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# KING & SPALDING

TRUST COMPANY OF GEORGIA BUILDING

ATLANTA, GEORGIA 30303

404 525-0481

October 3, 1967

Mr. Malcolm D. Jones  
Housing Resources Committee  
Room 1204, City Hall  
68 Mitchell Street, S. W.  
Atlanta, Georgia 30303

Re: Jurisdiction of Atlanta Housing  
Authority Outside City Limits

Dear Mr. Jones:

Following our telephone conversation of yesterday morning, I made a close check of the Georgia laws on the extra-territorial jurisdiction of the Atlanta Housing Authority, and I also checked out the effect of federal statutes.

With regard to housing operations, under the "Housing Authorities Act", the jurisdiction of an authority is defined as follows in § 69-1119, Ga. Code Ann.:

"(f) 'Area of Operation' in the case of a housing authority of a city, shall include such city and the area within 10 miles of the territorial boundaries thereof, but shall not include any area which lies within the territorial boundaries of any other city unless a resolution shall have been adopted by the governing body of such other city declaring that there is a need for the city housing authority to exercise its powers within the territorial boundaries of such other city. No city, county, regional or consolidated authority shall operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein." (Ga. Laws 1937, pp. 210, 212, as amended)

This means that the authority which first begins operating in an area outside the territorial limits of a city under this particular law shall have pre-empted jurisdiction from any other city authority whose extra-territorial jurisdiction would cover the same ground. For instance, if the Atlanta Housing Authority first began operating in an area of Fulton County which was also within 10 miles of the East Point Housing Authority, Atlanta's being there first would keep East Point out.

Although the law in Georgia seems to give the authority absolute right to operate within the unincorporated areas of a county, Mr. James Jones at the H.A.A. informs me that Federal law would require that the Authority have an operating agreement with the county. The Atlanta Housing Authority presently has such an agreement with Fulton County.

As for Urban Redevelopment, or Urban Renewal, the jurisdiction of the Housing Authority is only 5 miles. The Georgia "Urban Redevelopment Law" states in part as follows in § 69-1119, Ga. Code Ann.:

"(r) 'Area of Operation' shall mean the area within the corporate limits of the municipality and the area within 5 miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution shall have been adopted by the governing body of such other city or town declaring a need therefor." (1937 Ga. Laws, pp. 210-230, as amended)

Of course there are numerous provisions in Georgia law for cooperative agreements between various authorities, including provisions for joint action on occasion. However, the above statutes, plus the reference to the Federal requirements for a cooperation agreement, set out the basic extra-territorial jurisdiction of the Atlanta Housing Authority.



Mr. Malcolm D. Jones


-3-

October 3, 1967

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If I can be of any further help to you, please let me know.

Sincerely,

  
Hugh Peterson, Jr.

HPJr:km

ccs: Mr. M. B. Satterfield  
Executive Director  
Atlanta Housing Authority

Mr. Carlton Garrett  
Director of Finance  
Atlanta Housing Authority