

For the International Municipal Lawyer's Association - IMLA's 5 things to know for May 21<sup>st</sup>

1. A 9<sup>th</sup> Circuit panel in a 2-1 decision upheld a decision by a District Court to *sua sponte* determine if summary judgment should be granted on the basis of qualified immunity. The panel upheld that decision and the substantive decision to grant immunity to a police officer who believed a person he was chasing had a gun when he shot that person. The Plaintiff was running away, had something he was holding at the waist, reached with the left hand to the waist and then threw what was later found to be a gun away in a Frisbee throwing motion. Within seconds of that action the officer fired.

<http://cdn.ca9.uscourts.gov/datastore/opinions/2018/05/18/16-55941.pdf>

2. In San Francisco a gun fight drew the attention of the City to a home that was being rented out as a short term rental bringing in as much as \$800 per night. The owners had applied for a permit but its denial did not deter them. Former IMLA President Dennis Herrera and his great team in San Francisco have sued the owners for violating the law by turning their home into a hotel. As noted by Dennis, this is a time in San Francisco when housing shortages are critical and the short term rental law helps to further erosion of available housing.

<https://missionlocal.org/2018/05/sf-city-attorney-sues-couple-for-turning-home-into-illegal-hotel/>

3. Across the country in Newport, Rhode Island the city and state are concerned about their own short term rental problem. The city is considering regulations similar to San Francisco's and in the discussion have concerns as to whether the state building code requiring fire sprinklers in transient housing applies. The city's leaders note many of the concerns raised by others about changing the character of a neighborhood when homes become hotels.

[http://www.newportthisweek.com/news/2018-05-17/Front\\_Page/Growth\\_of\\_ShortTerm\\_Rentals\\_Remains\\_Concern.html](http://www.newportthisweek.com/news/2018-05-17/Front_Page/Growth_of_ShortTerm_Rentals_Remains_Concern.html)

4. The Seventh Circuit decided a case having significance for counties. Counties often face issues of how to characterize people who work for independent offices that are funded by the counties: think, court personnel, sheriff's deputies and many others. In its decision, the Seventh Circuit concluded that a person working for a juvenile facility under the auspices of the court was not a "county employee" and that the county board was not the employer under the ADA.

<http://media.ca7.uscourts.gov/cgi-bin/rssExec.pl?Submit=Display&Path=Y2018/D05-18/C:17-2577:J:Kanne:aut:T:fnOp:N:2158007:S:0>

5. In South Portland, Maine the city council voted to deny renewal of licenses to two motels due to complaints involving criminal activity. As to one motel, the issue was complaints of prostitution and the other involved drug use and an overdose death.

<https://www.pressherald.com/2018/05/17/south-portland-refuses-to-renew-the-licenses-of-2-motels-on-advice-of-police-chief/>

We're already getting ready for our conference in Houston. Have you heard of the Art Car House? It's in Houston and you'll want to be registered for a land use tour that goes there. Remember, it's a city without zoning. Register now before the rates go up. Get more from IMLA by joining. Not a member? Contact us. Sign up at [www.imla.org](http://www.imla.org) . Have a great day and make it an inspirational one.