

SPECIAL USE PERMIT APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: <u>Mark A. Nestor</u>	NAME: <u>4884 Highway 78, LLC</u>
ADDRESS: <u>3690 Holcomb Br. Road</u>	ADDRESS: <u>3690 Holcomb Br. Road</u>
CITY: <u>Norcross</u>	CITY: <u>Norcross</u>
STATE: <u>GA</u> ZIP: <u>30092</u>	STATE: <u>GA</u> ZIP: <u>30092</u>
PHONE: <u>770-368-0054</u>	PHONE: <u>770-368-0054</u>
CONTACT PERSON: <u>Mark A. Nestor</u> PHONE: <u>770-368-0054</u>	
CONTACT'S E-MAIL: <u>Mark.nestor@lawmanpc.com</u>	

*Include any person having a property interest and any person having a financial interest in any business entity having property interest (use additional sheets if necessary).

APPLICANT IS THE:	
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER
<input type="checkbox"/> CONTRACT PURCHASER	
EXISTING/PROPOSED ZONING: <u>C-2</u>	BUILDING/LEASED SQUARE FEET: <u>2900</u>
LAND DISTRICT(S): <u>6TH</u>	LAND LOT(S): <u>57</u> ACREAGE: <u>0.9938</u>
ADDRESS OF PROPERTY: <u>4884 Highway 78, Lilburn GA 30047</u>	
SPECIAL USE REQUESTED: <u>Expansion of the current zoning to include Shelter.</u>	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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Exhibit "A"

Legal Description

File Number: BU122-05-0019

All that tract or parcel of land lying and being in Land Lot 57 of the 6th District of Gwinnett County, Georgia, containing 0.9938 acres, as shown on a plat of survey for William O. Pierce dated July 15, 1983, and revised August 2, 1983, by Robert M. Burch, Georgia Registered Land Surveyor No. 2054 and being more particularly described as follows:

BEGINNING at an iron pin marking the intersection of the offset southeastern right-of-way line of U.S. Highway No. 78, also known as Georgia State Highway No. 10 (said iron pin being located 70 feet from the centerline of said highway) with the southwestern right-of-way line of Stone Road (a 60-foot right-of-way); thence running along the southwestern right-of-way line of Stone Road and following the curvature thereof an arc distance of 254.37 feet to an iron pin (said arc being subtended by a chord bearing of South 52 degrees 58 minutes 50 seconds East at a distance of 251.40 feet); thence running South 64 degrees 02 minutes 53 seconds West a distance of 266.09 feet to an iron pin; thence running North 21 degrees 08 minutes 06 seconds West a distance of 244.60 feet to an iron pin located on the southeastern right-of-way line of U.S. Highway No. 78 (said iron pin being located 50 feet from the centerline thereof); thence running along the southeastern right-of-way line of U.S. Highway No. 78 and following the curvature thereof an arc distance of 79.10 feet to an iron pin (said arc being subtended a chord bearing of North 65 degrees 26 minutes 01 seconds East at a distance of 79.09 feet); thence running South 28 degrees 17 minutes 28 seconds East along the southeast right-of-way line of U.S. Highway No. 78 a distance of 20.00 feet to an iron pin located on the southeastern offset right-of-way line of U.S. Highway No. 78; and thence running along the southeastern offset right-of-way line of U.S. Highway No. 78 and following the curvature thereof an arc distance of 51.47 feet (said arc being subtended by a chord bearing North 61 degrees 42 minutes 28 seconds East at a distance of 51.46 feet) to an iron pin marking the POINT OF BEGINNING.

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SPECIAL USE PERMIT APPLICANT'S RESPONSE
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENT OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED SPECIAL USE PERMIT WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes, The Special Use Permit to allow for Re-Entry Partnership Housing Program (Shelter) would be suitable for the area.

- (B) WHETHER A PROPOSED SPECIAL USE PERMIT WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

No, a proposed Special Use Permit will not adversely affect the use or usability of the adjacent or nearby properties

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED SPECIAL USE PERMIT HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No, the property is adjacent to a residential property and has limited reasonable economic use as currently zoned, its ingress and egress is limited. there is limited access to the property and access is limited to eastbound traffic only on Hwy 78, and from Mankin Drive.

