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

**R988-700. Property Loss Related to Homelessness Compensation Enterprise Fund.**

**R988-700-1. Authority.**

This rule is authorized under Section 35A-16-212, which authorizes the office to make rules governing the fund.

**R988-700-2. Definitions.**

(1) Terms used in this rule are defined in Title 35A, Chapter 1, Department of Workforce Services, and Title 35A, Chapter 16, Office of Homeless Services.

(2) As used in this rule:

(a) "Cost" means the fair market cost for goods or services.

(b)(i) "Direct result of the presence of a homeless services facility" means attributable to the facility itself, or attributable to known clients of the facility in the area because of the facility.

(ii) "Direct result of the presence of a homeless services facility" does not mean caused by a person not shown to be affiliated with a facility.

(c) "Service or support mechanism" means in-kind or financial assistance, including insurance, victim's compensation fund, or volunteer assistance.

(d) "Value" means fair market value.

**R988-700-3. Scope.**

(1) The fund is intended to provide no-interest loans on a short-term basis to directly compensate property owners and businesses for documented property loss that is a direct result of the presence of a homeless services facility.

(2)(a) A loan may not be used to reimburse compensation provided by a service or support mechanism, even if the compensation is for property loss that is the direct result of the presence of a homeless services facility.

(b) A loan may supplement compensation provided by a service or support mechanism that is insufficient to provide full compensation for the property loss, but only up to the total documented value of the property loss.

(3) A loan may not be used to purchase fencing, security equipment, or security monitoring services, except as compensation for equipment damaged as a direct result of the presence of a homeless services facility.

(4) A loan may not be used as compensation for loss of property value or loss of business, even if the loss is attributable to the presence of a homeless service facility within 1/5 mile of the property.

**R988-700-4. Loan Application Requirements.**

(1) An application for a loan shall be made on a form provided by the office.

(2) An application must include:

(a) documentation of the property loss that was a direct result of the presence of a homeless services facility;

(b) the applicant's identification, contact information, and documentation of ownership or legal interest in the affected property;

(c) the requested loan amount; and

(d) documentation of the value of the loss or cost to clean, sanitize, repair, or restore the property.

**R988-700-5. Time Limits for Applications.**

(1) An application for a loan must be submitted within 90 days after the closed insurance claim related to the reported loss or damage.

(2) An application received after 90 days will not be considered.

(3) After an application is submitted, the applicant may submit additional relevant information to the office before the office issues a final decision.

(4) The office may request additional information it deems necessary to complete a review.

(5) The office shall issue a decision on an application within 30 days after all requested information is received.

**R988-700-6. Criteria for Confirming the Amount of Property Loss.**

(1) The office shall determine eligibility for a loan based on the criteria in Section 35A-16-212 and this rule.

(2) The office may consider any relevant information related to the claimed property loss, including:

(a) police reports;

(b) insurance reports;

(c) security or monitoring images;

(d) appraisals;

(e) repair estimates; or

(f) witness statements.

(3) The applicant must report any compensation for the property loss from other sources, including goods and services donated.

(4)(a) The office may approve a loan if the preponderance of the information submitted establishes that the property loss was the direct result of the presence of a homeless services facility.

(b) The office shall determine the amount of a loan based on the established value of the personal property loss or the cost to clean, sanitize, repair, or restore real property.

**R988-700-7. Distributing Money to Loan Recipients.**

(1) Loan funds may be disbursed to the property or business owner only.

(2) Loan funds may not be disbursed to contractors, suppliers, or insurance companies.

(3) In its discretion, the office may require security for a loan in a form and amount as the office determines is reasonably necessary to secure repayment.

**R988-700-8. Priority of Loan Disbursements in the Event of Limited Funds.**

If requested loan amounts exceed the amount of available funds, the office shall fund loans in the order of the following priorities:

(1) severity of loss;

(2) urgency of loss, including financial need of the property owner;

(3) impact of the loss on public health, safety, or essential services; and

(4) date of loan application.

**R988-700-9. Loan Repayment.**

(1) Loan repayment shall be the responsibility of the property owner.

(2) Loans shall be repaid within one year of disbursement.

(3) If the loan is not fully repaid after one year, the borrower shall pay a 5% late fee on the loan balance.

(4)(a) The office may initiate collection actions to recover unpaid loans.

(b) As provided by law, interest on the judgment amount, court costs, and attorney's fees may be included in a judgment.

(c) A judgment shall be a lien on the borrower's real property.

**KEY: homeless services, property loss**

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