

The Senate Finance Committee offered the following substitute to HB 429:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 8 of the Official Code of Georgia Annotated, relating to buildings and  
2 housing, and Title 48 of the Official Code of Georgia Annotated, relating to revenue and  
3 taxation, so as to change certain provisions relating to housing authorities; to change certain  
4 definitions relative to housing authorities; to authorize a setoff of certain debts owed to  
5 public housing authorities; to change certain provisions relating to definitions; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is  
10 amended in Code Section 8-3-3, relating to definitions relative to housing authorities, by  
11 striking paragraph (13.1) and inserting in lieu thereof the following:

12 "(13.1) 'Private enterprise agreement' means a contract between a housing authority and  
13 a person or entity operating for profit for:

14 (A) The management of a housing project;

15 (B) The development of and the provision of credit enhancement with respect to a  
16 housing project;

17 (C) The ownership or operation of a housing project ~~through~~ by the for profit entity in  
18 which the housing authority participates, either directly or indirectly through a wholly  
19 owned subsidiary, for purposes of facilitating the development, provision of credit  
20 enhancement, operation, or management of such housing project in accordance with  
21 this article; Such participation may involve ownership by the housing authority of an  
22 interest in the housing project through the for profit entity, ownership by the housing  
23 authority of the land on which the housing project is developed, or provision by the  
24 housing authority of a combination of funds to the for profit entity for a portion of the  
25 construction costs of the housing project and funds to the for profit entity to subsidize

1 the operating costs of units for persons of low income to the extent such contract is  
 2 designated as a private enterprise agreement by the housing authority; or  
 3 (D) Any combination of any of the foregoing."

#### 4 SECTION 2.

5 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
 6 amended in Code Section 48-7-161, relating to definitions relative to the setoff of debt  
 7 collection, by striking paragraph (1) and inserting in its place a new paragraph (1) to read as  
 8 follows:

9 "(1) 'Claimant agency' means and includes, in the order of priority set forth below:

10 (A) The Department of Human Resources with respect to collection of debts under  
 11 Chapter 9 of Title 37, Article 1 of Chapter 11 of Title 19, and Code Section 49-4-15;

12 (B) The Georgia Student Finance Authority with respect to the collection of debts  
 13 arising under Part 3 of Article 7 of Chapter 3 of Title 20;

14 (C) The Georgia Higher Education Assistance Corporation with respect to the  
 15 collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

16 (D) The State Medical Education Board with respect to the collection of debts arising  
 17 under Part 6 of Article 7 of Chapter 3 of Title 20;

18 (E) The Department of Labor with respect to the collection of debts arising under Code  
 19 Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the  
 20 exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the  
 21 Department of Labor establishes that the debtor has been afforded required due process  
 22 rights by such Department of Labor with respect to the debt and all reasonable  
 23 collection efforts have been exhausted;

24 (F) The Department of Corrections with respect to probation fees arising under Code  
 25 Section 42-8-34 and restitution or reparation ordered by a court as a part of the sentence  
 26 imposed on a person convicted of a crime who is in the legal custody of the department;

27 (G) The State Board of Pardons and Paroles with respect to restitution imposed on a  
 28 person convicted of a crime and subject to the jurisdiction of the board; ~~and~~

29 (H) The Department of Juvenile Justice with respect to restitution imposed on a  
 30 juvenile for a delinquent act which would constitute a crime if committed by an adult;  
 31 and

32 (I) Public housing authorities with respect to the collection of debt related to occupying  
 33 public housing; provided, however, that the public housing authority establishes that  
 34 the debtor has been afforded required due process rights by the public housing authority  
 35 with respect to the debt and all reasonable collection efforts have been exhausted. This

1 subparagraph shall apply only to a debt owed by an occupant of public housing who has  
2 moved from the property."

3 **SECTION 3.**

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