

**CITY COUNCIL  
ATLANTA, GEORGIA**

**24-O-1530**

**AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE MAYOR OR HIS DESIGNEE, TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES PART III – LAND DEVELOPMENT CODE, APPENDIX E (ATLANTA HOUSING CODE OF 1987), ARTICLE 1. (POLICY AND ADMINISTRATION), SECTION 18. JUDICIAL PROCEEDINGS AND ARTICLE III. (ADMINISTRATIVE IN REM), SECTION 33. IN REM REVIEW BOARD HEARING; AND FOR OTHER PURPOSES.**

WHEREAS, Part III - Land Development Code, Appendix E (“Atlanta Housing Code of 1987”) of the City of Atlanta (the “City”) Code of Ordinances establishes maintenance of the minimum requirements necessary for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential property in the City of Atlanta; and

WHEREAS, currently, violations of the Atlanta Housing Code are criminal and civil in nature; and

WHEREAS, corporate entities owning property in the City are charged with civil, rather than criminal, violations of the Atlanta Housing Code; and

WHEREAS, currently, service of civil notice shall be accomplished as provided by State Law; and

WHEREAS, there are additional costs of time and resources associated with bringing charges; and

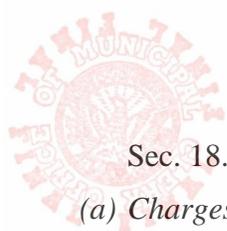
WHEREAS, these include the costs associated with the requirement of service; and

WHEREAS, it is therefore the desire of the City of Atlanta to amend the Atlanta Housing Code such that service of civil notice can be accomplished by:

At least 14 days prior to the date of the hearing, the director shall mail copies of the notice by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the notice shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1. That Part III - Land Development Code, Appendix E (Atlanta Housing Code Of 1987), Article 1 (Policy and Administration), Section 18.- Judicial Proceedings are amended as follows (added text is underlined font; deleted text is with strikethrough effect):



Sec. 18. - Judicial Proceedings.

(a) *Charges and Summons/Civil Notice.* If the owner, operator or occupant violates Section 17(a), the Director shall be authorized to issue to such person a copy of charges and summons, or in the case of corporate entities, a civil notice, directing the person to appear before the Court, or notifying them of their opportunity to do so, respectively, a specified time and place to answer the charges. Service of such charges and summons, or civil notice shall be accomplished as provided by: State Law.

At least 14 days prior to the date of the hearing, the director shall mail copies of the notice by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the notice shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.

SECTION 2. That Part III - Land Development Code, Appendix E (Atlanta Housing Code Of 1987), Article III (Administrative In Rem), Section 33.- In Rem Review Board Hearing are amended as follows (added text is in underlined font; deleted text is with strikethrough effect):

Sec. 33. - In Rem Review Board Hearing.

(a) The Board shall conduct a hearing on each property presented to it and make the following determinations:

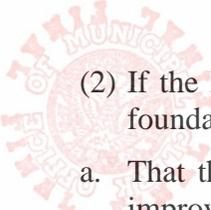
- (1) When the property is occupied, the Board shall determine if the property is unfit for occupancy or habitation.
- (2) The percent of deterioration or damage exclusive of foundation and lot.
- (3) The value of the Building after repairs have been made exclusive of foundation and lot.
- (4) The cost of repairs necessary to bring the building into compliance with the Atlanta Housing Code or the Atlanta Commercial, Institutional and Industrial Building Maintenance Code exclusive of foundation and lot.
- (5) If after the In Rem hearing, drug crimes are found to have been committed in vacant buildings, dwellings or structures, the Board shall issue an order to the Commissioner of the Department of Housing to demolish the property if the property is more than fifty percent (50%) deteriorated.

The Board shall state its finding of fact in writing.

