

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 1652:

A BILL TO BE ENTITLED
AN ACT

1 To create the Metropolitan Commission on Homelessness; to provide for a short title; to
2 provide for findings and determinations; to provide for definitions; to provide for the creation
3 of the commission; to provide for the membership of the commission; to provide for the
4 organization and meetings of the commission; to provide the purposes for which the
5 commission is created; to provide for the provision of services to the homeless; to provide
6 for the powers and duties of the commission; to provide for the allocation of property after
7 dissolution; to provide that members of the commission shall be trustees; to provide for
8 certain exemptions from taxation, levy and sale, garnishment, and attachments; to provide
9 the court in which actions against the commission may be brought; to provide for
10 construction; to provide for other matters relative to the foregoing; to repeal conflicting laws;
11 and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Short title.

15 This Act shall be known and may be cited as the "Metropolitan Commission on
16 Homelessness Act."

17 **SECTION 2.**

18 Findings.

19 (a) It is found, determined, and declared that there are many homeless persons in
20 metropolitan Atlanta; that the number of homeless persons is increasing; that in many
21 instances, the homeless are victims of circumstances beyond their control and they are in
22 need of effective public and private assistance; that the existing and increasing number of
23 homeless persons necessitates excessive and disproportionate expenditures of public funds
24 for public health and safety, fire and accident protection, and other public services and

1 facilities; and that the provision of services for homeless persons is a public use and purpose
2 for which public money may be spent.

3 (b) It is further found and determined that the citizens of metropolitan Atlanta are deeply
4 concerned about homeless persons in their community and that a comprehensive approach
5 to providing services and assistance for the homeless in metropolitan Atlanta and to
6 preventing homelessness in and around such area will best serve the citizens in metropolitan
7 Atlanta.

8 (c) Because of the findings and determinations described in subsections (a) and (b) of this
9 section, it is further found that there is a need for the creation of a public authority to develop
10 a comprehensive plan through which public and private agencies of metropolitan Atlanta can
11 deal effectively with the problems of the homeless of the community and can work to prevent
12 homelessness. It is further found that such a public authority should cooperate with and assist
13 public and private agencies in implementing and carrying out such comprehensive plan and
14 in providing oversight, evaluation, and coordination of the various programs and activities
15 of such comprehensive plan and that such public authority should exercise additional powers
16 and duties as provided in this Act in connection with the development, implementation, and
17 carrying out of such plan.

18 (d) It is further found, declared, and determined that the creation of the commission provided
19 for in this Act and the carrying out of its corporate purposes are in all respects valid
20 charitable and public purposes within the provisions of the Constitution of Georgia in that
21 developing more effective methods, programs, and services to deal with the problems of the
22 homeless of metropolitan Atlanta and preventing homelessness is of vital importance to that
23 community.

24 **SECTION 3.**

25 **Definitions.**

26 Unless the context clearly requires otherwise, as used in this Act, the term:

27 (1) "Commission" means the Metropolitan Commission on Homelessness created by this
28 Act.

29 (2) "Homeless" means being without or expecting within 30 days to be without sleeping
30 accommodations which meet health and safety standards and includes such factors as
31 unemployment, underemployment, substance abuse, mental illness, or other conditions as
32 determined by the commission which cause or contribute to causing the state of being
33 homeless.

34 (3) "Metropolitan Atlanta" means the territory comprising the geographic boundaries of
35 the member jurisdictions.

- 1 (4) "Project" means a program or facility the cost of which will exceed \$20,000.00 in any
 2 calendar year.
- 3 (5) "Local jurisdiction liaison officer" means an employee of a local member jurisdiction
 4 appointed by a chief executive officer, mayor, county manager, governing authority, or
 5 chair of a county commission of a member jurisdiction.
- 6 (6) "Member jurisdiction" means the City of Atlanta and any county which has agreed by
 7 resolution to appoint members to the commission and participate in its activities.

