



June 23, 2015
Issue #61

U.S. Supreme Court Invalidates Los Angeles Ordinance Requiring Hotel Operators to Allow Police Inspection of Guest Records

The U.S. Supreme Court ruled yesterday, in *City of Los Angeles v. Patel*, that a provision of the Los Angeles Municipal Code requiring hotel operators to make certain guest register information available to police on demand violates the Fourth Amendment. *For more, see Page 2.*



Affordable Housing and Sustainable Communities Grants to be Awarded *Workshops to Discuss “Lessons Learned” Scheduled in July*

The Strategic Growth Council (SGC) is scheduled to award over \$120 million in Affordable Housing and Sustainable Communities (AHSC) grants and loans at its next meeting on June 30. Staff recommendations for the program have been [released](#) this week. *For more, see Page 2.*



WEBINAR: Employee Relations Legislative Webinar Series

Please join the League of California Cities® Personnel and Employee Relations Department on Tuesday, June 30 at 10 a.m. for the next installment in its webinar series on proposed legislation relevant to human resources professionals. League staff will discuss bills moving through the legislative process. *For more, see Page 3.*

The Los Angeles Municipal Code requires hotel operators to maintain certain registration records regarding their guests, including their names and addresses as well as vehicle and payment information. The Code also requires those records to “be made available to any officer of the Los Angeles Police Department for inspection,” and that failure to do so on request is a misdemeanor.

A group of hotel operators brought suit challenging the inspection requirement, arguing it violates their rights under the Fourth Amendment to be free from unreasonable search and seizure.

The U.S. Supreme Court agreed, in a 5-4 opinion authored by Justice Sotomayor. The Court found the inspection requirement is unconstitutional on its face because it subjects the hotel operators to punishment for failing to comply with an inspection demand without affording them an opportunity to obtain pre-compliance review by a neutral decision-maker.

The Court rejected the contention that facial challenges are not available, or are disfavored, under the Fourth Amendment. The Court also rejected the notion that the ruling would impede law enforcement efforts to deter criminals from using hotels to engage in illicit activities such as drug dealing, prostitution, and human trafficking. The League’s amicus brief in the case had emphasized that point, in support of the Los Angeles ordinance at issue.

Characterizing its holding as “narrow,” the Court explained that an inspection would not violate the U.S. Constitution if performed pursuant to an administrative subpoena, which would afford a hotel operator an opportunity to object to police review of its records. The decision further explained that an inspection would not violate the U.S. Constitution where another exception to the warrant requirement applies — such as where a hotel operator consents to a search or where exigent circumstances make law enforcement’s needs so compelling that the failure to obtain a warrant is justified.

In light of the ruling, police departments should consult with their city attorneys to ensure that any local ordinance providing for inspection of hotel guest records withstands constitutional scrutiny and remains enforceable.

The League thanks Tim Coates with Greines, Martin, Stein & Richland LLP for preparing the League’s amicus brief in this case.

'AHSC program' Continued from Page 1...

Just over a year ago Gov. Jerry Brown and the Legislature dedicated 20 percent of Cap-and-Trade auction revenues to the AHSC program. The program provides grants or loans to projects intended to achieve greenhouse gas reductions (GHG) through increasing accessibility of affordable housing, employment centers and key destinations via low-carbon transportation options, like walking, biking and transit, which result in fewer vehicle miles traveled.

According to SGC, the 28 recommended projects will provide over 2,000 new affordable housing units and reduce an estimated 723,286 metric tons of GHG emissions — the equivalent of taking 140,483 cars off the road for one year.

Once the first round of funding is awarded, the SGC will turn to reviewing the program guidelines for the second round of funding. SCG has scheduled two workshops for staff to hear from applicants about the process from their perspective, discuss lessons learned and to provide cities an opportunity to suggest changes before the next round of funding. Workshop details are below.

Northern California “Lessons Learned: Round One”— Greenhouse Gas Reduction Funds Workshop

July 14 1 to 4 p.m.
CalEPA Sierra Hearing Room, 2nd Floor
1001 I Street Sacramento, CA 95814

Southern CA “Lessons Learned: Round One” — Greenhouse Gas Reduction Funds Workshop

July 20
CalTrans District 7
100 S. Main Street
Los Angeles, CA 90012

Meeting agenda materials will be posted on the [SGC website](#) 10 days prior to each workshop.

'Webinar' Continued from Page 1...

This series provides members with the unique opportunity to not only ask questions, but offer their expert feedback about pending bills on the potential impact of proposed legislation on both their cities and their profession.

Please [register for this webinar](#) no later than noon on June 29. Cost to participate is free for League members and partners; \$100 for non-members. For registration questions, please contact [Megan Dunn](#).

Questions on personnel-related policy matter can be directed to Legislative Representative [Alicia Lewis](#).

For more information about the Personnel and Employee Relations Department, contact [Meghan McKelvey](#), department and member services manager, or see the [department page](#) on the [League's website](#).