- (D) WHETHER THE PROPOSED SPECIAL USE PERMIT WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No, the use prayed for in this application would not result in a excessive or burdensome use of the existing streets or transportation facilities, utilities or schools.

- (E) WHETHER THE PROPOSED SPECIAL USE PERMIT IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes, the proposed special use permit conforms with the policy and intent of the Land Use Plan inasmuch that the property is currently zoned C-2 and the purpose of the request is to use the existing building in this manner until there is a better and higher use identified

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED SPECIAL USE PERMIT:

There are no other existing or changing conditions affecting the Use and Development of the property which give supporting grounds for either approval or disapproval of the proposed special use permit.

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Law Offices of Mark A. Nestor, P.C.

3690 Holcomb Bridge Road, Norcross, Georgia 30092 • Tel. 770-368-0054 • Fax 770-368-0972

Mark A. Nestor

August 1, 2014

Gwinnett County Georgia
Department of Planning & Development
446 West Crogan Street, Suite 250
Lawrenceville GA 30046

Re: Special Use Permit Application – Letter of Intent
4884 Highway 78, LLC
Property Situs: 4884 Highway 78, Lilburn GA 30047

Dear Madam or Sir:

Please accept the attached Special Use Permit Application in order to receive a Use Variance at 4884 Highway 78, Lilburn GA 30047. The enclosed Re-Entry Partnership Housing Program from the Georgia Department of Corrections – Division of Pardons and Paroles best summarizes the intended use of the property wherein the Special Use Permit is sought.

The Re-Entry Partnership Housing Program is a program for select offenders in order to re-acclimate into society. Short term financial assistance is provided along with housing and counseling. Any person convicted of a Sex Crime is immediately *disqualified* from this program. All eligible participating parolees will have a current parole review summary prior to release and are under the supervision of a Parole Officer who works with the housing provider to assist in the successful re-entry to the community. The parolees eligible for this Re-Entry Partnership Housing and Financial Assistance have had these same programs available during their incarceration period.

Thank you for your consideration.

Best regards,

Mark A. Nestor
Attorney at Law

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State Board of Pardons and Paroles and Georgia Department of Corrections

RE-ENTRY PARTNERSHIP HOUSING PROGRAM

Application Guidelines

Re-Entry Partnership Housing (RPH) is a means to provide housing to convicted felons who remain in prison after the Parole Board has authorized their release due solely to having no residential options. RPH will also provide housing to parolees released to their counties of conviction without a valid residence plan and unable to obtain other housing. Re-entry housing partners must provide (directly or through written agreement with third parties) released offenders stable housing and food (room and board). The goal of the RPH program is to provide short term financial assistance to help stabilize an individual's re-entry process to enhance his or her ability to remain crime free.

Participating housing providers ("Grantee") will be compensated at a rate of \$600 per month for up to three (3) months, a total of \$1,800. In return the housing provider shall provide room and board without charge to the parolee for this period.

Grantees will be certified at the discretion of the Re-Entry Partnership Housing staff of the State Board of Pardons and Paroles and the Georgia Department of Corrections. While representatives of the Re-Entry Partnership Housing Program routinely inspect or visit the housing units approved for parolee placement, it is strictly for placement of parolees in the RPH program and not to endorse or reject any facility for any other purpose.

All eligible participating parolees will have a current parole review summary prior to release and will be under the supervision of a Parole Officer who will work with the grantee to assist with the parolee's successful reentry to the community and to ensure that the parolee complies with his or her Conditions of Parole. Approved participating parolees have also had appropriate programs available to them during their incarceration period.

For additional information, please contact:

Erin Anderson (Primary Contact)
Housing Coordinator
State Board of Pardons and Paroles
2 MLK Jr. Dr Suite 458 East Tower
Atlanta, Georgia 30334
Erin_Anderson@pap.state.ga.us
770-639-8517 Fax: 404-656-5623

Marta Daniell (Alternate Contact)
Program Manager
State Board of Pardons and Paroles
2 MLK Jr. Dr. Suite 458 East Tower
Atlanta, Georgia 30334
Marta_Daniell@pap.state.ga.us
404-309-7238 Fax: 404-651-7075

This program involves a unique collaboration by several different agencies. First, funding for this program is made available to the State Board of Pardons and Paroles (lead agency) via State Criminal Alien Assistance Program (SCAAP) funds supplied by the Georgia Department of Corrections. The State Housing Trust Fund for the Homeless (HTF) is the administrative agent for this program. The HTF is administered by the Georgia Department of Community Affairs (DCA).

