

## ATTACHMENT A - Hotel/Motel Ordinance Comparison Chart

### Summary of Ordinances Compared in the Chart:

- **Existing Ordinance** – Claremont’s existing Hotel/Motel Ordinance is codified in Section 16.051.060 of the Claremont Municipal Code. The City Council adopted this Ordinance in 2004 (Ord. 2004-04). As a result of legal developments over the last eleven years, the City cannot enforce some parts of its existing ordinance (e.g., the City generally cannot demand hotels/motels make their records available for City inspection). Even though they are not in the Hotel/Motel Ordinance, the City has other requirements spread throughout its Municipal Code and Zoning Code that apply to hotels and motels (as well as other businesses), like commercial landscaping standards (CMC Chapter 8.22), environmental protection standards (CMC Chapter 16.154), and the authority to declare structures, uses, or conditions on a property to be a “public nuisance” (CMC § 8.16.020).
- **Amended Ordinance “Version 1.0”** – After outreach to members of the community, in April 2022, the City’s Police Commission approved a “Statement of Direction” that, among other things, recommended conceptual provisions for a new or amended Hotel/Motel Ordinance. The City Attorney’s Office drafted Version 1.0 of the amended ordinance to attempt to draft amendments to the Zoning Code that, if adopted, would implement the Police Commission’s Statement of Direction. Importantly, the Police Commission adopted the Statement of Direction as a starting point. Although an ad hoc committee of the Police Commission had done community outreach, at the time the Police Commission adopted the Statement of Direction, the Commission did not have the benefit of input from City staff, the City Attorney’s Office, the Planning Commission, or stakeholders in the hotel/motel industry.
- **Amended Ordinance “Version 2.0”** – Staff used Version 1.0 to gather input from the City’s Police Department, Community Development Department, Community Improvement Division (Code Enforcement), City Attorney’s Office, and stakeholders in the hotel/motel industry on the amended ordinance. The City Attorney’s Office used this input to draft Version 2.0 of the amended ordinance. Staff included Version 2.0 in the Planning Commission’s agenda report for the Planning Commission’s October 4, 2022 meeting as the staff recommended version.
- **Amended Ordinance “Version 3.0”** – After the agenda report for the Planning Commission’s October 4, 2022 was made available to the public (on the evening of September 29th), the City received public comment from members of the community and stakeholders in the hotel/motel industry requesting certain changes to the amended ordinance. Staff agreed that many of the proposed changes improved the clarity, effectiveness, and enforceability of the proposed ordinance. The City Attorney’s Office used this additional public input to create Version 3.0 of the amended ordinance so that the Planning Commission could consider it at its October 4, 2022 meeting. At the meeting, staff proposed Version 3.0 as the updated staff recommended version.
- **Long Beach’s Nuisance Motel Ordinance** – The City of Long Beach adopted its Nuisance Motel Ordinance in 2020. It is codified in Chapter 5.57 of the Long Beach Municipal Code (i.e., it is business regulation ordinance, not a zoning ordinance). Unlike Claremont’s existing ordinance and Version 1.0, 2.0, and 3.0 of Claremont’s proposed amended ordinance, Long Beach’s Nuisance Motel Ordinance only applies to motels that Long Beach has declared to be a nuisance through administrative nuisance abatement proceedings (like the proceedings in Chapter 8.16 of Claremont’s Municipal Code).

## Hotel/Motel Ordinance Comparison Chart

1.	Scope				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
Applies to all hotels and motels Citywide.	Applies to all hotels and motels Citywide, but staff recommended <b>heightened requirements for freeway motels only.</b>	← Same	← Same	<ul style="list-style-type: none"> <li>• Only applies to motels that have been “deemed a nuisance.” (§ 5.57.030(A).)</li> <li>• To deem a motel a “nuisance,” the City must:</li> <li>• Receive a complaint;</li> <li>• Conduct an investigation to verify the complaint;</li> <li>• Notify the motel of the complaint and investigation;</li> <li>• Hold an on-site meeting with the motel operator to discuss any verified violations;</li> <li>• Provide a correction period (minimum 30 days); and</li> <li>• If violations are not corrected, complete administrative nuisance abatement proceedings. (§ 5.57.040(A)(1)-(4).)</li> </ul>	
<p><b>KEY DECISION #1:</b> Should the ordinance: (1) <b>proactively</b> apply to all hotels/motels (like Versions 1.0-3.0); or (2) only apply <b>reactively</b> to motels that have been declared a “nuisance” through nuisance abatement proceedings (like LB’s ordinance)?</p> <p><b>Staff Rec:</b> Version 3.0 – <b>proactively</b> apply to all hotels/motels, <b>including heightened requirements for freeway motels.</b></p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Clear operating and site requirements for all hotels/motels.</li> <li>▶ Faster results for any problem hotels/motels – declaring a hotel/motel a “nuisance” takes time and can be challenged through legal action.</li> <li>▶ Aimed at preventing problems <b>before</b> they arise (rather than responding to problems).</li> </ul> <p><u>Cons:</u></p> <ul style="list-style-type: none"> <li>▶ Less targeted than Long Beach’s approach.</li> <li>▶ Less flexibility for hotel/motel operators.</li> </ul>					

