

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

AS PASSED SENATE

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:

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15 "36-60-30.

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

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

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

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

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

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

35 **SECTION 2.**

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

39 "50-6-10.

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

48 **SECTION 3.**

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