

House Bill 797 (AS PASSED HOUSE AND SENATE)

By: Representatives Petrea of the 166<sup>th</sup>, Stephens of the 164<sup>th</sup>, Gilliard of the 162<sup>nd</sup>, and  
Hitchens of the 161<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create the Interagency Council on Homelessness for Chatham-Savannah; to provide for  
2 a short title and definitions; to provide for findings; to confer powers and impose duties on  
3 the authority; to provide for the membership of the authority and their terms of office; to  
4 provide for meetings; to provide for a quorum; to provide for venue; to provide for tax  
5 exemptions from levy and sale; to provide for liberal construction; to provide for related  
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Short title.

10 This Act shall be known and may be cited as the "Homelessness Prevention Act of Chatham  
11 County."

**SECTION 2.****Findings.**

It is found and determined that:

(1) Public and private agencies are less effective in responding to people experiencing homelessness when programs are not coordinated and administered in a systematic manner under a comprehensive plan;

(2) A continuum of care is a year-round planning body of representative stakeholders in a community's work toward ending homelessness that coordinates the community's policies, strategies, and activities toward ending homelessness. Continuums of care gather and analyze information to determine the local needs of people experiencing homelessness, implement strategic responses, and measure results. Continuums of care set the local processes for applying, reviewing, and prioritizing project applications for funding each year in the continuum of care program completion;

(3) The Chatham-Savannah Authority for the Homeless was created by the General Assembly prior to the requirement under federal law that a continuum of care be established for Chatham County;

(4) The stakeholders of Chatham County and the City of Savannah have created a continuum of care and named that organization the Interagency Council on Homelessness for Chatham-Savannah;

(5) There are four major functions of the Interagency Council on Homelessness for Chatham-Savannah:

(A) Supporting the United States Department of Housing and Urban Development required operations of the continuum of care;

(B) Designing and supporting, or contracting for, the operations of a homeless management information system for the continuum of care;

(C) Continuum of care planning; and

(D) Supporting collaborative applicants in preparing and submitting applications for funds in accordance with 24 C.F.R. Sections 578.7 and 578.9;

(6) The Interagency Council on Homelessness for Chatham-Savannah is established to serve as the continuum of care board of directors for the purpose of facilitating interagency and cross-sector coordination in planning, policymaking, program development, system performance monitoring, budget planning, and coordination of federal homeless assistance resources on behalf of the continuum of care;

(7) The Interagency Council on Homelessness for Chatham-Savannah has the responsibility to comply with Housing and Urban Development requirements under 24 C.F.R. Part 578 in all matters, including guiding principles of membership and participation;

(8) The Interagency Council on Homelessness for Chatham-Savannah must have a collaborative applicant who manages and administers a homeless management information system and administers a coordinated entry system, leads an annual point in time count, and assists with the notice of funding opportunity process, including the preparation and final submission of the community collaborative application. The Chatham-Savannah Authority for the Homeless is the collaborative applicant; and

(9) The City of Savannah created an Interagency Council on Homelessness in 2023 that presently has a board composed of ten governmental seats, three officers, and others.

### **SECTION 3.**

#### **Definitions.**

As used in this Act, the following words and terms shall have the meaning specified unless the context or use clearly indicates a different meaning or intent:

(1) "Board" means the board of directors of the Interagency Council on Homelessness for Chatham-Savannah.

(2) "Collaborative applicant" means the agency designated to meet all United States Housing and Urban Development requirements under 24 C.F.R. Part 578.

(3) "Continuum of care" means the group of individuals and agencies that plan a community's response to people experiencing homelessness.

(4) "Coordinated entry" means a systemwide process that coordinates the access, assessment, and prioritization and referrals to housing and emergency services for people experiencing, or at imminent risk of, homelessness.

(5) "Council" means the Interagency Council on Homelessness for Chatham-Savannah.

(6) "Homeless management information system" means the platform or software used to collect jurisdictional data and report such data to the Department of Community Affairs.

(7) "Notice of funding opportunity" means those notices provided to local governments and communities by the United States Department of Housing and Urban Development.

