

House Bill 1410 (RULES COMMITTEE SUBSTITUTE)

By: Representatives Efration of the 104th, Frye of the 122nd, and McCollum of the 30th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to housing
2 generally, so as to establish a stable housing accountability program; to provide for an
3 application process and minimum standards; to provide for the use of certain funds; to
4 provide for disbursements; to require contracts and assurances; to revise means of
5 appointment to the commission; to provide for definitions; to amend Title 50 of the Official
6 Code of Georgia Annotated, relating to state government, so as to provide for a performance
7 audit by the state auditor on public spending on homeless programs; to provide for related
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to housing generally,
12 is amended by revising Article 5, relating to the State Housing Trust Fund for the Homeless,
13 as follows:

"ARTICLE 5

8-3-300.

This article shall be known and may be cited as the 'State Housing Trust Fund for the Homeless Act.'

8-3-301.

As used in this article, the term:

(1) 'Commission' means the State Housing Trust Fund for the Homeless Commission created in Code Section 8-3-306.

~~(2) 'Homeless' means persons and families who have 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.~~

(2) 'Homeless person' means each individual together with his or her immediate family, if any, provided that:

(A) Their primary nighttime residence is in a public or private place that is not designed for or ordinarily used as a long-term or medium-term sleeping accommodation for natural persons, and such nighttime residences shall include, but shall not be limited to, a car, park, abandoned building, bus or train station, airport, or campground;

(B) Their primary nighttime residence is in a public or private charitable shelter for unhoused individuals that is not designed as a permanent or semipermanent dwelling place and they are leaving an institution where he or she has temporarily resided; or

(C) They:

(i) Will imminently lose their housing, including housing he or she owns, rents, lives in without paying rent, or is sharing with others, and rooms in hotels or motels not paid for by a governmental program for low-income persons or by charitable organizations, as evidenced by:

(I) A court order resulting from an eviction action that notifies the individual that he or she must leave within 14 days;

(II) Such individual having a primary nighttime residence that is a room in a hotel or motel and lacking the resources necessary to reside there for more than 14 days;

(III) Credible indications that the owner or renter of such housing will not allow such individual to stay for more than 14 days; or

(IV) Any oral statement from an individual seeking homeless assistance that is found to be credible;

(ii) Have no subsequent residence identified; and

(iii) Lack the resources or support networks needed to obtain other permanent housing.

(3) 'Low-income persons' means persons or families who lack the income necessary, as determined solely by the commission, to enable them, without financial assistance, to secure safe, sanitary, decent, and affordable housing.

(4) 'Member' means a member appointed to serve on the State Housing Trust Fund for the Homeless Commission.

(5) 'Qualified sponsor' means a nonprofit, for profit, or governmental sponsor of a residential housing project or stable housing accountability program that meets the conditions of this article. Such term shall specifically include, but shall not be limited to, local housing authorities established under Article 1 of this chapter and urban residential finance authorities established under Chapter 41 of Title 36.

(6) 'Residential housing project' means a program designed to enhance residential housing opportunities for low-income persons. Such projects shall include, but ~~are~~ shall not be limited to, financing in whole or in part the acquisition, rehabilitation, improvement, or construction of residential rental housing and interest rate or down payment assistance programs designed to enhance home ownership opportunities.

65 (7) 'Stable housing accountability program' means a program for housing homeless
66 persons that is certified by the commission as meeting the terms and conditions
67 established under Code Section 8-3-311.

68 ~~(7)~~(8) 'Trust fund' means the State Housing Trust Fund for the Homeless created in Code
69 Section 8-3-302.

70 8-3-302.

71 The State Housing Trust Fund for the Homeless is created as a separate fund in the state
72 treasury. The fund shall be expended only as provided in this article.

73 8-3-303.

74 The state treasurer shall credit to the trust fund all amounts appropriated or otherwise
75 donated to such trust fund. All funds appropriated to or otherwise paid or credited to the
76 trust fund shall be presumptively concluded to have been committed to the purpose for
77 which they have been appropriated or paid and shall not lapse. All funds appropriated,
78 donated, or otherwise received for the specific purpose of the stable housing accountability
79 programs shall be used exclusively for such programs.

80 8-3-304.

81 The state treasurer shall invest trust fund money in the same manner in which state funds
82 are invested as authorized by the State Depository Board pursuant to Article 3 of Chapter
83 17 of Title 50.

84 8-3-305.

