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## PLF RELEASE

Contact: Meriem L. Hubbard  
Principal Attorney  
Pacific Legal Foundation  
[mlh@pacificlegal.org](mailto:mlh@pacificlegal.org)  
(916) 419-7111

Wencong Fa  
Attorney  
Pacific Legal Foundation  
[wf@pacificlegal.org](mailto:wf@pacificlegal.org)  
(916) 419-7111

## Highland is sued for attempting warrantless snooping on rental property

**HIGHLAND, CA: July 13, 2016:** The City of Highland is violating fundamental constitutional rights by trying to coerce landlords and tenants into surrendering their freedom from unjustified, warrantless government intrusion on their property.

So argues a new federal lawsuit against the city. It challenges the city's attempt to pressure a rental property owner and his tenants into allowing an open-ended search of their home by city inspectors, without any complaints or evidence that the property has any problems, and without an administrative warrant as required by the Fourth Amendment.



Meriem L. Hubbard  
Principal Attorney



Wencong Fa

## Highland Attempts Warrantless Snooping ...

Attorney

In the civil rights lawsuit, filed in the U.S. District Court for the Central District, property owner Karl Trautwein and his tenants are represented by Pacific Legal Foundation (PLF), a national watchdog organization that litigates for limited government, property rights, and individual rights. Donor-supported PLF represents all clients free of charge.

At issue are the city's coercive tactics in implementing its program for overseeing rental units. Instead of simply responding where there have been complaints about code violations, the city adopted the goal of aggressively inspecting all 4,800 rentals within city limits, whether or not there have been complaints. To cut corners in this overwhelming task, officials are attempting to evade the Fourth Amendment requirement for obtaining administrative warrants to conduct inspections. Instead of going to a court and showing cause to receive such permission, the city is attempting to bully property owners and tenants into allowing inspectors in without a warrant.

### **The city tries to arm-twist owner and tenants into surrendering Fourth Amendment rights**

Karl Trautwein and his tenants are victims of this arm-twisting. Mr. Trautwein owns a number of rental homes throughout Southern California. He takes pride in maintaining them to a high standard and keeping tenants satisfied, and he objects to baseless, uncalled-for intrusions by government bureaucrats. But when he and the tenants in one of his rental homes in Highland refused an open-ended inspection of their property, the city responded with a threat. Mr. Trautwein was charged a "re-inspection fee" and told his rental license would not be renewed if he continued to refuse to allow a warrantless entry.

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“The Fourth Amendment is a core constitutional protection for privacy and property rights,” said PLF Attorney Wencong Fa. “The City of Highland is trying to strong-arm Mr. Trautwein and his tenants into surrendering this precious constitutional right, by holding Mr. Trautwein’s rental license hostage. Mr. Trautwein is being hit with what the law calls an ‘unconstitutional condition’ — either he and his tenants give up their Fourth Amendment protection from warrantless government invasion of their property, or Mr. Trautwein’s license to rent will not be granted. As our lawsuit points out, government cannot confront anyone with a false choice of this kind, which coerces them out of constitutional freedoms.”

## Regulatory overkill — and unconstitutional harassment

“With its crusade to inspect all rental properties, even those like mine without any tenant complaints, the city is wasting its resources, and harassing law-abiding people,” said Karl Trautwein. “Ironically, this is the kind of regulatory overkill that can reduce the supply of rental housing by causing conscientious and hard-working property owners to decide it’s not worth it.

“The city’s aggressiveness against rental property owners is more than bad public policy,” Mr. Trautwein said. “It’s out-and-out unconstitutional when officials scheme to evade the warrant requirement for entry and inspection. I have nothing to hide with my rental property. I’m proud of how I maintain it. My tenants also have nothing to hide. But for precisely that reason, the city should not be violating our privacy for no good reason, and it can’t be permitted to go snooping without a warrant.

“There is no freedom without property rights and the privacy they protect,” he noted. “Privacy means no one can come inside your residence unless you invite them in. Cities have no business forcing their way into people’s homes. The Constitution provides a way for government to enter a home — by convincing a judge to issue a warrant based on probable cause. Highland wants to avoid the inconvenience of that constitutional requirement.

“The rental business is like any other business,” he added. “If a business does not take care of its customers, they won’t be in business. I take care of my residents by properly maintaining my properties. If I don’t, they will move somewhere else. So violating the privacy rights of my residents without probable cause is as unnecessary as it is wrong. My tenants are adults. They don’t need a government agency to tell them when something is wrong at the house. My tenants are smart enough to know when there is a problem. All they need to do is give me a call and it is taken care of.

"I am glad to be working with Pacific Legal Foundation in pursuing this lawsuit, which is about the city's constitutional responsibilities and everyone's constitutional rights," he continued. "The Constitution says property rights and privacy rights must be respected, and this mandate is not optional. It is binding on all public officials, including the housing authorities in Highland."

This case is [Trautwein v. City of Highland, et al.](#) More information, including the [complaint](#), an explanatory [blog post](#), a [podcast](#), and a [video statement](#), is available at: [www.pacificlegal.org](http://www.pacificlegal.org).

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Donor-supported Pacific Legal Foundation is the leading legal watchdog organization that litigates for limited government, property rights, free enterprise, and a balanced approach to environmental regulations, in courts across the country. PLF represents all clients free of charge.

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930 G Street, Sacramento, CA 95814

(916) 419-7111 | Email: [plf@pacificlegal.org](mailto:plf@pacificlegal.org)

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