Applicant / Grantee Specifications

1. Purpose – Goal of Program

The purpose of this program is to provide short term financial assistance to help stabilize the parolee's re-entry process upon exit from prison. The goal of the program is to enhance his or her ability to remain crime free.

2. Applicant/Grantee Personnel

Minimum standards for staff in the Re-Entry Partnership Housing programs are the ability to successfully perform duties and responsibilities of the position, sensitivity to those with substance abuse and mental health disorders, and strong moral character.

Grantees considered for funding should be able to demonstrate experience in providing housing and related supportive services to special needs populations. This requirement may be waived at the discretion of the State Board of Pardons and Paroles if it is determined that there are an insufficient number of applicants that meet this requirement in the proposed jurisdiction and they meet the local government requirements.

3. Parolee Placement

Grantees shall only admit and retain parolees based upon written authorization from the State Board of Pardons and Paroles. Grantees participating in this program **must accept referrals**. Parolees will be placed by the Board based upon known needs. **The Board does not guarantee any number of placements to any housing provider.**

Residences under the Re-Entry Partnership Housing may not mandate treatment or counseling programs for this population. Parolee participation is voluntary unless required by the State Board of Pardons and Paroles.

Religious studies may comprise a portion of the curriculum. Residences may not mandate religious studies. Parolee participation in religious activities must be voluntary.

4. Housing Policies

In-house rules and regulations relative to the health and safety of the residents and staff shall be in written form and prominently displayed. Each resident shall be given (and sign for) a copy upon admission. Termination and re-admission policies shall be included in this policy and explained to each resident at time of admission. Each re-admission must be considered on a case-by-case basis.

This policy must include a written statement of the parolee's rights which include but are not limited to the following:

- a. An explanation of the compensation provided by RPH relative to the cost of room and board;
- b. Expectations following the short-term RPH assistance;
- c. An explanation of what the RPH funds do and do not cover;
- d. General human rights, such as the right to receive services, respecting dignity and protecting health and safety;
- e. General human rights that allow residents to converse privately, have reasonable access to the telephone and send or receive mail;
- f. Other such generally understood rights should be clearly stated.

Grantees must maintain certain Parolee information for reporting. This includes information on –

- a. Employment and employment history;
- b. Housing by location and housing history; and
- c. Parolee responsibility for housing and housing costs beyond the first ninety (90) days.

RPH staff will make the final determination as to the appropriateness and rehabilitative capacity of any programmatic component. At all times, the health, safety, mental, and physical well-being of the parolees shall be the determining factors.

5. Property – Local Government Acknowledgement

The RPH residence shall meet all local requirements promulgated by the State Housing Code; fire and building departments; zoning authorities; city or county ordinances; state departments of public health; welfare and licensure requirements, as applicable; and federal regulations to insure the health and safety of its residents and staff population. The physical structure shall be maintained as much as a homelike atmosphere as possible within the confines of such an understanding.

Applicant shall obtain a letter or letters from the local government where properties are located. The letter(s) must include:

- a. Statement that the local government is knowledgeable of the applicant's request to participate in this program;
- b. Where the properties are located;
- c. Current zoning of the property;
- d. Whether or not the use of the property is consistent with local zoning requirements;
- e. That the local government will work with the applicant to ensure that local requirements are met.

Non-profit organizations must be registered with the Secretary of State's office.

