

Senate Bill 257

By: Senator James of the 28th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapters 2 and 3 of Title 49 of the Official Code of Georgia Annotated, relating  
2 to Department of Human Services and county and district departments, boards, and directors  
3 of family and children services, respectively, so as to authorize local governments to adopt  
4 and implement affordable family housing assistance programs; to provide for the application  
5 and issuance of certificates of approval by the Division of Family and Children Services; to  
6 provide for requirements for ordinances and resolutions; to provide for the revocation of such  
7 certificates of approval by the division; to require the establishment of affordable family  
8 housing assistance trust funds; to provide conditions and restrictions on financial assistance  
9 offered through such affordable family housing assistance programs; to provide for reporting  
10 requirements; to provide for the determination of median annual gross household incomes;  
11 to authorize the promulgation of rules and regulations; to provide definitions; to provide for  
12 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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15

**SECTION 1.**

16 Chapter 2 of Title 49 of the Official Code of Georgia Annotated, relating to Department of  
17 Human Services, is amended in Code Section 49-2-6, relating to powers and duties, by  
18 revising subsection (a) as follows:

19 "(a) The department shall administer or supervise all county departments of the state as  
20 provided in Article 1 of Chapter 3 of this title."

21

**SECTION 2.**

22 Chapter 3 of Title 49 of the Official Code of Georgia Annotated, relating to county and  
23 district departments, boards, and directors of family and children services, is amended by  
24 designating Code Sections 49-3-1 through 49-3-9 as Article 1 and by adding a new article  
25 to read as follows:

26

**"ARTICLE 2**27 49-3-10.28 As used in this article, the term:29 (1) 'Affordable family housing' means:

30 (A) An owner occupied residential dwelling for which the annual mortgage payments,  
31 taxes, homeowner's insurance premiums, and condominium or association fees, if any,  
32 constitute no more than 30 percent of the median annual gross household income, as  
33 determined by the division, for a household of the size that may occupy the dwelling  
34 in the county where the dwelling is located; or

35 (B) A rented residential dwelling for which the annual rent and other associated fees  
36 constitute no more than 30 percent of the median annual gross household income, as  
37 determined by the division, for a household of the size that may occupy the dwelling  
38 in the county where the dwelling is located.

39 (2) 'Annual gross household income' means all wages and income received by each  
40 member of a household from all sources, except those excluded by the division's rules  
41 and regulations, in a calendar year.

42 (3) 'Division' means the Division of Family and Children Services of the Department of  
43 Human Services.

44 (4) 'Eligible recipient' means a low-income person, a very low-income person, or an  
45 eligible sponsor.

46 (5) 'Eligible sponsor' means an individual or entity that constructs, rehabilitates, or  
47 otherwise makes affordable family housing available to the public.

48 (6) 'Homeless person' means an individual who is a resident of this state and who has no  
49 reasonable access to either traditional or permanent housing which can be considered  
50 safe, sanitary, decent, and affordable.

51 (7) 'Local government' means a county, municipal corporation, or consolidated  
52 government.

53 (8) 'Low-income person' means a person who is living in a household that is located in  
54 this state and that has an annual gross household income that exceeds 50 percent but does  
55 not exceed 80 percent of the median annual gross household income, as determined by  
56 the division, for households of the same size within the county where such household is  
57 located and who has at least one minor dependent.

58 (9) 'Mortgage' means any indebtedness secured by a lien or security interest on a  
59 residential dwelling that was incurred to pay for all or part of the purchase price of the  
60 residential dwelling by the obligor or obligors of such indebtedness.

61 (10) 'Multifamily structure' means a building, other than a townhouse, that contains four  
62 or more individual residential dwelling units, each of which is designed exclusively for  
63 use and occupation by one family.

64 (11) 'Single-family residential dwelling' means:

65 (A) A building that contains one residential dwelling unit and that is designed  
66 exclusively for use and occupation by one family; or

67 (B) A townhouse.

68 (12) 'Townhouse' means an individual residential dwelling unit within a larger structure  
69 that contains two or more attached residential dwelling units constructed in a row where  
70 each residential dwelling unit is designed exclusively for use and occupation by one  
71 family, is located on an individual lot or parcel, and shares at least one common wall with  
72 an adjacent unit.

73 (13) 'Very low-income person' means:

74 (A) A person who is living in a household that is located in this state and that has an  
75 annual gross household income that does not exceed 50 percent of the median annual  
76 gross household income, as determined by the division, for households of the same size  
77 within the county where such household is located and who has at least one minor  
78 dependent; or

79 (B) A homeless person.