85 The Office of the State Treasurer shall be authorized to draw a warrant or warrants upon
86 the trust fund upon receipt of an order for payment of the State Housing Trust Fund for the
87 Homeless Commission, which order for payment has been approved by the Governor.

88 8-3-306.

89 (a)(1) There is established the State Housing Trust Fund for the Homeless Commission
90 which shall consist of nine members. Two of the nine members shall be the commissioner
91 of community affairs, or his or her designee, and either the chairperson of the Board of
92 Community Affairs or a member of the Board of Community Affairs designated by the
93 chairperson. The Governor shall appoint three of the public members and the Lieutenant
94 Governor and the Speaker of the House of Representatives shall each appoint two of the
95 ~~remaining seven~~ public members. The public members shall be knowledgeable in the area
96 of housing and, to the extent practicable, shall represent diverse housing concerns.

97 (2) Public members shall serve for a term of four years except that initial appointments
98 shall be staggered as follows: three of the appointees shall serve an initial term of four
99 years and four of the appointees shall serve an initial term of two years. Public members
100 shall continue in office until their successors have been appointed and qualified. In the
101 event of a vacancy in the office of a public member by death, resignation, or otherwise,
102 the Governor shall appoint a successor to serve the balance of the unexpired term.

103 (3) Membership on the commission does not constitute public office, and no member
104 shall be disqualified from holding public office by reason of his or her membership.

105 (b) The commission shall elect a chairperson who shall serve in that position for a term of
106 two years. The commission shall elect such other officers and appoint committees as it
107 deems appropriate.

108 (c) The commission shall hire no staff but shall contract with the Department of
109 Community Affairs for professional, technical, and clerical support from the Department
110 of Community Affairs as required. In the event that the Department of Community Affairs
111 is unable to provide the professional, technical, or clerical services required, the
112 commission may hire outside consultants on a specified project basis.

113 (d) Any and all appropriations made to the trust fund pursuant to the general
114 appropriations Act or the supplemental appropriations Act shall be directed through the

115 Department of Community Affairs. The commission shall submit its budget to and through
116 the Department of Community Affairs.

117 8-3-307.

118 Members of the commission shall serve without compensation but shall receive the same
119 expense allowance per day as that received by a member of the General Assembly for each
120 day such member is in physical attendance at a commission meeting, plus either
121 reimbursement for actual transportation costs while traveling by public carrier or the same
122 mileage allowance for use of a personal car in connection with such attendance as members
123 of the General Assembly receive. Notwithstanding the foregoing, no member shall receive
124 said expense allowance or travel reimbursement if said member is entitled to receive an
125 expense allowance or travel reimbursement or salary for performance of duties on some
126 other state board, commission, or entity, by whatever name called, for work performed on
127 that day in the same location. Expense allowances and travel reimbursement shall be paid
128 from moneys appropriated or otherwise available to the trust fund.

129 8-3-308.

130 The commission shall:

- 131 (1) Meet at such times and places as it shall determine necessary or convenient to
132 perform its duties;
- 133 (2) Maintain minutes of its meetings;
- 134 (3) Adopt rules and regulations for the transaction of its business;
- 135 (4) Accept applications for disbursements of available moneys from the trust fund for
136 residential housing projects and stable housing accountability programs in accordance
137 with Code Sections 8-3-310 and 8-3-311; and
- 138 (5) Maintain or cause to be maintained records of all expenditures of the commission,
139 all funds received, and all disbursements made.

8-3-309.

The commission may accept federal funds granted by Congress or executive order for the purposes of residential housing projects and or stable housing accountability programs, as well as gifts, grants, and donations from individuals, private organizations, or foundations; provided, however, that in no event shall any such funds be accepted if there are conditions for the use of such funds in a manner inconsistent with the provisions of this article. All funds received in this manner shall be transmitted to the state treasurer for deposit in the trust fund to be disbursed as other moneys in the trust fund.

8-3-310.

~~(a) The~~ With respect to residential housing projects, the commission may authorize the disbursement of available money from the trust fund for residential housing projects sponsored by a qualified sponsor. The commission may consult, as appropriate, with persons with varied and diverse interests in housing in order to acquaint them with the trust fund and to solicit information relating to housing needs, residential housing projects, and criteria for selection of residential housing projects. The criteria for making such disbursement decisions shall include, but shall not be limited to; ~~the following:~~

(1) The number of persons assisted;

(2) The leveraging of money or in-kind services by a qualified sponsor;

(3) The geographic distribution of residential housing projects;

(4) The availability of other forms of assistance; and

(5) Any and all other factors bearing upon the advisability and necessity of the residential housing project.