6. Conflicts of Interests

Directors, owners, employees and those involved in proprietary positions regarding halfway houses and other residences shall make every effort to avoid real or even the appearance of a conflict of interest. (These include, but are not limited to, business associates, domestic partners, family members, corporations, shareholders in addition to those named above). An appearance of conflict of interest exists when a reasonable person would conclude from the circumstances that the director, owner or other involved individual is compromised by personal interests. An appearance of a conflict of interest could exist even in the absence of a true conflict of interest. Should such a conflict of interest exist, removal from the program or other actions may occur depending upon circumstances. **The State Board of Pardons and Paroles will not contract with any current state employee or their immediate family member or organizations that have a private business relationship with state employees and/or their immediate family members.**

7. Ownership Verification

Grantees must own or lease property provided for housing and grantees will be subject to verification of ownership or lease of property.

8. Grantee Employee/Agent Background Checks

Grantees must consent to have NCIC/GCIC background checks completed and must successfully pass the background investigation. It is the responsibility of the Grantee to conduct and ensure that all of his/her employees pass a criminal background check.

The following standards are set for approval of NCIC/GCIC background checks:

- a. No convictions within the past three years (felonies, drug-related/violent misdemeanors or DUI).
- b. Not currently under probation or parole supervision.
- c. No convictions for sexual offenses.
- d. Applicants with convictions for previous Board designated violent offenses must have completed all sentences for a period of seven years prior to the date of the record check. These offenses include: Aggravated Assault, Residential Burglary, Cruelty to Children, Homicide by Vehicle while DUI or Habitual Violator, Involuntary Manslaughter, Robbery, Aggravated Assault on a Police Officer-with injury or use of a firearm, Aggravated Battery on a Police Officer, Kidnapping-no ransom, no injury(when not classified as a sex offense), Voluntary Manslaughter, Armed Robbery, Kidnapping-for ransom, or with injury(when not classified as a sex offense), RICO Act, and Hijacking Motor Vehicle.
- e. Current arrests for felonies and violent misdemeanors without dispositions will be placed in pending status until disposition of the arrest.

9. Parolee Work-Related Criteria

Parolees may not be required to work as payment for housing during the period that the Grantee receives a housing subsidy. Once the subsidy has ceased, the following work requirements may become applicable:

- a. **Parolee(s) working off-site:** If parolees are working at contracted jobs (a contract between an employer and the facility where the parolee is housed), they must be guaranteed either a check or money order. At no time shall parolee/resident be required to perform contractual employment without receiving at least minimum wage compensation and/or without allowing the parolee/resident an option to transfer to another employment location where minimum wage compensation is paid. (See "Peonage" definition below). Stipends for personal items may or may not be debited according to program rules. Debited monies for other requested items must also be documented and be in compliance with program rules. Should a parolee leave the program, such monies must be given to the parolee if no further monies are owed to the program, such as pro-rating of earlier debts. All charges should be listed and monies received properly accounted.
- b. **Parolee(s) working on-site:** Parolee(s) may be required to work on-site performing routine chores such as routine maintenance of the facility. This may include assigned daily chores, such as cooking, cleaning or performing daily labor at the site in lieu of regular employment. This labor must at no time "improve" the property or enrich the managerial staff. An example of such restricted labor would be building additions or other forms of site construction. Parolee(s) may or may not receive funds according to program rules. However, it is strongly recommended that, should this labor take the place of normal employment, the parolee(s) be compensated for work performed as per (a) above.
- c. **Parolee(s) in trustee positions:** Parolees who earn the responsibility of senior resident, house manager, or trustee may not have access to other parolees' files, be allowed to conduct drug screens, or have authority over another resident.

*** Definition: "Peonage" is a condition of servitude compelling persons to perform labor in order to pay off a debt.

10. Client Records - Reporting

A written record of each parolee admitted to the residence must be maintained by the Grantee. These records should minimally include:

- a. Copies or originals of any support group attendance sheets.
- b. Copy of any financial agreements, contracts and fees signed by the resident.
- c. Copy of housing policies that include the parolee's rights, signed by resident.
- d. Employment and employment history;

- e. Housing by location and housing history;
- f. Parolee responsibility for housing and housing costs beyond the first 90 days; and
- g. Any other records relating to the parolee's stay in the program.

11. Housing (Room and Board)

Contract subsidy includes the provision for both room and board. The fee coverage period begins on the date of entry. The parolee cannot be charged for room and board costs paid through this program. Program policy on room and board must be disclosed to each parolee. If terms vary from parolee to parolee, this information must be specifically disclosed to the parolee (see section 4). Room and board paid through this program must be documented in writing to each individual parolee.