8 **SECTION 4.**

9 Metropolitan Commission on Homelessness.

- 10 (a) There is created a body corporate and politic to be known as the Metropolitan
 11 Commission on Homelessness which shall be deemed to be an instrumentality of the state,
 12 a public corporation, and a public authority, and by that name, style, and title may contract
 13 and be contracted with, and sue in all courts and be sued in the superior court of any member
 14 jurisdiction, as provided in Section 15 of this Act.
- 15 (b) The commission shall function until July 1, 2009, on which date it shall cease to exist.
- 16 (c) The commission shall not be deemed to be the State of Georgia or a political subdivision
 17 of the state or an agency of the state or of a political subdivision of the state.

18 **SECTION 5.**

19 Membership.

- 20 (a) When activated as provided in Section 6 of this Act, the commission shall initially be
 21 composed of voting and nonvoting members as follows:
- 22 (1) Two members appointed by the governing authority of each of the five initial member
 23 jurisdictions, one of whom shall be the commission chairperson of Fulton County and one
 24 of whom shall be the mayor of the City of Atlanta;
- 25 (2) The commissioner of human resources or a designee as a nonvoting ex officio member;
- 26 (3) The Commissioner of Labor or a designee as a nonvoting ex officio member;
- 27 (4) The commissioner of community affairs or a designee as a nonvoting ex officio
 28 member;
- 29 (5) The president of the United Way of Metropolitan Atlanta as a nonvoting ex officio
 30 member;
- 31 (6) Six members appointed by a majority vote of the initial ten members appointed
 32 pursuant to the provisions of paragraph (1) of this subsection. One of the members
 33 appointed under this paragraph shall be a homeless person or a person who has been

- 1 homeless; two of the members shall represent agencies that provide services to the
2 homeless; and one member shall be the leader of a faith based organization; and
3 (7) One member appointed by the governing authority of each member jurisdiction who
4 shall be business leaders in metropolitan Atlanta.
- 5 (b) Members shall be appointed to terms of office of three years each and until their
6 respective successors are appointed and qualified.
- 7 (c) Members of the commission shall receive no compensation for serving on the
8 commission but may be reimbursed for actual and necessary expenses incurred by them in
9 carrying out their official duties.
- 10 (d) The commission may by a majority vote of its full membership remove any member of
11 the commission if a member fails to attend the regular meetings of the commission or if a
12 member otherwise fails to carry out the duties and responsibilities required of members of
13 the commission. A vacancy created by the removal of a member as provided in this
14 subsection shall be filled for the unexpired term in the same manner that other vacancies are
15 filled.

16 **SECTION 6.**

17 Organization; meetings.

- 18 (a) When there are five initial member jurisdictions, the chairperson of the Fulton County
19 board of commissioners shall convene the initial members appointed under paragraph (1) of
20 subsection (a) of Section 5 of this Act for the purpose of appointing the remaining initial
21 members of the commission. The organizational meeting of the commission shall be called
22 by the mayor of the City of Atlanta after all appointments to the commission have been
23 made. At the organizational meeting, the commission shall elect from its own membership
24 a chairperson, vice chairperson, and secretary-treasurer. The chairperson shall not be an
25 elected official. The terms of office of such officers and all other matters relating to the
26 organization and rules of procedure of the commission shall be as determined by the
27 commission, except as otherwise provided by subsection (b) of this section.
- 28 (b) The commission shall meet not less than four times during each calendar year on the call
29 of the chairperson of the commission.
- 30 (c) The commission shall prepare and submit to the appointing bodies and officers listed in
31 subsection (a) of Section 5 of this Act and to the members of the General Assembly
32 representing any member jurisdiction an annual report at the end of each fiscal year or
33 calendar year of the commission outlining the work of the commission and furnishing to such
34 bodies or officers a copy of its most recent annual independent audit of income and
35 expenditures prepared in accordance with the requirements of Section 13 of this Act.