80 49-3-11.

81 (a) On and after January 1, 2026, any local government in this state is authorized, but not  
82 required, to adopt and implement by ordinance or resolution an affordable family housing  
83 assistance program in its respective jurisdiction in accordance with the provisions of this  
84 article.

85 (b) Such affordable family housing assistance program shall award loans, grants,  
86 guarantees, or other forms of financial assistance to eligible recipients for the sole purpose  
87 of:

88 (1) Constructing or rehabilitating affordable family housing or otherwise making  
89 affordable family housing available to the public; or

90 (2) Offering assistance for payment of security deposits, first month's rent, and final  
91 month's rent to low-income persons or very low-income persons.

92 49-3-12.

93 (a) Any local government that elects to establish an affordable family housing assistance  
94 program pursuant to this article shall apply to the division for a certificate of approval. The  
95 division shall, by rules and regulations, prescribe the form and manner of such application  
96 for a certificate of approval.

97 (b) The division shall approve an application and issue a certificate of approval if the  
98 division determines that the local government has adopted an ordinance or resolution  
99 establishing an affordable family housing assistance program that complies with the  
100 provisions of Code Section 49-3-13 and any rules or regulations promulgated by the  
101 division pursuant to this article.

102 (c) After a certificate of approval has been issued to a local government pursuant to this  
103 Code section, the division shall continue to monitor such local government's affordable  
104 family housing assistance program to ensure its ordinance or resolution establishing the  
105 program is still in effect and that such local government's actions are in conformance with  
106 such ordinance or resolution.

107 49-3-13.

108 (a) A local government shall not be issued a certificate of approval by the division under  
109 Code Section 49-3-12 unless such local government adopts an ordinance or resolution  
110 establishing an affordable family housing assistance program pursuant to this article. Such  
111 ordinance or resolution shall:

112 (1) Establish and maintain an affordable family housing assistance trust fund in  
113 accordance with the provisions of Code Section 49-3-15;

114 (2) Establish specific loans, grants, guarantees, or other forms of financial assistance that  
115 will be made available to eligible recipients through the affordable family housing  
116 assistance program. Such loans, grants, guarantees, or other forms of financial assistance  
117 shall be consistent with the provisions of this article and any rules and regulations  
118 promulgated by the division and be limited to awards that will:

119 (A) Result in the construction or rehabilitation of affordable family housing or  
120 otherwise make affordable family housing available to the public; or

121 (B) Offer assistance for payment of security deposits, first month's rent, and final  
122 month's rent to low-income persons or very low-income persons;

123 (3) Establish eligibility criteria and terms and conditions for any loans, grants,  
124 guarantees, or other forms of financial assistance that will be made available through the  
125 affordable family housing assistance program. Such eligibility criteria and terms and  
126 conditions shall be consistent with the provisions of this article and any rules and  
127 regulations promulgated by the division pursuant to this article;

128 (4) Designate to a committee, council, or department of the local government the  
129 responsibility of implementing and administering the affordable family housing  
130 assistance program. Such committee, council, or department of the local government  
131 shall be given the authority to adopt rules and regulations that are necessary to carry out  
132 its duties in administering the affordable family housing assistance program and that are  
133 not inconsistent with the provisions of this article or the rules and regulations  
134 promulgated by the division pursuant to this article; and

135 (5) Provide for any other matter as may be required by the rules and regulations  
136 promulgated by the division pursuant to this article.

137 (b) Any ordinance or resolution adopted by a local government that establishes an  
138 affordable family housing assistance program pursuant to this article shall not become  
139 effective until such local government is issued a certificate of approval by the division  
140 pursuant to Code Section 49-3-12.

141 49-3-14.

142 (a) The division may revoke a certificate of approval issued to any local government  
143 pursuant to Code Section 49-3-12 if the division determines that:

144 (1) The ordinance or resolution adopted by the local government establishing an  
145 affordable family housing assistance program pursuant to this article is no longer in effect  
146 or has been modified such that the ordinance or resolution no longer complies with the  
147 provisions of Code Section 49-3-13;

148 (2) The local government's actions are not in conformance with the ordinance or  
149 resolution establishing the affordable family housing assistance program pursuant to this  
150 article; or

151 (3) The local government has failed to comply with the reporting obligations set forth  
152 in Code Section 49-3-19.

