

INSPECTION PERMISSION

In conducting the various types of inspections we perform, it often becomes necessary to enter private property. This policy guides the CEO whenever an inspection cannot be completed from the right of way.

Certificate of Occupancy

- At the time of application for a C of O, the property owner is required (as part of the application process) to sign a form stating that he/she has access and control of their property, giving them the right to allow us entry.
- When an owner denies consent on the C of O application, the procedures in Policy #33 shall be followed.
- Inspectors MAY NOT use the C of O process to gain entry to a property for other inspection purposes (such as a tenant complaint, neighborhood complaint, or exterior violations including grass/weeds and debris). In these cases, a Right of Entry form must be completed showing the source of permission given (if applicable) allowing entry onto the property.
- During the C of O process, many inspections may occur. If at any time during the process an owner withdraws his/her consent or an occupant denies consent for inspections, the inspector will follow the procedures in Policy #33 and:
 - Note the date and time and any/all relevant circumstances (ex. - comments as to you why the owner/occupant is refusing inspection). These comments are to become part of the record.
 - Any subsequent reinspections which result in the inspector entering onto the property after this occurrence must have the Right of Entry form completed.

Junk Vehicles

- An inspector cannot enter onto private property to inspect for a junk vehicle. An inspector can enter onto the property to attempt occupant contact to request permission to inspect for a junk vehicle. An inspector cannot inspect a vehicle, including taking the VIN or stickering a vehicle, without occupant/owner permission.
- If the inspector makes occupant/owner contact and permission is granted, the inspector must document the person's name that gave permission. Also, the person's name must be entered in the case file. The inspector can then conduct the inspection.
- If the inspector makes occupant/owner contact but is refused permission, the inspector must immediately leave the property.

- In cases where permission is refused or an occupant does not answer the door, and the vehicle in question cannot be seen from the public sidewalk or right of way, the inspector must attempt occupant contact at adjacent properties to request permission to look for the junk vehicle violation at the subject property (typically, a back yard situation). The inspector must note the name of the person giving permission and have it entered in the case file. If an adjacent occupant refuses to consent, the inspector must leave the property.
- If the inspector can see the alleged junk vehicle from the public sidewalk or right of way, or adjacent yard, a case can be opened with a Notice and Order issued to the property owner.
- Upon reinspection, the inspector can enter the property to obtain the required VIN and sticker the vehicle.
- Inspectors cannot enter onto private property with a locked fence.
- Inspectors cannot inspect/cite other code violations during a junk vehicle reinspection unless the observed violations pose imminent health and or safety threat to others.

High grass/weeds & Trash/debris For Occupied Structures

- The inspector cannot enter onto private property without permission. Inspections must be conducted from the sidewalk/ROW or adjoining private property if the owner/occupant gives the inspector permission. If consent is given, the inspector must note the person's name for the case file.
- N & O covering the entire yard is issued to the owner.
- If the reinspection shows the violation unabated, the picture will be taken from the public sidewalk/ROW.
- The normal process commences. The City's private contractor and DES have the right to enter onto the property to abate the violation, including back yard high grass/weeds or trash/debris. Suppose the crew is prohibited from entering the property to abate the violation. In that case, the inspector shall refer the case to the Code Enforcement CEO in that respective area, who will work with the Law Department to secure legal access.

High grass/weeds and Trash & debris/Exterior Inspections of Vacant Structures

- An inspector can enter onto private property with a vacant structure to inspect to ensure it is appropriately secured. At that time, the inspector can cite for any other exterior violations noted.
- If a structure requires boarding, the inspector can enter the structure to ensure it is vacant.
- The case opened, and N & O issued to the owner.
- Inspectors can also enter onto private property with a vacant structure to verify it is appropriately secured for reinspections. At that time, the inspector can reinspect any other exterior violations cited from the initial inspection.

Exterior Inspections of Occupied Structures Due To Complaints/Surveys

- The inspector can only enter onto private property to make owner/occupant contact by knocking or ringing the front doorbell. If no one answers the front door of a single or double structure, the inspector can attempt contact at a side door only. For three families and above, the inspector can attempt contact at a rear door. If no one is home or permission is not granted, inspections must be conducted from the public sidewalk/ROW or adjoining private property if the owner/occupant gives the inspector permission. If permission is granted, the inspector must note the person's name for the case file. If violations can be viewed without entering onto the property, then a case can be opened. **You cannot enter the enclosed front porch, nor can you access the common hallway to knock on someone's apartment door.**
- N & O issued to the owner.
- The inspector cannot enter onto the private property for reinspections. The rules for the initial inspection also apply to reinspections.

Tenant Complaints / Interior Violations

- The inspector can enter the property to try to make contact with the complainant.
- Before entering the complainant's unit to conduct the inspection, the inspector must ask permission. If granted, the inspector must note the name for the case file. If denied, the inspector must leave the property.
- If the inspector is granted inspection permission for the rented unit, the inspector can also inspect all areas of the premises that the tenant says he/she has access to.

- The inspector can inspect other rental units at the same property if the occupants grant permission. Names must be taken and entered into the case file.
- Reinspections must follow the same process.

General Comments Regarding the Right of Privacy

- When an Inspector is either refused entry or asked to leave the premises after an inspection has begun by persons, including the owner has rights to the property, the inspector will immediately leave the premises. The inspector should then start the Judicial Inspection Warrant process for entry. All information (date & time of refusal, the person who refused, explanation) must be documented.
- Tenant and landlord rights of privacy must be honored at all times.
- A tenant has a right over a landlord to allow you entry to their apartment and any other area under their control.
- Remember - consent can always be withdrawn
- All Code Enforcement Cases, including C of O cases, must have the Right of Entry Form completed when entering private property.