelter from a **state facility**

VI. Grants OHS additional rulemaking authority

- A. the office shall make rules governing the process of submitting an overflow plan, determining overflow plan compliance, notice, contracting to operate an overflow