- a. Each parolee shall be provided two meals per day or a meal expense allotment at the rate of \$50 per week. If a meal expense allotment is given, a receipt must be provided to and signed by the parolee. Copies of these receipts must be maintained in the parolee's records.
- b. Parolees may receive food stamps while residents of RPH programs. In such cases, Grantees still must provide food as explained in (a) above. Grantees shall not require parolees to submit their food stamps for use by the program.
- c. Each parolee shall be provided his/her own personal space and furnishings for storage of clothing and personal belongings. This includes, but is not limited to, dresser-type storage and a closet or other hanging space for clothing.
- d. Each parolee shall be provided with his/her own personal bed, mattress and pillow. Clean sheets, pillowcases, and blankets or bed coverings shall be provided and sheets and pillowcases shall be changed or cleaned in a routine manner as set by the residence.
- e. Bedrooms shall be provided with outside ventilation by means of windows, air conditioners or mechanical ventilation. All rooms that have windows that can be opened shall have window insert screens and both windows and screens must be in good repair. Each room must have a working smoke / Carbon Monoxide detectors.
- f. Sleeping areas shall contain not less than 60 square feet of usable floor space per resident in multiple use bedrooms and not less than 80 square feet of usable space in single bedrooms; or, according to county codes if they are more stringent.
- g. There shall be at least one lavatory {water basin (with hot and cold water) and toilet} for every three (3) residents; or, according to local city and county codes if more stringent. All lavatories shall be properly ventilated.
- h. There shall be at least one shower or bathtub with hot and cold water for every six (6) residents; or, according to local city and county codes if more stringent.
- i. There shall be a separate furnished dining area for serving meals; or according to local city and county codes if more stringent.
- j. There shall be a separate furnished area for such recreational/leisure activities as sitting, reading, watching television (if appropriate) in each residence with enough space to fit a minimum of ¼ of the occupants comfortably; or, according to county codes if more stringent.

- k. All premises, grounds, space and facilities shall be kept clean and free from hazards to health and safety from litter.
- l. The program premises shall be maintained at a temperature of 65 degrees Fahrenheit to 82 degrees Fahrenheit, depending upon the season of the year. Adequate means to obtain and keep these temperatures shall be in place.
- m. If required by the local county board of health, a residential program shall obtain a valid food service permit from the local county board of health and be subject to all city and county ordinances which would include items pertaining to storage, preparation and service.
- n. Provisions should be made to address the need for smoking and non-smoking areas as well as visitation areas, when applicable.
- o. Parolees must have access to the residence via a key or resident manager at all times.

12. Mental Health

Consideration for placement in partnership housing will be made on a case by case basis, dependent upon the mental health level and necessary treatment requirements. If the mental health diagnosis is primary and the level and/or medical needs mandate placement within a licensed facility, the **parolee will not be placed in Re-Entry Partnership Housing.**

13. Sex Offenders

Sex offenders and Sexual Violent Offenders will not be admitted to this program.

14. Electronic Monitoring

Assignment to electronic monitoring upon release offers a structured environment which will assist the parolee in making a successful transition to the community. Placement on electronic monitoring requires the parolee to schedule his or her daily activities, thus permitting them to work and attend necessary treatment, while requiring them to maintain a curfew. Resident managers must comply with the following:

- a. Residence must have an operational telephone with jack and be willing to keep it activated.
- b. Resident managers must agree to cooperate with the electronic monitoring regulations by limiting telephone use and removing or delaying the connection of additional telephone features such as call waiting or call forwarding. Long distance feature is required.
- c. Reports of changes in conduct or violations must be reported to the parole officer immediately.

15. Communications

- a. All Grantees must be willing to allow parole officers entry to the residence or other designated facility office and allow parolees to attend required meetings at Parole offices.
- b. All Grantees should endeavor to report parolee progress at least once monthly. Situations that could or are leading to possible termination should be reported immediately.
- c. All Grantees must cooperate with parole personnel in regard to special requests for site visits for evaluation purposes to ensure compliance with Parole Board approved standards.
- d. All Grantees must notify parole officers of delinquent behavior by the parolees.
- e. All Grantees must notify parole officers if a parolee breaks curfew within the next business day.
- f. All Grantees must notify parole officers if a parolee absconds from the residence or is terminated within the next business day.