#### **SECTION 4.**

Interagency Council on Homelessness for Chatham-Savannah created.

There is created a body corporate and politic to be known as the "Interagency Council on Homelessness for Chatham-Savannah" which shall be deemed to be a public corporation. Such corporation shall be separate and distinct from any public corporation or other entity heretofore created by the General Assembly and shall be an instrumentality of the State of Georgia exercising governmental and proprietary powers. The council is created for the purpose of developing and adopting comprehensive plans for the continuum of care to deal effectively with the problems of the homeless in Chatham County and Savannah; to coordinate, evaluate, and provide administrative services and assistance in implementing and carrying out such comprehensive plan; to provide uniform basic standards and practices for organizations offering services to homeless individuals through a certification process,

ensuring integrity and continuity of program delivery; to support the designated lead agency in the operation and management of a homeless management information system for the continuum of care; to support the collaborative applicant in the preparation and submission of applications for funds in accordance with 24 C.F.R. Sections 578.7 and 578.9; and to support the development, delivery, and implementation of a coordinated entry system across all of Chatham County. In connection with the exercise of any of its powers, the members of the council may make findings or determinations that the exercise of its powers will support the purposes for which the council is created.

## **SECTION 5.**

### **Board of directors.**

(a) The council shall be governed by a board of directors consisting of 21 members.

(b) The board of directors shall consist of:

(1) The city manager for the City of Savannah;

(2) The county manager for Chatham County;

(3) The executive director of the Chatham Area Transit Authority;

(4) The executive director of the Housing Authority of Savannah;

(5) Nine members appointed by the chairperson of the council or by a majority vote of the city manager for the City of Savannah, the county manager for Chatham County, the executive director of the Chatham Area Transit Authority, and the executive director of the Housing Authority of Savannah from the following organizations:

(A) The manager or mayor of any municipality in Chatham County;

(B) The Department of Corrections;

(C) The Savannah-Chatham County Public School System;

(D) The Chatham Emergency Management Agency;

(E) The Department of Behavioral Health and Developmental Disabilities;

(F) The Department of Community Supervision;

(G) The Division of Family and Children Services of the Department of Human Services;

(H) The Department of Labor;

(I) The Department of Public Health;

(J) The Department of Veterans Affairs; or

(K) The Department of Community Affairs;

(6) The chairperson of the Chatham-Savannah Authority for the Homeless;

(7) Six members of the general public appointed by a majority vote of the council, two of whom shall be:

(A) A person who is homeless or has experienced homelessness; and

(B) A member of the Savannah Chamber of Commerce; and

(8) The executive director of the Chatham-Savannah Authority for the Homeless as an ex officio member.

(c) Appointed members of the council shall serve three-year terms. Members appointed to fill a vacancy shall serve the remainder of the unexpired term. No member appointed to the council shall serve more than two consecutive complete terms. A member becomes eligible to serve again one year after his or her second consecutive complete term ended.

(d) The board shall elect a chairperson and establish bylaws that elect officers, set election dates, outline nomination processes, and sets forth the rules and regulations of the council. Once approved by the board, the bylaws shall be voted on by the general membership of the council.

(e) A majority of the members shall constitute a quorum.

**SECTION 6.**

## General membership.

In addition to the board, there shall be general membership in the council. General membership is open to anyone working or living in Chatham County. The general members shall be broadly representative of public and private homeless service sectors, including, but not limited to, homeless clients and consumer interests. General membership meetings shall be held in accordance with duly adopted bylaws and comply with United States Department of Urban Development rules and regulations.

