



Twin Cities Couple Fights Mandatory City Property Inspections

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Police can't search your property without a warrant, so why should housing inspectors be any different? That's the crux of a case going before the Minnesota Supreme Court on Wednesday, pitting the owner and tenants of a duplex in Golden Valley against city housing inspectors.

American Experiment has joined the Cato Institute and other groups in supporting the Institute for Justice in challenging the Twin Cities suburb's ordinance requiring the inspection of every rental property. Several other Minnesota cities have similar policies requiring rental property inspections without cause or signs of housing code violations.

Golden Valley's rental ordinance gives housing inspectors access to the occupants' entire residence and does not prohibit inspectors from providing information to the police. The case wound up in court after the property owners and their tenants declined to let city inspectors inside the rental unit last year on constitutional grounds.

"This is about the protection of the privacy of your home," said attorney Anthony Sanders, who is representing the plaintiffs on behalf of the Institute for Justice, a Virginia-based law firm. "If the government wants to get into your home, do they need evidence that there's something wrong?"

Golden Valley inspects rental properties every three years. But in 2015, landlords Jason and Jackie Wiebesick and their tenants refused to allow the city to inspect their duplex. Their attorneys say they objected to the inspection on principle, as there was nothing wrong with the property.

The city sought an administrative warrant to enter the property. A district judge denied the request, but that decision was later reversed by the Court of Appeals. The Wiebesicks and their tenant, Jessie Treseler, appealed to the Minnesota Supreme Court.

The Star Tribune highlighted a legal brief filed by American Experiment and other groups on the plaintiffs' behalf.

"The only theoretical avenue of escape is for owners and renters to pack up all their belongings and hide them elsewhere until the government agents have gone away — until the next inspection," reads a brief filed by the Center of the American Experiment, the Cato Institute and the Electronic Frontier Foundation.

But the city and its supporters say such inspections stick to a tight script focused on building standards.

“They’re not digging through people’s personal belongings,” said Jessica Mikkelson, an attorney with tenant advocacy group Homeline, which filed a brief supporting the city in the case. “They’re checking out plumbing, and wiring, and outlets and smoke detectors. And then everybody goes home.”

She said the routine inspections protect renters, who may not know they can call the city about code violations or fear retaliation from a landlord for reporting problems.

Rental housing inspections have become routine in many Minnesota cities under the guise of promoting public safety. But Institute for Justice attorneys contend there’s no constitutional basis for the practice.

“These types of rental inspection programs are an end-run around constitutional protections on warrants, searches and seizures,” said IJ Attorney Meagan Forbes. “We hope that the Minnesota Supreme Court will put an end to these abusive inspection programs. Renters are not second-class citizens. Their homes are just as sacred, and the Minnesota Constitution protects them just as much as owner-occupied properties.”