153 (b) Upon the revocation of a certificate of approval pursuant to subsection (a) of this Code  
154 section, the division shall notify the local government and the clerk of the superior court  
155 of such revocation.

156 49-3-15.

157 (a) An affordable family housing assistance trust fund established and maintained by a  
158 local government pursuant to this article shall be kept separate from all other moneys and  
159 accounts of the local government.

160 (b) All moneys appropriated to or otherwise made available by a local government to fund  
161 an affordable family housing assistance program adopted pursuant to this article shall be  
162 placed into such affordable family housing assistance trust fund by the local government.

163 (c) Disbursements from such affordable family housing assistance trust fund shall only be  
164 made by the local government to:

165 (1) Fund a loan, grant, guarantee, or other form of financial assistance that is awarded  
166 to an eligible recipient in accordance with the provisions of this article and the rules and  
167 regulations adopted by the division; or

168 (2) Provide for the payment of the costs and expenses associated with the local  
169 government's administration of the affordable family housing assistance program adopted  
170 pursuant to this article.

171 49-3-16.

172 Any loans, grants, guarantees, or other forms of financial assistance offered by an  
173 affordable family housing assistance program established pursuant to this article that are  
174 intended to result in the construction or rehabilitation of affordable family housing or  
175 otherwise make affordable family housing available to the public shall only be awarded to  
176 eligible sponsors that contractually agree to use the proceeds of such assistance to:

177 (1) Construct, rehabilitate, or otherwise make available to the public multiple  
178 single-family residential dwellings, each of which will constitute affordable family  
179 housing, or one or more multifamily structures whose individual residential dwelling  
180 units will constitute affordable family housing;

181 (2) Reserve at least 40 percent of such constructed or rehabilitated residential dwellings  
182 for rent to low-income persons; and

183 (3) Reserve at least 20 percent of such constructed or rehabilitated residential dwellings  
184 for rent to very low-income persons.

185 49-3-17.

186 Any affordable family housing assistance program established pursuant to this article that  
187 offers assistance for payment of security deposits, first month's rent, and final month's rent  
188 to low-income persons or very low-income persons shall only offer such assistance to  
189 low-income persons or very low-income persons.

190 49-3-18.

191 In addition to the provisions of this article, the division shall establish, through rules and  
192 regulations, further terms, conditions, and restrictions of any assistance provided through  
193 an affordable family housing assistance program established pursuant to this article that the  
194 division determines are necessary to ensure that such assistance is appropriately and  
195 efficiently awarded and utilized.

196 49-3-19.

197 (a) Each local government that establishes an affordable family housing assistance  
198 program pursuant to this article shall annually file with the division a report specifying and  
199 accounting for:

200 (1) All moneys deposited into and disbursed from the affordable family housing  
201 assistance trust fund established and maintained pursuant to this article;

202 (2) All loans, grants, guarantees, or other forms of financial assistance awarded by the  
203 local government through such program; and

204 (3) Such other information as may be required by the rules and regulations promulgated  
205 by the division pursuant to this article.

206 (b) The division shall, by rules and regulations, specify the form and manner that the  
207 annual report required under subsection (a) of this Code section shall be filed.

208 49-3-20.

209 (a) The division shall annually determine and publish on its website the median annual  
210 gross household incomes in each county of this state for households that have between one  
211 and eight persons. In making such determinations, the division may rely on data and  
212 information provided by the United States Census Bureau, the United States Department  
213 of Housing and Urban Development, the United States Department of Labor, the United

214 States Department of Commerce, and any other source that the division determines is  
215 accurate and reliable.

216 (b) The median annual gross household incomes for each county determined and published  
217 by the division pursuant to subsection (a) of this Code section shall be used to determine  
218 whether individuals meet the definition of low-income persons or very low-income  
219 persons.

220 49-3-21.

221 (a) The division shall promulgate all rules and regulations required by this article and any  
222 further rules and regulations that are not inconsistent with the provisions of this article and  
223 that the division deems necessary and proper to administer the provisions of this article.

224 (b) The initial rules and regulations governing affordable family housing assistance  
225 programs established pursuant to this article shall be promulgated and adopted by the  
226 division by October 1, 2025, after an opportunity has been provided for public comment.

227 (c) The rules and regulations promulgated by the division pursuant to this article shall be  
228 subject to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

229 **SECTION 3.**

230 This Act shall become effective on July 1, 2025.

231 **SECTION 4.**

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