SENATE BILL 1670
By Tracy

HOUSE BILL 1632

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 45 and Title 71, to enact the "Refugee Absorptive Capacity Act."

WHEREAS, it is the policy of the United States, as enacted in the Immigration and Nationality Act, Title IV, Chapter 2, Section 412, 8 U.S.C. § 1522, 45 CFR 400.5(h):

(1) To insure that a refugee is not placed or resettled in an area highly impacted by the presence of refugees or comparable populations;

(2) That the federal government shall, to the maximum extent possible, take into account recommendations of the state regarding placement of refugees;

(3) That close cooperation and advance consultation should exist between the refugee resettlement agency of the state, local governments, and local voluntary refugee resettlement agencies, to plan and coordinate in advance the placement of refugees; and

WHEREAS, in 2008, the state of Tennessee withdrew from administering refugee services in Tennessee, but appointed Catholic Charities as the fiduciary agency for the state's refugee programs; and

WHEREAS, the state plan proposed each year by the Tennessee Office for Refugees commits publicly funded resources to support refugee resettlement in Tennessee; and

WHEREAS, the legislature deems it expedient to codify in state law certain federal requirements which relate to agencies involved in resettling refugees in Tennessee requiring quarterly meetings with the Tennessee Refugee Coordinator and representatives of the respective local governments to plan and coordinate the appropriate placement of refugees in advance of the refugees' arrival and to report the information to the local governments and the legislature; now therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the “Refugee Absorptive Capacity Act.”

SECTION 2. As used in this act:

(1) “Absorptive capacity” is a determination made by a local government evaluating, for a host community within that jurisdiction:

(A) The capacity of the community’s social service and healthcare agencies to meet the existing needs of the community’s current residents;

(B) The availability of affordable housing, low-cost housing, or both, and existing waiting lists for such housing in the community;

(C) The capacity of the local school district to meet the needs of the existing or anticipated refugee student population; and

(D) The ability of the local economy to absorb new workers without causing competition with local residents for job opportunities, displacing existing local workers, or adversely affecting the wages or working conditions of the local workforce;

(2) “Local government” or "local governments" refers to either the city council, governing body of any county having a metropolitan form of government, or county legislative body which regulates any host community being considered for refugee resettlement activity;

(3) “Tennessee office for refugees” means the state office which administers the refugee program for Tennessee, or the entity or agency to whom the state has delegated such function and that has been designated and recognized by the federal government to administer such program; and

(4) “Tennessee refugee coordinator” means the official designated by the Tennessee office for refugees.

SECTION 3. The Tennessee office for refugees shall:

(1) Meet at least quarterly with representatives of local governments to plan and coordinate the appropriate placement of refugees in advance of the refugees’ arrival;

(2) Ensure that representatives of local resettlement agencies, local community service agencies, and other publicly-funded or tax-exempt agencies that serve refugees in Tennessee shall meet at least quarterly with representatives of local governments to plan and coordinate the appropriate placement of refugees in the host community in advance of the refugees’ arrival;

(3) Execute a letter of agreement with each agency providing refugee resettlement services in this state. The letter of agreement shall require the parties to mutually consult and prepare a plan for the initial placement of refugees in a host community and set forth the continuing process of consultation between the parties. The provisions of the letter agreement shall be consistent with federal law regulating the resettlement of refugees; and

(4) At least quarterly transmit copies of the letters of agreement and any initial refugee placement plans prepared thereunder to the chairman of the house and senate committees on state and local government of the Tennessee general assembly respectively, and to the chairman of the budget committee of either the city council or the county legislative body regulating the host community.

SECTION 4.

(a) The Tennessee office for refugees shall accept an application from a local government for a moratorium on new refugee resettlement activities in a host community which lacks sufficient absorptive capacity.

(b) A host community lacks sufficient absorptive capacity where the local government, after consultation with the state refugee coordinator, holds a public hearing and issues findings based on the factors in Section 2(1) that further resettlement of refugees in the host community would result in an adverse impact to existing residents.

(c) Upon notice of a determination made pursuant to subsection (b), the Tennessee office for refugees shall thereafter suspend additional resettlement of refugees in that community, until the state refugee coordinator and the local government have jointly determined that sufficient absorptive capacity for refugee resettlement exists to implement the initial refugee placement plan prepared for the host community.

(d) The period of validity of a moratorium described in subsection (c) or any extension thereof, shall not exceed one (1) year.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.