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CITY ATTORNEY

REPORT NO. **R 16 - 0065**

FEB 29 2016

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTION 41.49.3(a) OF THE LOS ANGELES
MUNICIPAL CODE TO COMPLY WITH THE UNITED STATES SUPREME COURT
DECISION IN *CITY OF LOS ANGELES V. PATEL***

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 14-0139

Honorable Members:

Pursuant to the request of the City Council, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance would amend Section 41.49 of the Los Angeles Municipal Code, which contains regulations regarding hotel guest registers and room rentals.

Background and Summary of Ordinance

Los Angeles Municipal Code (LAMC) Section 41.49 regulates hotel registers and room rentals and requires, in part, that hotels maintain records containing identification information for each guest, including the name and address of each guest. In *City of Los Angeles v. Patel*, 135 S. Ct. 2443 (2015), the Supreme Court invalidated the part in Section 41.49.3(a) that required records "be made available to any officer of the Los Angeles Police Department for inspection." The Court found that subjecting hotel operators to a penalty for refusing to turn over their records on demand, without affording them any opportunity for pre-compliance review, was unconstitutional.

In light of the Supreme Court's decision in *Patel*, this Office has prepared the enclosed draft ordinance to amend Section 41.49.3(a) to eliminate the requirement that a hotel operator allow an officer of the Los Angeles Police Department (LAPD) to inspect a hotel guest register on demand. Under amended Section 41.49.3(a), an LAPD officer may request the hotel operator consent to allow the LAPD officer to inspect a hotel guest register.

Council Rule 38


A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Los Angeles Police Commission and the Los Angeles Police Department with a request that any comments be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Gabrielle Ruha at (213) 978-8751. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By


DAVID MICHAELSON
Chief Assistant City Attorney

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Transmittal