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March 31st, 1969

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Dear Mr. Sterne:

Over the past several months, we have become increasingly aware of the hardships worked on applicants by the one year residency requirement for Atlanta public housing. In our opinion, this requirement is bad public policy and is probably unconstitutional. I, therefore, urge the Board of Commissioners to consider its complete elimination.

As you may know, durational residency requirements in the area of public welfare have been attacked recently in the courts. Indeed, a three-judge Federal District Court for the District of Columbia has ruled that such a prerequisite for welfare benefits is unconstitutional.

The District of Columbia case, along with others, is currently pending before the United States Supreme Court. It is likely that a decision voiding residency requirements for welfare applicants will be rendered in the near future.

The argument before the Supreme Court in the welfare cases is equally applicable to public housing. No legitimate purpose of the Federal or State public housing program is served by a durational residency requirement, since the twelve month rule merely forces poor newcomers to Atlanta to live in the slums or to pay excessive rent (and perhaps skimp on other necessities) until they have been in the City a full year.

Mr. Edwin L. Sterne, Chairman  
Board of Commissioners  
Atlanta Housing Authority

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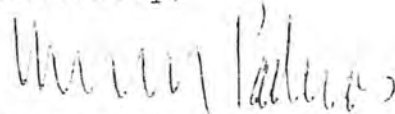
Furthermore, denial of public housing in Atlanta serves to limit severely a Georgia citizen's fundamental rights to freedom of movement and association.

Because of the likelihood of a Supreme Court decision outlawing durational residency requirements for welfare applicants, we are loathe to devote time and effort to litigating a similar requirement in public housing. If our clients' interests cannot be served without litigation, we shall, of course, be obliged to move forward through the courts. But I would urge the Authority's Board to reconsider its position in this matter.

It is our understanding that Mayor Allen has taken a personal interest in the residency requirement. I am, therefore, sending him a copy of this letter and urging him to support our request for a change in the rule.

I shall look forward to hearing from you soon concerning this matter.

Sincerely,



Michael D. Padnos  
Director

MDP/cj

cc: Honorable Ivan Allen, Jr.,  
Mayor, the City of Atlanta.