

Work Session Item: Resolution to Request State Help w/Rental Registry

Current Law:

O.C.GA

§ 36-74-30. Other enforcement methods; probable cause for investigation required

(a) It is the intent of this article to provide an additional or supplemental means of obtaining compliance with local codes. Nothing contained in this article shall prohibit a local governing body through its code enforcement officer from enforcing its codes by any other lawful means including criminal and civil proceedings; provided, however, that a local governing body shall not pursue a specific instance of an alleged violation of an ordinance against one violator before both a code enforcement board and a magistrate, municipal, or other court authorized to hear ordinance violations.

(b) 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.

Proposal:

Current state law makes it difficult for Doraville to identify the owners of rental properties when unsafe living conditions are discovered. For public safety and health reasons, and in the interest of the people living in these unsafe situations, I am proposing that Doraville's City Council pass a resolution requesting that the state legislature lift the prohibition on registering residential rental property. I do not propose we ask them to modify any other parts of the above law at this time.

If we are able to draft and pass a resolution, my hope would be to share this with other cities and hope that they would pass something similar. If we are successful in encouraging other cities to follow our lead, we could use this as a starting point to work with Georgia Municipal Association on lobbying the legislature to change this.

I have spoken to some of our legislators, and believe that they will work with us if we are able to find more support.