

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**

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:

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

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

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

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

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

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

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

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

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

40 **SECTION 2.**

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

43 "36-60-30.

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

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

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

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

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

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

63 **SECTION 3.**

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

65 "36-80-29.

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

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

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

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

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

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

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

87 **SECTION 4.**

88 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
89 in Article 1 of Chapter 6, relating to general provisions relative to the Department of Audits  
90 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.