16. Contracting With Religious Organizations

Faith-based and religious organizations may not discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

Organizations that are religious or faith-based are eligible on the same basis as any other non-profit organization to participate in the RPH Program. However, these organizations may not engage in inherently religious activities, such as worship, religious instruction or proselytization as a part of programs or services funded under any part of a required program. If an organization conducts such activities, the activities must be offered separately in time or location from other programs or services. Participation in religious activities must be voluntary for clients.

Faith-based or religious organizations will retain their independence from Federal, State and local governments, and may carry out their missions, including the definition, practice and expression of religious beliefs, provided that no RPH funds are used to support any inherently religious activities, such as worship, instruction or proselytization. Organizations may use space in their facilities to provide services without removing religious art, icons, scriptures or other religious symbols. Organizations may also retain authority over internal governance, including terms in organization name, selection of board members on a religious basis, and religious references in mission statements and other governing documents.

While all programs, unless they are voluntary, must be provided in a manner that is free from religious influences, it should be noted that the Georgia Constitution allows the State Housing Trust Fund for the Homeless to expend funds "... for programs of purely public charity for the homeless, including programs involving the participation of churches and religious institutions ...".

17. Eligible Applicants / Award Factors

Any legal entity (individual, for profit, non-profit, government or quasi-government) is eligible to apply.

According to the State law, “non-profit organization” means any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses its net proceeds to maintain, improve, or expand its operations. The term “non-profit organization” includes non-profit institutions of higher education and hospitals.

Under State law, DCA must collect and evaluate organizational and financial information from non-profit organizations in order to establish the capacity of the non-profit organization prior to making an award, and to report funding amounts to the State Department of Audits and the Georgia Secretary of State.

Consequently, funding decisions for all agencies/individuals (including non-profits) shall also be based, in part, upon the following factors:

- a. Organizational development and capacity;
- b. The extent to which the organization operates with qualified and experienced staff;
- c. The extent to which management provides quality oversight through diversification, experience, professionalism and professional management;
- d. The consistency of the organization’s identity or its mission to the provision of housing and services to special needs clients;
- e. The extent to which the organization utilizes networks to provide a successful mix of housing and services;
- f. Sound operating procedures, accounting policy and controls; and,
- g. Organizational and financial policy, stability and capacity.

Acceptance of an organization’s or individual’s qualifications to provide housing will be made at the discretion of the State Board of Pardons and Parole. Decisions are final and not subject to appeal.

Other award factors, generally beyond the control of the housing provider, include:

- a. Special housing and service needs of the parolee related to employment, education, training, disability status, and/or other factors deemed to be important to successful placement, as determined by the Board of Pardons and Paroles; and
- b. Geographical considerations to include (but not limited to) employment opportunity, proximity to services and transportation, proximity to (or in some cases distance from) persons with whom the parolee has relationships – personal and/or family.

18. Parolee Placement – Room and Board Amounts Authorized and Payment

Once an applicant organization has been approved for participation in this program, placement of parolees and payment will take place as follows:

- a. Housing Coordinator reviews inmate in need of placement;
- b. Inmate is interviewed by his/her prison counselor to determine willingness to participate in RPH;
- c. Housing Coordinator initiates parole processing;
- d. Housing Coordinator notifies Grantee of parolee placement in writing;
- e. Grantee provides written notice to Housing Coordinator within 48 hours of parolee's arrival;
- f. Following this confirmation, Housing Coordinator issues invoice to the RPH provider for one month rent/board payment of \$600;
- g. Invoices for second and third month's room/board are sent 31 days from the time of the previous month's invoice;
- h. In no event shall room/board assistance exceed \$1,800 for any parolee;
- i. In the event that parolee does not arrive for placement upon release, RPH/HTF will issue compensation to the Grantee in the amount of \$600;
- j. Following placement agreement between Grantee and Housing Coordinator, Grantee will be paid \$300 in the event that inmate's parole is cancelled;
- k. HTF shall process payments to Grantee, **generally**, within ten (10) business days from receipt of invoice from Housing Coordinator (Grantee does not invoice HTF). This process shall not exceed thirty (30) business days.