SECTION 7.

Purposes.

The commission is created for the following purposes:

- (1) To develop in collaboration with local governments a comprehensive plan for public and private agencies to effectively address the problems of the homeless in metropolitan Atlanta; no project to be located in a local member jurisdiction shall be included in the plan if the local government has expressed in writing opposition to the project, and any project must comply with the land use and zoning regulations of the local government where it is located;
- (2) To develop the resources needed to implement the programs and projects identified in the comprehensive plan;
- (3) To collect and analyze data that describes the effectiveness, cost, quality, and capacity of the homeless services delivery system and identifies gaps in the continuum of services;
- (4) To coordinate, evaluate, and provide administrative services and assistance in implementing and carrying out the comprehensive plan developed by the entity;
- (5) To promote uniform basic standards and practices for organizations offering services to homeless people through certification, education, and training to ensure the integrity and continuity of program;
- (6) To develop and disseminate information that will educate the public and civic leaders regarding the causes of homelessness and the programs which can end it;
- (7) To advocate for public policy changes at the local, state, and federal levels that will support the strategies and programs contained in the comprehensive plan; and
- (8) To collaborate with, and coordinate its comprehensive plan with, the Georgia Coalition to End Homelessness, Inc.

SECTION 8.

Contracts for homeless services.

To the extent that a contract entered into pursuant to the provisions of Sections 7 and 9 of this Act provides therefor, the commission shall have the power to provide such services for the homeless on behalf of public or private agencies as may be reasonably necessary or desirable to carry out effectively programs and services called for by the comprehensive plan developed by the commission under paragraph (1) of Section 7 of this Act.

SECTION 9.

Powers and duties.

(a) In addition to any other powers and duties provided for by this Act and in order for the commission to carry out its purposes as described in this Act, the commission shall have the following powers and duties:

(1) To have a seal and alter the same at its pleasure;

(2) To acquire, hold, and dispose of in its own name by purchase, gift, lease, or exchange, on such terms and conditions and in such manner and by such instrument as it may deem proper, real and personal property of every kind, character, and description, but the commission shall not have the power to acquire any real or personal property by condemnation or eminent domain;

(3) To procure insurance against any loss in connection with its property and other assets of the commission;

(4) To exercise the power provided by Code Section 45-9-1 of the O.C.G.A. to procure policies of liability insurance or contracts of indemnity or to formulate sound programs of self-insurance to insure or indemnify members of the commission and its officers and employees against personal liability for damages arising out of the performance of their duties or in any way connected therewith to the extent that such members, officers, or employees are not immune from such liability;

(5) To make contracts and to execute all instruments necessary or convenient in connection therewith, and to contract with any departments, institutions, agencies, counties, municipalities, or political subdivisions of the State of Georgia, public corporations, and private legal entities and others upon such terms and for such purposes as may be deemed advisable for a term not exceeding 50 years pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia;

(6) To adopt, alter, or repeal its own bylaws, policies, procedures, rules, and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, as the commission may deem necessary or expedient in facilitating its business. Such bylaws shall include provisions regulating the application for federal, state, and private funds;

(7) To create by resolution or through its bylaws such advisory committees or groups of advisers as it deems appropriate to assist or advise the commission in carrying out its duties or accomplishing the purposes of this Act. Such advisory committees or groups shall be composed of such service providers or other persons as the commission shall determine;

(8) To receive, accept, and utilize gifts, grants, donations, or contributions of money, property, facilities, or services, with or without consideration, from any person, firm,

1 corporation, foundation, or other entity or from the State of Georgia or any agency,
2 instrumentality, or political subdivision thereof or from the United States or any agency or
3 instrumentality thereof;

4 (9) To accumulate its funds from year to year and to invest accumulated funds in any
5 manner that public funds of the State of Georgia or any of its political subdivisions may be
6 invested;

