

Bond Case Briefs

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POLITICAL SUBDIVISIONS - GEORGIA

Pass v. Athens Housing Authority

Court of Appeals of Georgia - June 27, 2023 - S.E.2d - 2023 WL 4194714

Plaintiff brought action against city housing authority, alleging that he was shot four times at close range by a resident at housing authority property, and asserting claims for premises liability, nuisance, and negligence.

The State Court granted housing authority's motion to dismiss on the basis of sovereign immunity. Plaintiff appealed.

The Court of Appeals held that city housing authority was not an instrumentality of the state and thus was not entitled to sovereign immunity.

City housing authority was not an instrumentality, department, or agency of the state and thus was not entitled to sovereign immunity from suit brought by plaintiff shot while on housing authority property; although state law enabled housing authority's creation, it was created by city, governed by local authorities with no day-to-day state control, received no funding, tax revenue, or insurance coverage from the state, was required to abide by federal housing agency rules, its employees were not covered by state benefits, and its purpose was to serve residents of the county rather than the citizens of the state.