

The House Committee on Governmental Affairs offers the following substitute to SB 62:

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 31, 36, and 50 of the Official Code of Georgia Annotated, relating to health,
2 local government, and state government, respectively, so as to prohibit hospitals, local
3 governments, and local authorities from dropping off homeless individuals in counties other
4 than such person's county of residency or the area of operation or jurisdiction of the hospital,
5 local government, or local authority; to provide for exceptions; to provide for liability; to
6 prohibit certain local ordinances or policies relating to public camping or sleeping; to provide
7 for enforcement; to provide for a performance audit by the state auditor on public spending
8 on homeless programs and services; to provide for definitions; to provide for related matters;
9 to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
13 a new Code section to read as follows:

14 "31-7-23.1.

15 (a) As used in this Code section, the term:

(1) 'Area of operation' shall, for the purpose of hospitals owned or operated by hospital authorities, have the same meaning as defined in paragraph (1) of Code Section 31-7-71 and, for purposes of all other hospitals, shall be the county in which the hospital is located.

(2) 'Drop off' means the act of transporting a patient to a location different from the location where such patient received health care services or treatment, and shall include but not be limited to directly providing or funding the transportation of such patient to such different location.

(3) 'Homeless individual' means a person who has no access to or can reasonably be expected not to have access to either traditional or permanent housing which can be considered safe, sanitary, decent, and affordable.

(4) 'Hospital' means a publicly or privately owned hospital which is permitted to operate by the department pursuant to this article.

(5) 'Hospital authority' means a hospital authority created pursuant to Article 4 of this chapter.

(b) No hospital shall drop off a patient who is known to the hospital to be a homeless individual outside its area of operation unless:

(1) Such drop-off location is in the county where such homeless individual was a resident prior to receiving health care services or treatment from such hospital; or

(2) Such a drop off is at a facility or with a person, business, or organization that has agreed to accept the patient.

(c) A hospital that violates this Code section shall be liable to any state or local governmental entity for any costs incurred by such entity in providing services for a homeless individual as a result of such violation."

SECTION 2.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by adding a new Code section to read as follows:

"36-60-30.

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

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

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

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

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

(3) A person may bring a writ of mandamus for a violation of this Code section for the person and for the state. The person may recover court expenses and fees if successful in their writ."

SECTION 3.

Said title is further amended by adding a new Code section to read as follows:

"36-80-29.

(a) As used in this Code section, the term:

(1) 'Drop off' means the act of transporting an individual to a location different from the location where the party transporting such individual assumed custody, control, or care of or provided treatment to such individual, and shall include but not be limited to directly providing or funding the transportation of such individual to such different location.

(2) 'Homeless individual' means a person who has no access to or can reasonably be expected not to have access to either traditional or permanent housing which can be considered safe, sanitary, decent, and affordable.

(b) No county, municipal corporation, political subdivision, local authority, or other local governmental unit shall drop off an individual known to be a homeless individual outside its jurisdiction unless:

(1) Such drop-off location is in the county where such homeless individual was a resident prior to coming under the custody, control, or care of or receiving treatment from such local government or local authority; or

(2) Such a drop off is at a facility or with a person, business, or organization that has agreed to accept such homeless individual.

(c) A county, municipal corporation, political subdivision, local authority, or other local governmental unit that violates this Code section shall be liable to any state or local governmental entity for any costs incurred by such entity in providing services for a homeless individual as a result of such violation."

SECTION 4.

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:

91 "50-6-10.

92 The state auditor shall conduct a performance audit of spending on homeless programs and
93 services in this state, including expenditures by the state, expenditures by municipalities
94 and counties with substantial homeless populations, expenditures of federal funds allocated
95 to the state for homeless programs, and expenditures by state and local law enforcement
96 agencies to address homelessness. All local governments and instrumentalities of the state
97 shall cooperate with the state auditor and grant access, at no cost, to all financial records
98 and other programmatic information necessary to the completion of the performance audit.
99 The audit shall examine the awarding of contracts and grants relating to homeless services
100 and supports, the metrics used to determine success of the expenditures, whether the
101 metrics are met by the contractors and grantees, and the efficacy of the use of the Georgia
102 Homeless Management Information System (HMIS) in relation to such programs. The
103 audit shall be provided to the Governor, Lieutenant Governor, and Speaker of the House
104 of Representatives no later than December 31, 2023."

105 **SECTION 5.**

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