



**CITY OF ATLANTA**  
**OFFICE OF THE INSPECTOR GENERAL**

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August 22, 2022

Andre Dickens  
Mayor  
City of Atlanta  
55 Trinity Avenue SW  
Atlanta, GA 30303

Dear Mayor Dickens:

The Compliance Division of the City of Atlanta (COA) Office of the Inspector General (OIG) recently concluded an investigation into a complaint alleging a violation of a residency requirement set forth in the Atlanta City Charter. In the course of its investigation, OIG learned that this residency requirement conflicts with Georgia state law. OIG recommends that COA revise its laws to reconcile this conflict.

Background

OIG received a complaint alleging former COA Department of Transportation Commissioner Josh Rowan did not live within the city limits of Atlanta, Georgia. According to the complainant, Rowan allegedly lived in Smyrna, Georgia, in violation of the city residency requirement set forth in COA Code of Ordinances Subpart A, Article 3, Chapter 3, Section 3-305, Subdivision (b) (Section 3-305), which states: “A commissioner, deputy commissioner, or bureau administrator of a department need not be a resident of the city at the time of his or her appointment but shall reside in the city throughout such appointment.”

Findings

A search of Oracle found that Rowan’s address was listed as 1772 Mackinaw Place, Smyrna, Georgia 30080, outside of Atlanta city limits. OIG expanded its review to determine if other city leaders failed to meet the residency requirement of Section 3-305. OIG identified approximately 21 commissioners, deputy commissioners, and other department heads from COA department websites and retrieved the contact information of each. The search indicated 15 of the 21 leaders were also not in compliance with Section 3-305.

Upon consulting with the COA Department of Law, OIG learned that Georgia state law prohibits local residency requirements. Specifically, Title 45, Chapter 2, Section 5 of the Official Code of Georgia Annotated (Georgia Code) states: “No municipal or county government in this state shall require as a condition of employment by such government that applicants for employment as officers or employees, or such officers or employees now or hereafter employed, must reside within the boundaries of the municipality or county.” Georgia Code preempts Section 3-305.

### Conclusion and Recommendations

The original allegation that Rowan did not live within the city limits of Atlanta was substantiated. However, in light of the Georgia Code prohibition on residency requirements, neither Rowan nor the additional city leaders found to reside outside of the city limits of Atlanta have violated the law.

As long as Section 3-305 remains as written within the Code of Ordinances, city leaders will be vulnerable to allegations that they are violating the law. Many leaders choose to live outside of the city, as is their right under Georgia Code. In addition to the express conflict with Georgia Code, the continued existence of the residency requirement of Section 3-305 creates an appearance of non-compliance by city leaders.

To address these issues, OIG recommends that COA:

1. Take legislative action to remove or revise Section 3-305 to conform with Georgia Code.
2. Conduct a broader review of the Code of Ordinances to remove or revise other residency requirements that conflict with Georgia Code.

Please let me know if you have any questions concerning this matter or if you wish to discuss this further. Please notify this office of your response to the above recommendations within 30 days.

Sincerely,

Shannon K. Manigault  
Inspector General

cc: Nina Hickson, City Attorney  
Lisa Y. Gordon, Chief Operating Officer  
Odie Donald II, Chief of Staff