

Testimony on AD Legal Opinion Needed – per ACCF Resolution – also for Public Evaluation

(Bottom Line – Need Board to instruct County Attorney for immediate response/ruling)

Good morning, I am Larry Mayer, President of the Arlington County Civic Federation.

As you know, the public is now engaged in a debate about whether Arlington should allow Accessory Dwellings, meaning apartments in single-family homes.

The major objection we hear again and again is the County's inability to control the many existing illegal apartments and occupancy violations. We know that Code Enforcement needs the resident's permission to gain entry to perform an inspection – and that the courts are loathe to issue a search warrant without evidence that is very difficult to provide.

Thus an important question is whether Code Enforcement will be able to gain access to inspect legal Accessory Dwellings, if they are allowed.

The County Attorney has been asked whether occupancy limits can be legally set for Accessory Dwellings and has indicated yes. But he has been silent on the more difficult question — which we raised in our February 5th resolution — about whether owners and residents of legal Accessory Dwellings can be required to submit to unscheduled inspections.

And he has reminded people that he works for, and answers to you and, not the public.

So I ask you to turn to the County Attorney now and ask him the question that we see as critical:

“If the County legalizes Accessory Dwellings, can the County use a permit process to compel homeowners and accessory dwelling residents to submit to unscheduled inspections – or, as some people have asserted, would that violate their 4th amendment protections against search and seizure?”

Thank you very much – we look to hearing you do that now!