DCA Guidance on OCGA 13-10-91 and 50-36-91 Compliance:

The individual authorized to submit applications and sign contracts on behalf of the applicant must execute two (2) affidavits. The first pertains to his or her legal status and is entitled "HB 2, O.C.G.A. § 50-36-1(e)(2) Affidavit." The second pertains to the organization's use of the E-Verify system and is entitled "Contractor Affidavit under HB 87, O.C.G.A. § 13-10-91(b)(1). A third affidavit is included and is entitled " Subcontractor Affidavit under O.C.G.A. § 13-10-91(b)(3)." This affidavit must be completed by the owner or senior officer of the organization that contracts with the applicant for expenditure of grant funds, if applicable.

Background

House Bill (HB) 87, OCGA 13-10-91, Security and Immigration Compliance

House Bill (HB) 87 requires DCA and the Georgia Housing and Finance Authority (GHFA) to only contract with entities that are registered with the e-verify program and to obtain an affidavit from the entity certifying participation in the e-verify program. Any subsequent subcontractors (or subcontractors of subcontractors) utilizing DCA or GHFA funds must also participate in the e-verify program and to provide a sworn affidavit with the e-verify I.D. number.

To satisfy compliance measures for HB 87, the person designated to execute DCA contracts must complete and execute a *"Contractor Affidavit under O.C.G.A. § 13-10-91(b)(1)."* Note that this Affidavit must be executed by the person that will be authorized to execute the DCA grant contract (Program Participation Agreement). It is necessary also that any subcontractors (and subcontractors of subcontractors) utilizing funds under the Agreement provide (to you, and then you to us) the *"Subcontractor Affidavit under O.C.G.A. § 13-10-91(b)(3)."*

House Bill (HB) 2, OCGA 50-36-1, Verification of Lawful Presence

To satisfy compliance measures for HB 2, the person within the applicant's organization who is designated to execute DCA/GHFA contracts must complete and execute a signed and sworn affidavit verifying the his or her lawful presence in the United States. The affidavit shall state:

(A) The applicant is a United States citizen or legal permanent resident 18 years of age or older; or

(B) The applicant is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., 18 years of age or older lawfully present in the United States and provide the applicant's alien number issued by the Department of Homeland Security or other federal immigration agency.