

JUDICIAL INSPECTION WARRANTS

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The following procedures regarding Inspection Warrants are strictly followed whenever consent to inspect is denied or withdrawn. There are two general categories for these Inspection Warrants, situations that involve a certificate of occupancy and all others. To secure a warrant in all cases, the inspector must first complete the Inspection Warrant request form and submit it to their Supervisor for approval.

A) ACCESS DENIED ON THE C OF O APPLICATION

Once a c of o application is received where consent is denied, the property owner will be contacted by phone to confirm their intention. If consent is still denied, an entry letter will be sent to the building's occupant(s) in question. The entry letter will explain why an inspection is required and give the occupant(s) an option of rescheduling the appointment if necessary. When performing this inspection, the inspector will attempt to access every unit, properly documenting consent given or denied. The inspector will inspect every area of the premises that the tenant has a right to access, including the exterior. Suppose the inspector cannot gain access to any part of the structure during the entry letter appointment. In that case, they will make at least two additional attempts to gain access via the occupant before submitting a request for a warrant form to their Supervisor for approval. Before requesting a warrant, the inspector shall add the appropriate occupied without a C of O citation to the case.

The inspector should use the following guidelines in handling the applicable situation.

1) NO OTHER OPEN NOTICE AND ORDER FOR THE PROPERTY

Suppose there is no current open notice and order case for the property. In that case, the inspector will perform an inspection according to the guidelines stated above in paragraph (A) and cite the appropriate violations. If a warrant is required, any additional violations are added to the case upon executing the warrant. **Enforcement action can begin as necessary after executing the warrant (if one is required) once all of the violations have expired, and a final letter has been sent, so long as the inspector can verify non-compliance. If the only remaining violations are in the interior and you cannot gain access, a second warrant must be requested.**

2) PROPERTY HAS A CURRENT OPEN NOTICE AND ORDER

a) OPEN NOTICE AND ORDER WHICH IS NOT IN ENFORCEMENT

In this situation, the unabated violations should be added to the C of O case upon performing the inspection as stated above in paragraph (A). Once the violations have been added to the C of O case, the existing case can be administratively shut down. Enforcement action can commence using the guidelines stipulated in section (A-1) of this document.

b) OPEN NOTICE AND ORDER WHICH IS IN ENFORCEMENT

In this situation, any unabated violations which have been ticketed to date shall continue to be monitored on the existing case; all others should be transferred to the C of O case and closed administratively. An inspection will be conducted according to the guidelines in paragraph (A). Any new violations found should be added to the C of O case. If we have been unable to access any building area, the inspector shall complete the request for a warrant form. **Enforcement action can continue as necessary for the existing case violations, following the procedures outlined in policy #23.**

B) ACCESS DENIED ON A CASE THAT DOES NOT INVOLVE A C OF O

1) VIOLATIONS HAVE BEEN VERIFIED

If there are exterior violations that can be ticketed from a legal vantage point, the inspector shall follow the enforcement guidelines in policy #23. Suppose access continues to be denied and the remaining violations only involve the interior of an occupied structure, and the violations are of a health and safety nature. In that case, the inspector will complete the Inspection Warrant once a final letter has been issued form and submit it for approval to their Supervisor. **Enforcement action can commence upon executing the warrant.**

2) VIOLATIONS HAVE NOT BEEN VERIFIED

On occasion, we get complaints and or referrals where the occupants' health and safety are potentially being compromised. These scenarios include but are not limited to situations involving illegal occupancy of the third floor or cellar and where the occupant may live in squalor conditions. In these situations, the inspector must document the basis for the request for the inspection warrant and list all attempts to gain legal access to the areas in question.

NOTE: §1-19 INSPECTION WARRANT APPLICATION WITHOUT PRIOR NOTICE

A Department Head or a designated City officer or employee authorized by the Department Head may apply for an initial inspection warrant without giving the prior notice of intent to inspect as required by §1-14 and §1-20 if there is credible evidence to believe that a violation of a Property Code exists which immediately and significantly endangers the health or safety of any person.

Process of Securing an Inspection Warrant

Access Denied on a C of O Case:

- A confirmation phone call is made to the property owner
- Entry letter is sent to the occupants
- At least two additional documented attempts to gain access via the occupants
- N&O Issued upon successful entry letter inspection or 2nd attempt
- Final letter issued 30 days after N&O date
- Inspection Warrant request form is completed by the inspector and authorized by their Supervisor
- Template and exhibits are forwarded to Law by the CEC
- Law sends out the five-day notice
- Law submits the warrant request to the court
- A warrant is received by Law and forwarded to Code Enforcement staff
- A copy of the warrant along with an inspection entry letter is sent by Confirmation Mail to the occupants and the owner, allowing them to reschedule if necessary within seven days
- Inspector and Supervisor execute a warrant without the use of force
- If inspection of the entire building is unsuccessful, owner and occupant will be advised of the possible contempt order, and Law will be notified

Access denied in any other situation:

- Intent to inspect entry letter is sent to the property owner and occupants
- At least two additional documented attempts to gain access via the occupants
- Inspection Warrant request form is completed by the inspector and authorized by their Supervisor
- Template and exhibits are forwarded to Law by CEC
- Law sends out the five-day notice
- Law submits the warrant request to the court
- A warrant is received by Law and forwarded to Code Enforcement
- A copy of the warrant along with an inspection entry letter is sent by Confirmation Mail to the occupants and the owner, allowing them to reschedule if necessary within seven days
- A warrant is executed by Inspector and Supervisor
- If inspection of the area in question is unsuccessful, owner and occupant will be advised of the possible contempt order, and Law will be notified

Access is not possible to remedy situations involving no heat in large multiple dwellings:

- Inspector expressed the urgent need to remedy the situation on the initial date of inspection of the no heat situation.
- An additional attempt is made to contact the owner or their agent to confirm their intent on the day following the notice and order's issuance.
- The inspector has confirmation that the no heat situation is continuing, and through consultation with the occupants, no apparent action has been taken to restore the heat.
- The inspector reasonably believes that the lack of heat immediately and significantly endangers the tenants' health or safety or other occupants of the property.
- The applicable Affidavit and Inspection Warrant request form is completed by the inspector and authorized by their Supervisor.

Note: In every situation, other than those described in §1-19, the most recent notice of intent to inspect must be given within 90 days of the application for the inspection warrant.

(See Document #38)