**SECTION 7.**

## Powers and duties.

The council shall have the following powers and duties:

- (1) To have a seal and alter the same at its pleasure;
- (2) To contract for services necessary to carry out its mission;
- (3) To adopt and alter its own bylaws;
- (4) To receive and utilize gifts, donations, and contributions of money and property and services if necessary to carry out its mission;
- (5) To exercise the powers conferred upon a "public corporation" by Article IX, Section III, Paragraph I of the Constitution of Georgia, such corporation being expressly declared to be a public corporation within the meaning of such provision of the Constitution of Georgia;
- (6) To appoint, select, and employ, with or without bidding as the council may choose, officers, agents, and employees;
- (7) To acquire, construct, purchase, hold, own, lease as lessee, expand, improve, renovate, repair, maintain, and operate real and personal property or interests therein;

(8) To sell, lease as lessor, or otherwise transfer, pledge, or dispose of any real and personal property interests therein. In connection with any such lease, sale, transfer assignment, or other disposition, the council need not comply with any other provision of law requiring public bidding or notice to the public of such lease, sale, transfer, assignment, or other disposition;

(9) To acquire projects and other property in its own name by gift or by purchase on such terms and conditions and in such manner as it may deem proper. If the council shall deem it expedient to construct any project on real property or any interest therein or usufruct therein which is subject to the control of any other public body, then such other public body is hereby authorized to convey or lease such real property or interest therein to the council for no consideration or for such consideration as may be agreed upon by the council and such other public body, taking into consideration the public benefit to be derived from such conveyance, lease, or usufruct. Any public body may transfer such real property or interest therein without regard to any determination as to whether or not such property or interest therein is surplus;

(10) To make and execute with one or more public bodies and private persons contracts, lease agreements, rental agreements, installment sale agreements, and other instruments relating to the property of the council and incident to the exercise of the powers of the council, including contracts for constructing, renting, leasing, and selling its projects for the benefit of other public bodies and, without limiting the generality of the foregoing, authority is specifically granted to the council and to other public bodies to enter into contracts, lease agreements, rental agreements, installment sale agreements, and related agreements with each other relating to the provision of any project or services for a term not exceeding 50 years, as provided in Article IX, Section III, Paragraph I(a) of the Constitution of Georgia;

(11) To be a co-owner, along with other public bodies, or to the extent allowed by the Constitution of the state, private persons of any property, if the council finds and

determines that such co-ownership is in the best interests of the council and will serve the public purposes of the council;

(12) To purchase policies of insurance as may be deemed appropriate for its corporate purposes;

(13) To operate, lease, sell, transfer, or otherwise dispose of any property, real or personal, or assets of the council, or to assign its rights under its contracts, lease agreements, or installment sale agreements or its right to receive payments thereunder, either directly or through trust or custodial arrangements whereby interests are created in such contracts, lease agreements, or installment sale agreements or the payments to be received thereunder through the issuance of trust certificates, certificates of participation, custodial receipts, or other similar instruments. In connection with any such lease, sale, transfer, assignment, or other disposition, the council need not comply with any other provision of law requiring public bidding or any notice to the public of such lease, sale, transfer, assignment, or other disposition;

(14) To accept loans and grants of money or property of any kind from the United States or any public body or private person, and all public bodies are authorized to make grants to the council, subject to any limitations in the Constitution of Georgia;

(15) To make such rules and regulations governing its employees and property as it may in its discretion deem proper;

(16) To be sued the same as any private corporation on any contractual obligation of the council. The council shall have the same rights to sue any other person or entity as any private corporation; and

(17) To have and exercise the usual powers of private corporations, except such as are inconsistent with this Act, and to do any and all things necessary and convenient to accomplish the purposes and powers of the council as stated in this Act.

**SECTION 8.**

The board as trustees.

The board shall be held accountable in all respects as trustees. The council or its fiscal agent shall keep suitable records of all receipts, income, and expenditures of every kind. There shall be an independent audit of the council if the council received or spent money in a taxable year without the use of a fiscal agent.

**SECTION 9.**

Charitable and public functions.

The creation of the council and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state. The council is an institution of purely public charity and will be performing an essential governmental function in the exercise of the power conferred upon it by this Act. The council shall not be required to pay any taxes or assessments upon any of the property acquired or leased by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation or any rates, fees, tolls, or other charges for the use of such projects or other income received by the council.

**SECTION 10.**

Actions.

Any action brought against the council shall be brought in the Superior Court of Chatham County and such court shall have exclusive, original jurisdiction of such question.

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**SECTION 11.**

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Liberal construction.

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Being for the welfare of the state and its inhabitants, this Act shall be liberally construed to

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effect the purposes of the Act.

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**SECTION 12.**

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