

## Here's The Problem With Required Inspections Of Apartment Homes

**By Michael J. Blonder, President, Georgia Apartment Association**

During the 2003 Georgia General Assembly, the Georgia Apartment Association provided legislative support to its members on many areas that could affect the apartment industry -- these ranged from standard landlord-tenant issues to land disturbance activities, fair housing and property taxes. The Association worked hard to educate Georgia's elected officials on our industry, its importance to our communities and citizens, and the strength it gives to our economy.

Perhaps the single most important accomplishment was the passage of HB 748, approved overwhelmingly by both the House and Senate. An amendment to the bill, which directly impacts the apartment industry, reads in part:

*"No local government is authorized to perform investigations or inspections of residential rental property unless there is probable cause to believe there is or has been a violation or violations of applicable codes, and in no event may a local government require the registration of residential rental property. Conditions which appear to be code violations which are in plain view may form the basis for probable cause."*

This final version of the amendment was the result of negotiations between the apartment industry, the Georgia Association of Realtors, the Georgia Municipal Association and the Association of County Commissioners of Georgia. It was introduced only after efforts at the local level had failed.

Any blanket inspection or required registration of rental properties is riddled with constitutional and legal questions. Central rights such as equal protection and privacy issues are at stake and would likely be violated. And the costs associated with these requirements would ultimately be borne by apartment residents, whose rights also could be jeopardized if their homes are inspected without their consent.

We know that legitimate problems can exist at apartment communities -- with hundreds of thousands of apartment homes in metro Atlanta alone, conditions are not always perfect. But where problems occur, they must be fixed. The apartment industry conducts dozens of workshops, training programs and educational sessions for our members each year to ensure that standards are maintained and that property problems are routinely addressed and eliminated.

However, the vast majority of apartment homes are well kept, thanks to apartment owners and managers who do the right thing. We simply believe that a government body should respect those who do the right thing, then assign their resources to existing problems that reflect probable cause for action.

That seems to us to be a good use of taxpayer money. To paraphrase an old adage, everyone should not be punished for the sins of a few.

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