

# Utah Homelessness Council (UHC)

## Agenda Item - Executive Summary

### Purpose:

- Decision
  - Informational
- 

**Meeting Date:** February 8, 2024

**Subject:** Mitigation Rule Section R988-400-8 Enforcement of Camping Ordinance

**Submitted by:** Office of Homeless Services (OHS)

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### RELATED LINKS

Administrative Rule: <https://adminrules.utah.gov/public/rule/R988-400/Current%20Rules?searchText=undefined>

#### **R988. Workforce Services, Homeless Services.**

#### **R988-400. Homeless Shelter Cities Mitigation Restricted Account.**

#### **R988-400-1. Authority.**

This rule is authorized under Subsection 35A-16-401(4) which directs the office to provide additional detail to the definition of "eligible services" and Subsection 35A-16-403(3) which requires the office to make rules governing the process for calculating the amount of funds that an eligible municipality may receive under Subsection 35A-16-402(4).

#### **R988-400-2. Definitions.**

Terms used in this rule have the meanings given them in Title 35A, Chapter 16, Office of Homeless Services. In addition:

- (1) "Eligible services" includes social services, public sanitation services, and community or neighborhood programs that, in the office's judgment, mitigate the impacts of the location of an eligible shelter. Such services may include:
  - (a) client services for persons experiencing homelessness;
  - (b) medical staff to serve clients of the eligible shelter;
  - (c) provision of public toilets;
  - (d) garbage collection services; or
  - (e) managing relationships with local businesses or neighborhood associations.
- (2) "Full capacity" means that an eligible shelter has assigned or filled 95% of beds on average, as determined by the office, unless:
  - (a) the shelter is dedicated to a specific population or type of household; and
  - (b) the majority of the unsheltered individuals in the municipality where the shelter is located are not the type of population or household served by the shelter.

(3) "HIC" means Housing Inventory Count, which is defined as a point-in-time inventory of provider programs that provide beds for people experiencing homelessness.

(4) "Point-in-time count" means a count of sheltered and unsheltered people experiencing homelessness on a single night in January, as defined by the U.S. Department of Housing and Urban Development.

**R988-400-3. Determination of Number of Individuals Experiencing Homelessness.**

For purposes of Subsections 35A-16-402(4)(a)(i)(A) and (4)(a)(ii)(A), for eligible shelters that submit data to HMIS the office shall determine the "total number of individuals experiencing homelessness who are served by eligible shelters within each municipality" by referring to the consolidated annual performance and evaluation report prepared by HMIS. For eligible shelters operated by domestic violence service providers, which do not submit information to HMIS, any information necessary to make the determination shall be reported directly to the office.

**R988-400-4. Determination of Total Population of Municipality.**

For purposes of Subsections 35A-16-402(4)(a)(i)(B) and (4)(a)(ii)(B), the office shall determine the total population of a municipality using information provided to it by the Utah State Tax Commission.

**R988-400-5. Determination of Year-Round Capacity of Eligible Shelters Within Each Municipality.**

For purposes of Subsections 35A-16-402(4)(a)(i)(C) and (4)(a)(ii)(C), the office shall determine the "total year-round capacity of all eligible shelters within each municipality" by referring to the most recent HIC. Any municipality that begins operating an eligible shelter after the most recent HIC and would like to be considered for allocation from the Restricted Account must contact the office in writing. The office will then work with the municipality to determine the capacity.

**R988-400-6. Formula for Disbursal of Funds to Third-Tier Eligible Municipalities.**

(1) The funds set aside under Subsection 35A-16-402(4)(a)(iii) shall be disbursed proportionately among applicants based on the number of beds available in eligible shelters within the applicable third-tier municipality as compared to the total number of beds available in eligible shelters in all third-tier eligible municipalities in Utah combined, as determined by the office.

(2) In determining the number of available beds in any third-tier eligible municipality, the office shall have broad discretion to use whatever sources it deems relevant, and shall have authority to request information from shelters and verify the information received.

**R988-400-7. Application for Funds.**

To apply for funds under Subsection 35A-16-402(4)(a)(iii), an eligible municipality shall submit a request that outlines the impact of the location of the eligible shelter on eligible services and demonstrates the need for funding to mitigate that impact.

**R988-400-8. Enforcement of Camping Ordinance.**

The failure of a municipality to enforce its camping ordinance may not preclude the municipality from receiving mitigation funds if the number of unsheltered persons according to the point-in-time count exceeds the number of first-tier eligible beds according to the HIC by 15%.