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Guy v. Housing Authority of City of Augusta

Supreme Court of Georgia - June 24, 2025 - S.E.2d - 2025 WL 1737207

Tenant in low-income apartment complex owned by city housing authority brought premises-liability action against authority, alleging that authority was negligent in failing to provide property security or take measures to keep property safe, or both, leading to tenant being shot in the leg on the front porch of her apartment.

The State Court granted authority's motion for summary judgment. Tenant appealed. The Court of Appeals affirmed. Tenant filed petition for writ of certiorari, which was granted.

The Supreme Court held that Court would remand for consideration of the issue of authority's sovereign immunity under the proper analytical approach of examining common law of England as adopted by the General Assembly.

Supreme Court would remand for consideration of issue of city housing authority's sovereign immunity under proper analytical approach of examining common law of England as adopted by the General Assembly, on appeal in premises liability action against authority brought by tenant in low-income apartment complex owned by authority, where, because of framing of question in the Court of Appeals, briefing on issue of sovereign immunity did not engage with common law in a way that would aid the Supreme Court's consideration of the question under proper analysis, no court had yet performed an analysis of the common law for the Supreme Court to review, and it would be imprudent for the Supreme Court to reach out and decide that question in the first instance based on briefing before it.

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