

Yuma Daily Sun

February 4, 2003

City to revise rental inspection law so renters can say no

By T.M. Shultz

The city of Yuma's new Carver Park rental inspection law is being revised to allow renters to just say no.

If renters do decline to let city inspectors in, the city can still get a search warrant, but only if there is probable cause that the rental unit is in violation of the city's new housing standards for Carver Park.

The Yuma City Council is being asked to approve the revised law at Wednesday's council meeting. The meeting begins at 5:30 p.m. at Yuma City Hall, One City Plaza.

"The city never anticipated inspecting residential premises over the objections of a resident," said city spokesman James Stover. "The Institute for Justice insisted on a warrant provision, which we agreed to so we could continue our efforts to protect the health, safety and welfare of our citizens."

It's a victory for the little guy, said Tim Keller, an attorney for the Institute for Justice. The Institute is a national law firm known for its successful challenges to what it terms unwanted government intrusion.

The firm had filed a lawsuit in Yuma County Superior Court against the city last November after the city failed to respond to the firm's request for changes in the new city ordinance.

The Institute said Yuma citizens' rights were being violated because the city's Carver Park rental inspection program doesn't allow tenants to decline an inspection. Neither does the law require the city to get a warrant before its inspectors enter a rental unit if tenants or property owners have said no.

The lawsuit was filed on behalf of two Yuma tenants who live at A Shady Tree RV Park and who had denied the city access to their units. Their landlord is Yuma resident Patricia Stanphill.

Keller said his firm will drop its lawsuit just as soon as the rental inspection revisions go into effect, which should be around March 19.

He added that the city's willingness to address the issue should reassure the public.

"I think what it says is that individuals can in fact fight city hall and win," Keller said. "The fact that the city was willing to look at our lawsuit and then actually address our concerns ... is just a great victory for Patty Stanphill and her two tenants."

Stanphill said she's happy the city decided to revise its ordinance.

"They changed it and made it right," she said. "I think justice has been done."

Stanphill said her two tenants still won't let city inspectors in.

"They don't want their privacy invaded," she said.

The mandatory rental inspection program was approved by the council last March. It only applies to the Carver Park neighborhood, but city officials have said if it's successful, they would consider applying it throughout the city.

The program requires rental property owners to register with the city every three years and to meet certain minimum standards of health, safety and welfare.

On Wednesday, the council also plans to accept a report identifying future access points to the proposed Area Service Highway (ASH) and the types of interchanges that will be built.

The report will help the city plan for

future development in the areas surrounding the ASH.

In addition, the city is scheduled to introduce revisions to its adult-oriented business regulations. The revisions will ensure that the city's regulations are up-to-date with nationwide changes in the law, city officials have said.

For the past year, attorney Scott Burgthold has been reviewing the city's regulations, which were adopted in 1991, and has recommended several minor changes, officials said.

The city's law regulating adult businesses contains definitions, requirements for licensing such businesses, fees, inspections and provisions for revoking and suspending licenses under certain circumstances.

A public hearing is scheduled during Wednesday's meeting to consider rezoning property at the southwest corner of 3rd Street and 13th Avenue from high density residential to high density residential with a public overlay district.

The city intends to build a neighborhood teen center at the Carver Park location and include a police substation there. The city's planning and zoning commission has recommended approval of the city-initiated request.

During a previous public hearing on the matter, Rev. Al Jernigan, the pastor of a small church in the area, was the only person to speak against the teen center. He said Carver Park is already considered a high crime area and putting a teen center there would be asking for more trouble.

He said it would be better to put more homes in the area instead of more city-owned land. Homeowners, he said, would police their own area.