

Senate Bill 62

By: Senators Summers of the 13th, Robertson of the 29th, Tillery of the 19th, Dugan of the 30th, Ginn of the 47th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties and municipal corporations, so as to prohibit certain
3 local ordinances or policies relating to public camping or sleeping; to provide for
4 enforcement; to provide for qui tam actions; to amend Title 50 of the Official Code of
5 Georgia Annotated, relating to state government, so as to provide for a performance audit by
6 the state auditor on public spending on homeless programs; to provide for sanctioned
7 camping areas for the homeless; to provide for limited liability; to provide for statutory
8 construction; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
13 provisions applicable to counties and municipal corporations, is amended by adding a new
14 Code section to read as follows:

15 "36-60-30.

16 (a) A county or municipal corporation shall not adopt or enforce any policy under which
17 the county or municipal corporation prohibits or discourages the enforcement of any order
18 or ordinance prohibiting unauthorized public camping, sleeping, or obstruction of
19 sidewalks.

20 (b) A county or municipal corporation shall not prohibit or discourage a peace officer or
21 prosecuting attorney who is employed by or otherwise under the direction or control of
22 such county or municipal corporation from enforcing any order or ordinance prohibiting
23 unauthorized public camping, sleeping, or obstruction of sidewalks.

24 (c) The provisions of this Code section shall not be construed to prohibit a county or
25 municipal corporation from adopting a policy that encourages diversion programs or that
26 offers the provision of services in lieu of citation or arrest.

27 (d)(1) The Attorney General shall be authorized to bring a civil action in any court of
28 competent jurisdiction against any county or municipal corporation to enjoin a violation
29 of this Code section.

30 (2) The Attorney General may recover reasonable expenses incurred in any successful
31 civil action brought pursuant to this Code section, including court costs, reasonable
32 attorney's fees, investigative costs, witness fees, and deposition costs.

33 (3) A person may bring a civil action for a violation of this Code section for the person
34 and for the state. The action shall be brought in the name of the state. The person
35 bringing the action shall be referred to as the qui tam plaintiff. Civil actions instituted
36 under this Code section shall be governed by Chapter 11 of Title 9 and shall be brought
37 in the name of the State of Georgia."

SECTION 2.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended in Article 1 of Chapter 6, relating to general provisions relative to the Department of Audits and Accounts, by adding a new Code section to read as follows:

"50-6-10.

The state auditor shall conduct a performance audit of spending on homeless programs in this state, including expenditures by the state, expenditures by municipalities and counties with substantial homeless populations, and the expenditure of federal funds allocated to the state for homeless programs. The audit shall examine the awarding of contracts and grants relating to homeless services and supports, the metrics used to determine success of the expenditures, and whether the metrics are met by the contractors and grantees. The audit shall be provided to the Governor, Lieutenant Governor, and Speaker of the House of Representatives no later than December 31, 2023."

SECTION 3.

Said title is further amended in Article 1 of Chapter 8, relating to general provisions relative to the Department of Community Affairs, by adding a new Code section to read as follows:

"50-8-19.

(a) As used in this Code section, the term 'sanctioned camping area' means state property designated by the State Properties Commission or other property designated by the department for use by homeless individuals for camping or sleeping.

(b) The department shall be authorized to provide funding and other support for sanctioned camping areas.

(c) Sanctioned camping areas may include areas designated for camping and for storing personal property, as well as small shelters for no more than two individuals provided by the agency or organization operating the camping facilities.

(d) Individuals may only camp and store personal property at such sanctioned camping areas in the areas designated to each individual by the agency or organization providing the camping facilities.

(e) Sanctioned camping areas may offer mental health and substance use evaluations designated by the department or a local support agency to individuals in sanctioned camping areas.

(f) An owner, operator, or employee of a private camping facility designated as a sanctioned camping area pursuant to this Code section shall be immune from liability for all civil claims, excluding claims involving such owner, operator, or employee's intentional or grossly negligent conduct, arising out of the ownership, operation, management, or other control of such facility.

(g) This Code section shall not be construed to prevent counties or municipal corporations from providing local funding for sanctioned camping areas."

SECTION 4.

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