~~(b) Funds may also be disbursed from the trust fund to pay expenses of the commission, to pay any and all operating expenses, and to pay for professional, technical, and clerical services provided the commission by the Department of Community Affairs or by other outside sources.~~

8-3-311.

(a) With respect to stable housing accountability programs, the commission may authorize the disbursement of available money from the trust fund for any stable housing accountability program sponsored by a qualified sponsor under the terms and conditions of this article.

(b) The commission may consult, as appropriate, with persons with varied and diverse interests in housing in order to acquaint them with the trust fund and to solicit information relating to housing needs, potential stable housing accountability programs, and criteria for selection of stable housing accountability programs.

(c) On or before January 1, 2025, the commission shall develop an application process for qualified sponsors to apply for funding to operate a stable housing accountability program.

(d) On or before January 1, 2025, the commission shall publish uniform state-wide minimum standards for a stable housing accountability program. At minimum, to be certified as a stable housing accountability program, the program shall:

(1) Provide voluntary, immediate, and stable housing to homeless persons;

(2) Limit the length of total residence for any person to 18 months or whenever the tenant who was the qualifying resident is able to obtain or is offered affordable housing, whichever is earlier;

(3) Provide ongoing assistance to each resident for obtaining long-term affordable housing;

(4) Require residents to be removed from the program if they fail to meet specified accountability measures, including sustaining an honest, good-faith effort to achieve or maintain sobriety from drugs and alcohol;

(5) Conduct regular inspections of common areas and residential units; and

(6) Require qualifying residents:

(A) To show proof of U.S. citizenship and execute an affidavit verifying continuous residency in this state for the previous 12 months;

(B) To participate in free and relevant job training and educational opportunities until such resident obtains stable employment;

(C) To engage in an active search and apply for stable employment;

(D) Who obtain stable employment to maintain such employment status as long as stable employment is available to them;

(E) To participate in counseling, mental health care, and substance abuse treatment programs, as necessary;

(F) To submit to regular drug and alcohol testing;

(G) To abstain from criminal activity;

(H) Who have minor children to ensure that such children receive adequate nutrition, health care, and education; and

(I) To submit to regular review of compliance with applicable terms and conditions provided for in this Code section for stable housing accountability programs.

(e) The criteria for approving an application shall include, but shall not be limited to:

(1) The total number of homeless persons who are likely to receive assistance from the proposed stable housing accountability program;

(2) The ability of the applicant to leverage their own or other available money or in-kind services for the benefit of the proposed stable housing accountability program;

(3) The geographic distribution of existing stable housing accountability programs;

(4) The quality of the various forms of assistance to be offered to residents of the proposed stable housing accountability program;

(5) The likelihood that the qualified sponsor will successfully fulfill the terms and conditions set forth in this article and the contract between the commission and the qualified sponsor; and

(6) Any and all other factors bearing upon the advisability and necessity of the proposed stable housing accountability program.

219 (f) On or before January 1, 2025, the application process, minimum standards, approval
220 criteria, and available funding for transitional housing projects shall be published and
221 maintained on the website of the commission, which shall be hosted on the public website
222 of the Department of Community Affairs.

223 (g) No funds shall be disbursed to a qualified sponsor until a contract is signed for the
224 provision of the approved stable housing accountability program. Each contract shall
225 require financial assurance from the qualified sponsor for full compliance with the contract.

226 8-3-312.

227 Funds may be disbursed from the trust fund to pay expenses of the commission, to pay any
228 and all operating expenses, and to pay for professional, technical, and clerical services
229 provided the commission by the Department of Community Affairs or by other outside
230 sources.

231 ~~8-3-311~~ 8-3-313.

232 (a) The commission shall have the power to hold title to any residential housing project
233 or stable housing accountability program financed by it, but it shall not be required to do
234 so.

235 (b) The commission shall have the power to foreclose on any mortgage or security interest
236 in default and to commence any action to protect or enforce any right conferred upon it by
237 any law, mortgage, security agreement, deed of trust, deed to secure debt, contract, or other
238 agreement; to bid for and purchase property which was the subject of such mortgage or
239 security interest at any foreclosure or at any other sale; to accept a deed in lieu of
240 foreclosure; to acquire or take possession of such property; and to exercise any and all
241 rights as provided by law or contract for the benefit or protection of the commission."

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, 2024."

SECTION 3.

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