(b) *In Rem Review Board Orders:*

(1) After notice and hearing, if the Board finds that any building is unfit for occupancy or habitation, it shall issue an order directing the Director to place a signed and dated placard on the structure stating:

"WARNING. This property has been determined by the City of Atlanta In Rem Review Board to be unfit for habitation or occupancy and in violation of the Atlanta Housing Code/The Atlanta Commercial, Institutional, and Industrial Building Maintenance Code. It shall be unlawful for this building to be occupied after 30 days from the date of this notice, until the property has been rendered fit for human habitation or occupancy in a manner satisfactory to and approved by the Director of the Bureau of Buildings. Mutilation or unauthorized removal or defacing of this placard shall be an offense punishable by fine and/or imprisonment."



(2) If the Board finds that any building can be repaired at less than 50 percent of the value, exclusive of foundation and lot, it shall issue an order stating:

- a. That the building has been found unfit for occupancy or habitation or other use and can be repaired, improved or altered at a cost constituting a specific percent of the value of the building;
- b. An enumeration of conditions shall be made which render the dwellings or buildings unfit for habitation or occupancy other uses as well as an enumeration of remedial action necessary to correct each of these conditions;
- c. A specified period of time reasonably set in relationship to the necessary remedial action, within which such action shall be completed;
- d. A statement that the owner, and/or party in interest may vacate and comply with Section 29 to abate interior requirements;
- e. A statement that, should the owner and/or parties of interest fail to make the repairs or vacate and comply with Section 29 within the prescribed time, the Director shall cause such building to be vacated, cleaned and closed and that, the amount of the cost of such vacating, cleaning and closing by the Director shall be a lien against the real property for the cost incurred; and
- f. A statement that the order shall be a standing order for a period of two years from the date of the order and that the Director may carry out such standing order from time to time as needed so as to ensure the continued compliance with such order with the cost of such constituting a lien against the real property. A statement that for a period of two years from the date of the order, the director may maintain the property in accordance with the order as needed to ensure continued compliance with such order with the cost of such constituting a lien against the real property.

(3) If the Board finds that the property cannot be repaired at cost of less than 50 percent of the value, exclusive of foundation or lot, it shall issue an order stating:

- a. The building has been found unfit for occupancy or habitation and cannot be repaired, improved or altered at a cost less than 50 percent of the value;
- b. A specified period of time reasonably set directing the owner and parties of interest to commence and complete the vacating and removal or demolition of said building, the cleaning of the premises and planting of grass on the lot;
- c. A statement that, should the owner and parties of interest fail to vacate, remove or demolish the structure and plant ground cover on the lot within the specified time, the Director shall cause the building to be vacated, removed or demolished and ground cover planted on the lot. The amount of the cost of such vacating, removal or demolition by the Director shall result in a lien against the real property for the cost incurred;
- d. A statement that the order shall be a standing order for a period of two years from the date of the order and that the director may carry out such standing order from time to time as needed so as to ensure the continued compliance with such order with the cost of such constituting a lien against the real property; and A statement that for a period of two years from the date of the order, the director may maintain the property in accordance with the order as needed to ensure continued compliance with such order with the cost of such constituting a lien against the real property; and
- e. The Director shall serve the above orders of the Board on the person in possession, owner and parties of interest.

**SECTION 3:** That all ordinances and parts of ordinances in conflict with this ordinance are hereby waived to the extent of any conflict.



**SECTION 4:** That amendments in this ordinance shall become effective immediately upon approval.

**SECTION 5:** That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Part III - Land Development Code, Appendix E (Atlanta Housing Code Of 1987), Article 1 (Policy and Administration), Section 18. - Judicial Proceedings and Part III - Land Development Code, Appendix E (Atlanta Housing Code Of 1987), Article III (Administrative In Rem), Section 33.- In Rem Review Board Hearing, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,

A handwritten signature in blue ink, appearing to read "Corrine Lindo", is written over the printed name.

Corrine A. Lindo

Municipal Clerk

ADOPTED by the Atlanta City Council

OCT 21, 2024

APPROVED per City Charter Section 2-403

OCT 30, 2024