If the parolee arrives, but is not housed by the Grantee, the Grantee shall not be compensated and may, at the discretion of the Board of Pardons and Paroles, be terminated from the program.

By signing an invoice and returning it to the Housing Coordinator, the Grantee is certifying that the parolee is a **current** resident of the Grantee's program. Fraudulent attempts to obtain funds will result in removal from RPH and possible criminal charges.

19. Grantee Waiver of Liability

The Grantee shall hold the State Board of Pardons and Paroles, the Georgia Department of Corrections, the State Housing Trust Fund for the Homeless (including related entities – the Georgia Department of Community Affairs and the Georgia Housing and Finance Authority) harmless against claims resulting from any and all actions of parolee. The purpose of this program is to provide limited-time (not to exceed three (3) months) funds for housing (room and board) for the parolee. It shall be the responsibility of the parolee to secure housing for the long term. The entities named above take no responsibility for placement services or for compensation to housing providers beyond that which is described herein.

20. Deadlines and Application Briefings

Please mail or deliver applications in person. Applications must be clearly marked “**Re-Entry Partnership Housing Application**” to:

Erin Anderson, Housing Coordinator
State Board of Pardons and Paroles (P&P)
2 MLK Jr. Dr., Suite 458 East Tower
Atlanta, Georgia 30334

Applicants must submit an **original and two copies**. Further contact information for Ms. Anderson is as follows: Email: Erin_Anderson@pap.state.ga.us, phone (770) 639-8517.

Applications are solicited by the Board of Pardons and Paroles and/or processed on an “as needed” basis at the discretion of the Board of Pardons and Paroles. Successful applicants will be notified in approximately sixty (60) days from submission of the application. Compensation to grantees will be made in accordance with Sec. 18.

The Board of Pardons and Paroles, together with its collaborative partners, reserve the right to accept or reject any or all proposals and to waive informalities in this process.

Application documents may be downloaded at
<http://www.dca.state.ga.us/housing/specialneeds/programs/rph.asp>.

21. State Financial Reporting/Audit Requirements for Non-profit Agencies

On July 1, 1998 Senate Bill 474 became effective as law (OCGA Title 50, Chapter 20) in Georgia. This chapter is entitled Relations with Non-profit Contractors. The law states that “The intent of this chapter is to provide auditing and reporting requirements for non-profit organizations which provide services and facilities to the state, to ensure the financial accountability of non-profit contractors, and to develop adequate information concerning non-profit contractors. The General Assembly finds that the state has a right and a duty to monitor non-profit organizations which contract with the state to ensure that their activities are in the public interest and to ensure that public funds are used for proper purposes.”

According to the State law, “non-profit organization” means any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses its net proceeds to maintain, improve, or expand its operations. The term non-profit organization includes non-profit institutions of higher education and hospitals. For financial reporting purposes guidelines issued by the American Institute of Certified Public Accountants should be followed in determining non-profit status.

As a result and among other requirements, DCA must obtain minimum organizational and financial information from non-profit organizations in order to establish the viability

of the non-profit organization and to report award and funding amounts to the State Department of Audits. In return for funds, and among other requirements, non-profit organizations must make appropriate reports to the state auditor and to each state agency from which it received funds for each fiscal year within 180 days from the close of the non-profit organization's fiscal year. Reporting formats vary based upon the amount of "state funds" received by non-profit organizations during the organization's fiscal year. This law also sets forth responsibilities of the state auditor and covers measures to be taken by state agencies if there are matters of non-compliance. For further compliance information non-profit applicants are encouraged to first contact their own internal auditors. Additional information may be obtained from the State Office of Audits as follows: Georgia Department of Audits, Non-Profit and Local Government Audits Division, 254 Washington Street, SW, Atlanta, GA 30334-8400. Contacts include Mr. Edward Blaha; phone (404) 651-5399, Email npo@mail.audits.state.ga.us.

