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City council ought to do right thing

The city of Yuma's seeming reluctance to revise its flawed rental inspection program shows either a lack of understanding of the Constitution's protections or a deliberate intention to ignore them.

Fortunately, the Institute for Justice has decided to challenge the ordinance in court and get it revised. Assuming the courts go along, and we see no reason why they shouldn't, it will be a victory for individual rights.

At issue is a provision of the ordinance approved last March by the Yuma City Council that permits city inspectors to enter rental units without permission of the tenants to look for various health, safety and welfare requirements. The law also mandates property owners to register their properties with the city every three years and to upgrade rental units that fail inspection.

The requirements right now are targeted at the Carver Park neighborhood, a blighted area that the city is attempting to upgrade, but city officials have said it might be expanded to other parts of the city. City officials have defended the requirements on the basis of the need to protect renters from substandard housing.

However, the ends do not justify the means and our Constitution protects us from "unreasonable searches and seizures." The city ordinance has no provisions for tenants to be consulted about an inspection or to refuse one.

There is also no requirement for the city to get a warrant for an inspection—in other words to justify the need for it before a court—if there was a refusal.

The Institute for Justice pointed these violations out to the city months ago and asked that the ordinance be revised to make it constitutional. The city has dragged its feet—while continuing the inspections—and the law firm filed suit Monday.

Although the city now says it will only inspect units where tenants agree to let inspectors in, that is not adequate. The ordinance itself must be changed—individual rights should not be available at the whim of city officials.

A possibly costly, lengthy and unnecessary court fight can still be avoided if city officials will simply do what is right, and that is to remove the objectionable provisions of the ordinance immediately and replace them with constitutionally mandated protections.