7 (10) To the extent that a contract between the commission and a public or private agency
8 provides therefor, to act as an agent for such public or private agency in any matter coming
9 within the purposes or powers of the commission; provided, however, that a contract with
10 a public agency is in compliance with the service delivery strategy of the member
11 jurisdiction as provided in Code Section 36-70-25 of the O.C.G.A.;

12 (11) To select, appoint, and employ professional, administrative, clerical, or other
13 personnel and to contract for professional or other services and to allow suitable
14 compensation for such personnel and services;

15 (12) To do all things necessary or convenient to carry out the powers and purposes of the
16 commission which are expressly provided for in this Act;

17 (13) To apply for grants from private or governmental sources to implement projects in
18 its comprehensive plan but shall not have the power to apply for state or federal funds that
19 have been offered to local governments, including, but not limited to, federal Housing and
20 Urban Development super NOFA funds, without an express request of the local
21 government and in accord with the bylaws, nor shall the commission apply for any grant
22 for a project to be located in a local member jurisdiction if such local government has
23 expressed in writing its opposition to the grant application;

24 (14) To provide notice to the local jurisdiction liaison officer of any substantive discussion
25 concerning a project to be located in that local jurisdiction; and

26 (15) To adopt an annual budget prior to the beginning of each fiscal year and present an
27 annual request for financial support to both governmental participants and
28 nongovernmental participants in the work of the commission but shall not have the
29 authority to create financial obligations for any county or municipality that is a member
30 jurisdiction of the commission or to pledge the full faith and credit of a county or
31 municipality.

32 (b) Notwithstanding any other provision of this Act, no member jurisdiction shall incur any
33 financial obligation pursuant to this Act without the approval of that member jurisdiction.

34 **SECTION 10.**

35 Property.

1 Should said commission for any reason be dissolved, title to all property of every kind and
2 nature, real and personal, held by the commission at the time of such dissolution shall revert
3 to the City of Atlanta or other member jurisdiction wherein the property lies as the
4 commission shall determine, subject to any mortgages, liens, leases, or other encumbrances
5 outstanding against or in respect to said property at that time.

6 **SECTION 11.**

7 Members as trustees.

8 The members of the commission shall be accountable in all respects as trustees. The
9 commission shall keep suitable and proper books and records of all receipts, income, and
10 expenditures of every kind and shall provide for an annual independent audit of income and
11 expenditures.

12 **SECTION 12.**

13 Charitable and public functions.

14 Because the commission will be performing valuable charitable and public functions and
15 purposes in the exercise of the powers conferred upon it, the commission shall be required
16 to pay no taxes or assessments to the state or any county, municipality, authority, or political
17 subdivision of the state upon any real or personal property acquired by it, or upon its
18 activities in the operation or maintenance of any facility maintained or acquired by it, or upon
19 any income received by it. The property, facilities, and income of the commission are exempt
20 from levy and sale, garnishment, and attachment. The exemptions from taxation shall not
21 include exemptions from sales and use taxes on property purchased by the commission or for
22 use by the commission.

23 **SECTION 13.**

24 Actions.

25 Any action brought against the commission shall be brought in the superior court of a
26 member jurisdiction.

SECTION 14.

Addition of new counties.

By resolution of its governing authority and with the approval of the commission, any county or counties may be added to the membership of the commission. Such additional county or counties shall each appoint three members to the commission, one of the three to be a business leader in metropolitan Atlanta.

SECTION 15.

Termination of membership.

By resolution of its governing authority, any county or the City of Atlanta may terminate its membership at any time.

SECTION 16.

Authority of member organizations.

Nothing in this Act shall limit the existing authority of a member jurisdiction to provide services to homeless persons.

SECTION 17.

Liberal construction.

Being for the welfare of the state and its inhabitants, this Act shall be liberally construed to effect the purposes of this Act.

SECTION 18.

Repealer.

All laws and parts of laws in conflict with this Act are repealed.