

The Senate Committee on Economic Development and Tourism offered the following substitute to HB 1410:

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 stable housing accountability 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:

14

## "ARTICLE 5

15 8-3-300.

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

18 8-3-301.

19 As used in this article, the term:

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

22 (2) 'Homeless' means persons and families who have no access to or can reasonably be  
23 expected not to have access to either traditional or permanent housing which can be  
24 considered safe, sanitary, decent, and affordable.

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

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

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

35 (6) 'Residential housing project' means a program designed to enhance residential  
36 housing opportunities for low-income persons. Such projects shall include, but are shall  
37 not be limited to, financing in whole or in part the acquisition, rehabilitation,

38 improvement, or construction of residential rental housing and interest rate or down  
39 payment assistance programs designed to enhance home ownership opportunities.

40 (7) 'Stable housing accountability program' means a program for housing stable housing  
41 accountability program participants that is certified by the commission as meeting the  
42 terms and conditions established under Code Section 8-3-311.

43 (8) 'Stable housing accountability program participants' means each individual together  
44 with his or her immediate family, if any, provided that:

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

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

52 (C) They:

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

57 (I) A court order resulting from an eviction action that notifies the individual that  
58 he or she must leave within 30 days;

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

61 (III) Credible indications that the owner or renter of such housing will not allow  
62 such individual to stay for more than 30 days; or

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

65        (ii) Have no subsequent residence identified; and  
66        (iii) Lack the resources or support networks needed to obtain other permanent  
67        housing.

68        ~~(7)~~(9) '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.

140 8-3-309.

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

151 8-3-310.

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

- 159 (1) The number of persons assisted;
- 160 (2) The leveraging of money or in-kind services by a qualified sponsor;
- 161 (3) The geographic distribution of residential housing projects;
- 162 (4) The availability of other forms of assistance; and
- 163 (5) Any and all other factors bearing upon the advisability and necessity of the  
164 residential housing project.

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

169 8-3-311.

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

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

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

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

183 (1) Provide voluntary, immediate, and stable housing to stable housing accountability  
184 program participants;

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

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



- 190 (4) Require residents to be removed from the program if they fail to meet specified  
191 accountability measures, including sustaining an honest, good-faith effort to achieve or  
192 maintain sobriety from drugs and alcohol;
- 193 (5) Conduct regular inspections of common areas and residential units; and
- 194 (6) Require qualifying residents:
- 195 (A) To show proof of U.S. citizenship and execute an affidavit verifying continuous  
196 residency in this state for the previous 12 months;
- 197 (B) To participate in free and relevant job training and educational opportunities until  
198 such resident obtains stable employment;
- 199 (C) To engage in an active search and apply for stable employment;
- 200 (D) Who obtain stable employment to maintain such employment status as long as  
201 stable employment is available to them;
- 202 (E) To participate in counseling, mental health care, and substance abuse treatment  
203 programs, as necessary;
- 204 (F) To submit to regular drug and alcohol testing;
- 205 (G) To abstain from criminal activity;
- 206 (H) Who have minor children to ensure that such children receive adequate nutrition,  
207 health care, and education; and
- 208 (I) To submit to regular review of compliance with applicable terms and conditions  
209 provided for in this Code section for stable housing accountability programs.
- 210 (e) The criteria for approving an application shall include, but shall not be limited to:
- 211 (1) The total number of stable housing accountability program participants who are  
212 likely to receive assistance from the proposed stable housing accountability program;
- 213 (2) The ability of the applicant to leverage their own or other available money or in-kind  
214 services for the benefit of the proposed stable housing accountability program;
- 215 (3) The geographic distribution of existing stable housing accountability programs;

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

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

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

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

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

230 8-3-312.

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

235 ~~8-3-311~~ 8-3-313.

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

239 (b) The commission shall have the power to foreclose on any mortgage or security interest  
240 in default and to commence any action to protect or enforce any right conferred upon it by

241 any law, mortgage, security agreement, deed of trust, deed to secure debt, contract, or other  
242 agreement; to bid for and purchase property which was the subject of such mortgage or  
243 security interest at any foreclosure or at any other sale; to accept a deed in lieu of  
244 foreclosure; to acquire or take possession of such property; and to exercise any and all  
245 rights as provided by law or contract for the benefit or protection of the commission."

246

**SECTION 2.**

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

250 "50-6-11.

251 The state auditor shall conduct a performance audit of all expenditures from the State  
252 Housing Trust Fund for the Homeless for stable housing accountability programs funded  
253 pursuant to Article 5 of Chapter 3 of Title 8. The audit shall examine the awarding of  
254 contracts and grants relating to such programs, the metrics used to determine success of the  
255 expenditures, and whether the metrics are met by the contractors and grantees. The audit  
256 shall be provided to the Governor, Lieutenant Governor, and Speaker of the House of  
257 Representatives no later than December 31, 2025."

258

**SECTION 3.**

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