



Legislation Text

File #: 16-218, **Version:** 1

Staff Report for First Reading of Ordinance to Amend San Leandro Municipal Code Sections 4-28-105, 4-28-115, and 4-28-120 Related to the Hotel Guest Registry Access

RECOMMENDATIONS

Staff recommends that the City Council introduce and conduct a first reading of the proposed Ordinance amending sections 4-28-105, 4-28-115 and 4-28-120, Title 4, Chapter 28 of the San Leandro Municipal Code to eliminate provisions of the Municipal Code that impose sanctions for a lodging operator's refusal to voluntarily produce a guest registry upon request and to clarify acceptable forms of identification for guests.

BACKGROUND AND SUMMARY

Title 4, Chapter 28 of the San Leandro Municipal Code (the "Lodging Registration Ordinance") requires lodging operators to maintain current guest registers containing specified information regarding guests including the names, residence address, automobile information and room occupied. Additionally, the Lodging Registration Ordinance requires lodging operators to make their guest registers available for inspection upon request by the Chief of Police. Failure to provide the guest register upon request is a violation of the Lodging Registration Ordinance.

The purpose of the Lodging Registration Ordinance is to facilitate the police department's ability to monitor the use of overnight lodging locations for illegal purposes including in connection with narcotics trafficking and prostitution. The Lodging Registration Ordinance has been useful to the police department in achieving its public safety goals. Additionally, multiple other California cities have a lodging registry ordinance to assist in enforcement efforts related to transitory use of overnight lodging establishments for criminal operations.

In 2015, the United States Supreme Court held in *City of Los Angeles v. Patel* (135 S.Ct. 400 (2014)) that cities cannot constitutionally require lodging operators to provide guest registries without an opportunity for pre-compliance review, the existence of exigent circumstance, or without a validly executed search warrant. Therefore, the City, without taking further steps or showing exigent circumstances, cannot require a lodging operator to produce a guest registry absent a voluntary willingness to produce the information.

In response to the Supreme Court's holding, the police department suspended warrantless searches of guest registries without voluntary consent. The purpose of the proposed amendments to the Lodging Registration Ordinance is to comply with *City of Los Angeles v. Patel* and provide other minor clarifying amendments. A police officer may request a lodging operator to voluntarily disclose the guest registry. A lodging operator may refuse, without legal consequence or repercussions. Absent voluntary disclosure, the police department must obtain a search warrant to access the guest registry. A lodging operator that refuses to produce the guest registry upon presentation of a duly

issued search warrant is subject to sanctions pursuant to the Lodging Registration Ordinance. Additionally, this Ordinance makes minor clarifying amendments regarding acceptable forms of identification for guests.

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