

*Copy to Earl Sanders*

September 20, 1966

Col. Malcolm Jones,  
Supervisor of Inspection Services,  
Building Department,  
City Hall,  
Atlanta, Georgia.

Dear Col. Jones:

As you know, Mr. Milton, Codes Compliance Officer, and I review each case prior to trial each Thursday and determine the penalty and Court order, which I recommend to the Presiding Judge. I am sure you will agree that nine times out of ten, Judge Sparks imposes the sentence and order which I request in behalf of the City.

Mr. Milton and I make our recommendation to the Judge on the following basis:

1. Number of prior notices of deficiencies by the City to the defendant.
2. The severity of the violations (whether or not there are a few minor repairs or numerous violations).
3. Whether or not we feel the defendant's failure to comply is willful, or whether or not the person is financially unable to make corrections.
4. Whether or not the defendant is receiving income from the property, is an owner-occupant, or the building is vacant.
5. The defendant's past record in Court, if any.
6. Whether or not the person we bring into Court has the authority to make repairs (for example, agents, who have only the authority to lease or sell the property, and no authority from the owner to make repairs. Also, in cases involved in litigation, estates, incompetents, etc.).

7. Whether or not the property is located in a "Proposed Area". Up to the present time, Mr. Milton has advised that it is the policy of the Housing Division to only require minimum standards of the Code to correct hazardous, unsafe and unsanitary conditions, until such time as the property is acquired.

Joe Shaffer has received one notice from the City and it is my understanding that this section is in a "Proposed Area". The tenants have also been cited for violating the Code. I presume these tenants are destitute; therefore, if a penalty is imposed, the majority will serve time in the City Jail in lieu of payment of the fine. If possible, I would like to know whether or not suitable housing is available in Atlanta at an amount these people can afford to pay. If we request that these people vacate the premises immediately, I believe this question will arise and I would like to have an answer.

In view of the City's policy in "Proposed Areas", and because of the recent riots, I am bringing this matter to your attention, so that if you deem it necessary, the Mayor's office and Mr. Wofford might be consulted.

It is my suggestion that we have a conference regarding this matter, and I am of the opinion that Mr. Robert Lyle should be present, inasmuch as he and I have worked on these cases together.

Very truly yours,

(Mrs.) Colette Dusthimer,  
MUNICIPAL COURT, General Division,  
City of Atlanta.

CD/dj

CC: Mr. C. L. Milton, ✓  
Codes Compliance Officer.

*This property is in  
Vine City*