

## Report of Legal Panel

December 9, 1968

In brief, the achievements and activities of the Legal Panel in the year to date have been as follows:

(1) Advocacy, drafting, and passage by the Atlanta School Board of a local constitutional amendment to allow the City of Atlanta, through its local School Board, to lease school buildings for a term longer than that of the City Council. The research on this project was done by Freeman Hutton and the Chairman of this Committee, and was presented by the Chairman to the School Board on June 28, 1968. The School Board passed the concept of leasing school buildings from private developers for a long-term in principal, and directed Mr. A. C. Latimore, the school board attorney, in conjunction with the Legal Panel to draft the specific local constitutional amendment.

The advantage of this local constitutional amendment would be that school facilities could be provided in a low-cost housing project in the form of rental payments over a term of years, thus alleviating the need of the School Board to construct a school facility at high initial costs, and thus providing the project with necessary community facilities. The most oft-used excuse in opposition to zoning property for low-cost housing is that no school facilities would be available; an objection which would become moot after passage of the constitutional amendment, in that the School Board would lease with little diminution in its bonds' credit.

Upon completion of the drafting, the amendment will then be submitted to the School Board sometime in early 1969, for formal approval so that it can be readied for the 1970 Legislature and subsequent referendum. As a practical matter, the leasing arrangements in Urban areas will probably be required to contain an option to purchase vested in the School Board, to circumvent HUD requirements, in that City credit against Federal Funds could only be allowed in structures which were a public facility; according to Mr. Neil Zittrouer, of the Department of Housing and Urban Development, Renewal Assistance Administration.

(2) The Legal Panel, through its Chairman, drafted the Package Zoning Proposal, presented to the Board of Aldermen on August 2, 1968, and assisted in the publicity surrounding the presentation of said proposal on August 2, 1968.

(3) The Legal Panel, through its Chairman, served on an Ad Hoc Committee, reviewing the total purposes of the Committee. This Ad Hoc Committee reviewed a report of Colonel Jones, dated February 7, 1968, and made its comments to the full Housing Resources Committee.

(4) Mr. Freeman Hutton delivered a report on the Housing and Urban Development Act of 1968. At the conclusion of the report, Mr. Hutton was charged with the responsibility of working with Mr. Bill Gates to compile a detailed analysis of the Act and its affect

on Housing Resources Committee activities.

The Legal Panel is presently working on Housing Code enforcement, inability of certain slum dwellers to obtain building permits in non-conforming areas of the City, as well as its continued analysis of the Housing and Urban Development Act of 1968, and continued participation in the School Board amendment involving leasing.

Archer D. Smith, III  
Chairman, Legal Panel