



## Renters' and Landlords' check-list for the Rental Inspector

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October 18, 2017

With clipboard-carrying inspectors in Lakewood, Washington set to begin sometime after Christmas their examinations of rental bedrooms, closets, bathrooms, kitchens, and maybe cupboards, following is a suggested – in the spirit of the coming holiday – naughty-or-nice checklist of your own for the one knocking at your door wanting entrance to your home.

1. If the inspector is accompanied by police, after the inspection (or maybe before depending on your willingness to see the city in court), ask if the officer – and ask also of the inspector – if he/she was secretly recording the inspection on body camera. Some body cameras employ technology from California-based Visual Labs that utilize app- and smartphone-based cameras. All footage is automatically uploaded to cloud storage and can't be deleted without a review process. The city/police records department doesn't have to download files or create DVDs – the transfer of files is digital ([Denver Post](#)). "For years police in Federal Heights, Colorado used their body cams to record the interior of homes of renters without telling them, secretly recording and keeping the tapes on file" ("Renters Have Rights Too" Facebook page).
2. Demand proof – and copies – that the alleged inspector has (a) passed the Rental Housing Safety Program inspector's training course; (b) possesses the appropriate credentials; and (c) gives you a copy of an administrative search warrant from a court of competent jurisdiction that enables such inspection even while serving as an end run around the Fourth Amendment. While a list of credentialing agencies can be found on Lakewood's [link](#), accepting a verbal reference to the city's website much less being shown a badge on a lanyard hung around their neck would hardly seem adequate to serve your rights as a renter/landlord to allow them entry. The city claims you are "allowed to ask to see the inspector's ID before they enter your unit" and denying access after this badge – "proper notice" as the city calls it – has been flashed will subject you to penalties.

However, it is as reasonable for the renter/landlord to demand to receive these documents before the threshold is crossed, as it is to be required to post a copy of the "Certificate of Compliance" after the fact.

You will want copies of the above documents to keep in your possession to ensure that the one who wants to wander throughout your residence is, in fact, who they say they are and who is about to do what they say they can do, your constitutional rights notwithstanding.

Accompanying the inspector throughout and within your property is advisable, as is obtaining a copy (carbon, carbonless, non-carbon or NCR paper is acceptable) of the report before the inspector leaves.

3. Call your representative (that would not be anyone – pending the outcome of the upcoming General Election in November – on the Lakewood City Council as they are the ones who passed this law) or seek legal help. A couple suggestions:Pacific Legal Foundation (PLF) – Specializes in property rights. From their website:

“We challenge burdensome laws in courts and legislatures across the country, and in the hearts and minds of the American public.

“Governments at all levels undermine liberty by passing laws that interfere with peoples’ right to freely associate and express themselves, acquire and use property, or earn an honest living. It is daunting for the average person to defend those rights against the government, with its power and access to substantial resources. That’s where we step in. Thanks to our donors’ support, we represent all our clients for free.”

In contacting PLF, and speaking of elected representatives, reference the “Watchdog.org” article by M.D. Kittle concerning the legislature’s “Homeowner’s Bill of Rights to protect homes from government.”

An excerpt:

“Unfortunately, the creep of overbearing government at all levels has imperiled property rights and homeownership. It’s time for reform that protects and defends homeowners,” said the lawmakers, “from non-essential regulation.”

As further encouragement for PLF to take your case, not to mention the potential for a class action lawsuit, remind them that rental registries are unlawful, per Jacob Posik, this past September 21, Portland, Maine.

In that article Posik refers to the case of Nelson v. City of Rochester in which the Cato Institute weighed in, along with the Reason Foundation, Minnesota Free Market Institute, and Libertarian Law Council.

Excerpt:

“A person’s home is his castle and thus affords certain protections and immunities — including the right to exclude unwanted visitors — that apply whether you own or rent.

“Unfortunately, ordinances authorizing general administrative searches of rental properties have been increasingly adopted by local authorities with little protection for property rights or privacy interests.

“These inspections reach the whole of the buildings and all of the activity that occurs within, opening every aspect of people’s lives to the government: political and religious affiliations,

intimate relationships, and even all those Justin Bieber posters and *Fifty Shades of Gray* books you hide when people come over.

“These searches take place even if both the landlord and tenant believe them not to be necessary!

“The Fourth Amendment prohibits the issuance of general warrants to search private dwellings. The authorities claim to seek evidence of housing, zoning, or other administrative code violations, of course, but they lack individualized suspicion that any of the renters are engaged in such wrongdoing. Indeed, these home invasions are exactly what the Fourth Amendment was intended to prohibit: In colonial days, the Crown granted British officials general search powers against any home they wished, at any time, for any or no reason.

“These administrative warrants sanction videotaping and photography of the home, which becomes publicly available online: the whole neighborhood may find out that you have five different facial cleansers and an unusual amount of apple sauce.

“There’s no safeguard for privacy and any evidence of crime can be reported to police.”

In addition to the PLF, Cato would thus be another legal resource to fight your local city hall. If you find your rental the subject of the city’s “harassing invasion and want restated your Fourth Amendment’s protection of individual rights,” you can reach Cato [here](#).

Who knows, you might win a \$95,000 settlement from the city [like this couple did](#).