

For the International Municipal Lawyer's Association - IMLA's 5 things to know for May 8th

1. In a report out of Indiana, Knox County appears to be working on a first of its kind ordinance in the state – an ordinance regulating invasive species of plants. The issue of these interloping plants has been made more problematic with nurseries in the area offering several of the nuisance plants for sale.

<https://www.usnews.com/news/best-states/indiana/articles/2018-05-06/indiana-county-working-on-invasive-species-ordinance>

2. In Oakland a suit brought under that city's tenant protection ordinance by the city and several tenants yielded a \$1M settlement and agreement by the landlord to submit to an injunction. The suit accused the landlord of harassing the tenants who are mostly Chinese immigrants and seeking to displace them.

<https://www.eastbayexpress.com/SevenDays/archives/2018/05/02/landlord-agrees-to-pay-1-million-to-renters-and-city-of-oakland-in-settlement-of-tenant-protection-case>

3. Across the Bay, San Francisco City Attorney and former IMLA President Dennis Herrera has brought action against a couple for illegally renting properties through short term rental platform Airbnb. The couple had violated the city's short term rental laws previously and had been enjoined from continuing the violations. As the reporter states, the owner's actions in trying to deceive the city were almost from a "Pink Panther" movie they were so comically staged. Short term rentals are big business and very lucrative in San Francisco. The couple made over \$700K in just a few months.

<https://www.sfchronicle.com/business/article/Landlords-turned-14-San-Francisco-apartments-into-12878662.php>

4. In Juneau Alaska, the City and Borough sought to deal with a problem of homelessness by keeping open a campsite for people otherwise left to find places to sleep. It contracted with a man to act as caretaker. Things turned ugly when the caretaker joined the campers for more than a few beers and one of the campers took the caretaker's gun and shot a fellow camper. The city asserted immunity but the court concluded using the operational vs discretionary function test that the opening of the camp was operational for which it was not immune. The court felt the city could not escape liability for the actions of its caretaker, either. I liked the Maryland immunity test better – if the activity was governmental there was immunity; if proprietary there was not - wouldn't it be nice for everyone to go back to that rule?

<https://public.courts.alaska.gov/web/appellate/opinions/sp-7238.pdf>

5. The Connecticut Supreme Court recently revisited a case where a dispute arose under that state's law that seeks to settle the width of a highway where the boundaries have been lost in time. The road's history dates back to the middle 1700's when it led to a ferry, but with abandonment of the ferry the boundaries of the road seem to have been lost. For those of us who wonder how the coming Supreme Court case testing whether a "taking" may first be brought in federal court, I wonder how courts would deal with a claim that a proceeding like this one constitutes a taking of a property owner's property who felt the road's boundaries were short of the owner's property vs a person whose access to a road may no longer exist due to that abandonment?

<https://jud.ct.gov/external/supapp/Cases/AR0cr/CR328/328CR34.pdf>

We're already getting ready for our conference in Houston. Have you been to the beer can house? A land use tour will get you there. Register now before the rates go up. Get more from IMLA by joining. Not a member? Contact us. Sign up at www.imla.org . Have a great day and make it an inspirational one.