



CITY OF ATLANTA

DEPARTMENT OF LAW

SUITE 5000 • CITY HALL TOWER
55 TRINITY STREET, S.W., ATLANTA, GEORGIA 30303-3520
(404) 546-4100 MAIN

ANDRE DICKENS
MAYOR

NINA R. HICKSON
CITY ATTORNEY

Filing A Claim

When someone is injured, or their property is damaged, and they believe the City of Atlanta to be responsible, Georgia Law mandates that a claim must be made in writing to the governing authority within six months of the event giving rise to the claim. This writing must include the specific amount of monetary damages sought, date, location, parties involved, and a brief explanation of the event. In the City of Atlanta, the Atlanta City Council is the governing authority and Georgia Law mandates that the Mayor and/or the President of the Atlanta City Council shall be served by delivering the claim to such official personally or by certified mail or statutory overnight delivery. Once a claim is delivered, it is forwarded to the Department of Law, Claims Division and assigned to an Investigator who will decide based on the evidence, if the City is legally liable. If the investigation determines that the City or its employees were negligent, then the Investigator will begin settlement negotiations with the damaged party. If a settlement is reached, the claim then must be approved by the Atlanta City Council and Mayor prior to the release of the settlement check. If the claim is denied because the investigation determined that the City was not responsible for the damages, the damaged party may then file a lawsuit in the appropriate jurisdiction to be resolved by the court system.



CITY OF ATLANTA

DEPARTMENT OF LAW

SUITE 5000 • CITY HALL TOWER
55 TRINITY STREET, S.W., ATLANTA, GEORGIA 30303-3520
(404) 546-4100 MAIN

ANDRE DICKENS
MAYOR

NINA R. HICKSON
CITY ATTORNEY

Claim Support Documentation Required

Vehicle Damage Claims:

- Completed claim form;
- Copy of vehicle registration or title;
- Insurance: a copy of the declaration page and the deductible amount;
- Paid receipts or two (2) estimates of repair costs for damages;
- Police or incident report (if applicable);
- Photos of incident area and damages;
- Exact street location.

All Other Property Damage Claims:

- Completed claim form;
- Itemized list of property damages including a description of each item with the quantity, brand name, serial number, date of purchase (or age of item) and purchase price;
- Bills, receipts, and estimates of repair costs concerning the described property;
- Insurance: a copy of the declaration page and the deductible amount (if applicable);
- Copy of property tax receipt (if applicable).

Personal Injury Claims:

- Completed claim form;
- Copies of medical records (notes) and bills from treating facilities, including pharmacy receipts;
- Police or incident report (if applicable);
- Photos of incident area and injuries;
- Exact street location;
- Any other documentation to support claim.

Ga. Code Ann., § 36-33-5

§ 36-33-5. Demand prerequisite to suit for injury to person or property; suspension of limitations

Effective: July 1, 2014

[Currentness](#)

(a) No person, firm, or corporation having a claim for money damages against any municipal corporation on account of injuries to person or property shall bring any action against the municipal corporation for such injuries, without first giving notice as provided in this Code section.

(b) Within six months of the happening of the event upon which a claim against a municipal corporation is predicated, the person, firm, or corporation having the claim shall present the claim in writing to the governing authority of the municipal corporation for adjustment, stating the time, place, and extent of the injury, as nearly as practicable, and the negligence which caused the injury. No action shall be entertained by the courts against the municipal corporation until the cause of action therein has first been presented to the governing authority for adjustment.

(c) Upon the presentation of such claim, the governing authority shall consider and act upon the claim within 30 days from the presentation; and the action of the governing authority, unless it results in the settlement thereof, shall in no sense be a bar to an action therefor in the courts.

(d) The running of the statute of limitations shall be suspended during the time that the demand for payment is pending before such authorities without action on their part.

(e) The description of the extent of the injury required in subsection (b) of this Code section shall include the specific amount of monetary damages being sought from the municipal corporation. The amount of monetary damages set forth in such claim shall constitute an offer of compromise. In the event such claim is not settled by the municipal corporation and the claimant litigates such claim, the amount of monetary damage set forth in such claim shall not be binding on the claimant.

(f) A claim submitted under this Code section shall be served upon the mayor or the chairperson of the city council or city commission, as the case may be, by delivering the claim to such official personally or by certified mail or statutory overnight delivery.

Credits

Laws 1899, p. 74, § 1; Laws 1953, Ex. Sess., p. 338, § 1; Laws 1956, p. 183, § 1; [Laws 2014, Act 487, § 1, eff. July 1, 2014](#).

§ 36-33-5. Demand prerequisite to suit for injury to person or..., GA ST § 36-33-5

Formerly Civil Code 1910, § 910; Code 1933, § 69-308.

[Notes of Decisions \(297\)](#)

Ga. Code Ann., § 36-33-5, GA ST § 36-33-5

Current through Acts 343 to 346, 348 to 631, and 633 to 669 of the 2014 Regular Session.

End of Document

© 2014 Thomson Reuters. No claim to original U.S. Government Works.



OFFICE OF THE MAYOR

City of Atlanta
55 Trinity Avenue, SW
Suite 2400
Atlanta, Georgia 30303

CLAIM FOR DAMAGES

Today's Date: _____

PRESIDENT, ATLANTA CITY COUNCIL

City of Atlanta
55 Trinity Avenue, SW
Suite 2900
Atlanta, Georgia 30303

Dear Mayor or President of Atlanta City Council:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$_____ property and/or \$_____ bodily injury for which I contend the City is liable. **A specific amount of damages must be stated.**

1. Date of incident: _____
2. Time of incident: _____
3. Police called: YES/NO Report No. _____
4. Location of incident (including street address): _____
5. Name of your insurance company: _____ Phone No. _____ Policy No. _____ Claim No. _____
6. State what and how incident occurred:

7. **ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!**

8. **The registered owner must make the claim for vehicle damages**, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.

Your vehicle: _____

(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____

(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____ Phone No. _____

10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. **Claims must be received within 6 months from the date of the event. This completed form must be received by personal delivery, certified mail, or overnight statutory delivery upon the Mayor or President of the City Council.**

I HEREBY SWEAR OR AFFIRM THAT THE
ABOVE INFORMATION IS TRUE AND CORRECT.

(Signature of Claimant)

(Email address of Claimant)

(Print Claimant's Name)

(Address)

(City, State and Zip Code)

(Work Number)

(Home Number)