22. Georgia Open Records Act

All records created as a result of the submission of an Application to participate in the Re-Entry Partnership Housing Program are subject to disclosure under the Georgia Open Records Act and the applicant expressly consents to such disclosure. The Applicant agrees to hold harmless the State Board of Pardons and Paroles, the Department of Corrections, the Georgia Housing Trust Fund for the Homeless, the Georgia Housing and Finance Authority and the Georgia Department of Community Affairs against all losses, costs, damages, expenses, and liability of any nature or kind (including but not limited to attorney's fees, litigation and court costs) directly or indirectly resulting from or arising out of the release of any information pertaining to the Applicant's submission of an Application and implementation of any activities as a result of funding under this program, pursuant to a request under the Georgia Open Records Act.

23. Georgia DCA / State HTF Emergency Shelter Grant (ESG) Grantees

The U. S. Department of Housing and Urban Development (as well as DCA and HTF) definition of "homeless person" does not include "parolees." If your agency is an existing ESG grantee, you may participate in this program, provided that the beds offered are in addition to the beds included in your ESG application / contract.

24. HB 87 – Illegal Immigration Reform and Enforcement Act of 2011

House Bill (HB) 87, the "Illegal Immigration Reform and Enforcement Act of 2011" was signed into law by Governor Deal on May 13, 2011. For contracts on or after July 1, 2011, 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 (*hereafter called "Contractor 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 provide a sworn affidavit (*hereafter called "Subcontractor Affidavit"*) with

the e-verify I.D. number. A copy of *O.C.G.A. 13-10-9, (b) (1), and (b) (3)* is attached for reference.

In the event that your organization is selected to participate in the Re-Entry Partnership Housing Program, a Contractor Affidavit must be completed and executed (by signature) by the Senior Office Holder that executes (by signature) the Program Participation Agreement (contract). In addition, any subcontractors utilizing funds under the Agreement must complete the Subcontractor Affidavit.

SPECIAL USE PERMIT APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



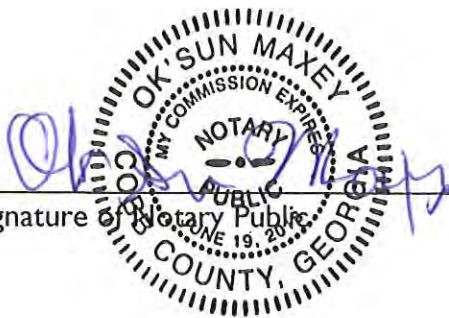
07/30/2014

Signature of Applicant

Date

Mark A. Nestor, Attorney at Law

Type or Print Name and Title



07/30/2014

Signature of Notary Public

Date

Notary Seal

SUP '14 0 4 7


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AUG 1 2014

Planning & Development


SPECIAL USE PERMIT PROPERTY OWNER'S CERTIFICATION


THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.


Signature of Property Owner *Attorney in fact
for Property OWNER* 07/30/2014
Date

Mark A. Nestor, Attorney in Fact for Property Owner

Type or Print Name and Title


Signature of Notary Public *8/1/14* Date Notary Seal



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CONFLICT OF INTEREST CERTIFICATION FOR SPECIAL USE PERMIT

The undersigned below, making application for a Special Use Permit, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

[Signature] 8-1-2014 MARK A. NESTOR, Atty
 SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

 SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

[Signature] 8/1/14
 SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES NO MARK A. NESTOR
 YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED BY
 AUG 1 2014
 Planning & Development

SUP '14 0 4 7

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR SPECIAL USE PERMIT

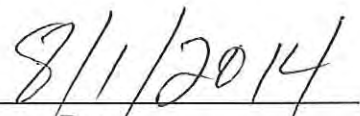
THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE SPECIAL USE PERMIT REQUEST.**

PARCEL I.D. NUMBER: 6 - 057 - 048
(Map Reference Number) District Land Lot Parcel



Signature of Applicant




Date

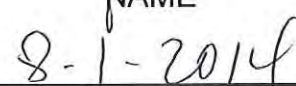
MARK A. NESTOR, Attorney at Law

Type or Print Name and Title

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)



NAME


DATE



TITLE

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