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Dear REALTOR®,

As the number of foreclosures continues to rise vacant and abandoned properties are becoming more prevalent in many of our communities. As a REALTOR®, you understand the challenges that vacant and abandoned properties present to the safety, security and viability of our neighborhoods. As local governments attempt to address this issue, they often claim to have difficulty locating the owner of these properties and are using all tools available to them to address code enforcement violations. If the owner of a derelict property cannot be located local governments may attempt to hold REALTORS® accountable for the security and maintenance of their listed properties.

Recently, code enforcement officials in the City of Atlanta used an existing ordinance to attempt to treat REALTORS® as an “operator” of listed properties. Enforcement of this interpretation resulted in fines for agents listing properties considered derelict by the city. Fortunately, the Atlanta Board of REALTORS® and Atlanta Commercial Board of REALTORS® have a professional governmental affairs representative who succeeded in clarifying that REALTORS® are not an operator of property and negotiated the dismissal of charges against real estate licensees.

Despite these efforts, REALTORS® in other jurisdictions are not immune from fines or citations. GAR is concerned that more local governments may look to adopt or enforce similar policies that could negatively affect REALTORS®, and we want our members to be on notice.

If a local code enforcement official attempts to fine you or your agents for any code enforcement violations, please consult GAR staff before making a decision to pay any fines levied against the property. By paying the fine and accepting responsibility for the conditions of the property, REALTORS® could unknowingly set a dangerous legal precedent.

If you are fined by local code enforcement officials for the condition of a listed property, please contact GAR Senior Director of Public Policy Keith Hatcher at khatcher@garealtor.com or (678) 491-6585 to discuss your options.

Our goal is to protect the interests of all REALTORS®. Your understanding and assistance is greatly appreciated.

Best regards,

Brenda Thompson
2009 Chairman GAR State and Local Government Committee