## Hotel/Motel Ordinance Comparison Chart

2.	Location in Zoning Code				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
In Chapter 16.051 of Zoning Code – Commercial Districts. (§ 16.051.060)	Staff recommended a new stand-alone chapter in Zoning Code (near chapters regulating massage establishments, body art, etc.). (§§ 16.101.000 – 16.101.080)	← Same	← Same	Stand-alone chapter in “Business Regulation” Title of Muni. Code (not in Zoning Code)	
<p><b>KEY DECISION #2A:</b> Should the ordinance be a standalone chapter (as opposed to a section in the City’s Chapter of regulations for Commercial Districts)?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Easier to find.</li> <li>▶ Regulations can be broken up into sections (more user-friendly).</li> <li>▶ Eliminates potential confusion about whether regs apply to hotels/motels that are not in Commercial Districts (e.g., Knight’s Inn is in a Specific Plan District).</li> </ul> <p><u>Cons:</u></p> <ul style="list-style-type: none"> <li>▶ None.</li> </ul> <p><b>KEY DECISION #2B:</b> Should the ordinance stay in the Zoning Code (Title 16) or be moved to Title 5 of the Municipal Code (“Business Regulation”)?</p> <p><b>Staff Rec:</b> Keep the ordinance in the Zoning Code (Title 16)</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Consistent with the way the City regulates site and operational requirements for other businesses (e.g., massage establishments, body art, etc.).</li> <li>▶ Planning Commission will continue to have a role in reviewing any changes to the ordinance.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Longer timeframe to amend the ordinance if it is in the Zoning Code (requires noticed public hearings before both Planning Commission and City Council).</li> </ul>					

## Hotel/Motel Ordinance Comparison Chart

3.	Definitions				
	Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
3A.	<u>Hotel/Motel</u> – Building containing guest rooms for temporary overnight accommodations. (§ 16.900.435)	<u>Hotel/Motel</u> – Staff recommended either hotel or motel (including long-term stay hotel) as shown below. (§ 16.900.435)	← Same, but clarifies that short term rentals in private residences (e.g., Airbnbs) are not “hotels/motels.” (§ 16.900.435)	← Same as Version 2.0	Not defined.
3B.	<u>Hotel</u> – Not defined.	<u>Hotel</u> – Building containing guest rooms for temporary overnight accommodations where entry to >50% of guest rooms is through lobby or common interior corridor. (§ 16.900.434)	← Same	← Same	Not defined.
3C.	<u>Motel</u> – Building containing guest rooms for short-term overnight accommodations <ul style="list-style-type: none"> <li>• without kitchen facilities;</li> <li>• with ≥50% of rooms having direct access from outdoors without need to pass through lobby; and</li> <li>• Rental period must be 18+ hours.</li> </ul> (§ 16.900.585)	<u>Motel</u> – Same as “hotel” except ≥50% of guest rooms have direct access from outdoors without need to pass through lobby or interior of building. (§ 16.900.585)  Cannot have kitchen or cooking facilities (other than microwave and small refrigerator). (§ 16.101.040(A))  Rental period must be 18+ hours. (§ 16.101.030.)	← Same (i.e., ≥50% of guest rooms have direct access from outdoors) (§ 16.900.585)  Eliminates prohibition on guest rooms in motels having kitchens or cooking facilities. (See Section 12 below.)  Eliminates 18-hour minimum stay requirement. (See Section 5 below.)	← Same as Version 2.0	<u>Motel</u> – 6+ guest rooms with “entry individually and independently from outside the building or buildings.” (§ 5.57.020(G).)
3D.	<u>Transient</u> – Person receiving temporary overnight accommodations for a price, with or without meals, and who has a primary residence elsewhere. <sup>1</sup> (§ 16.900.845)	← Same (§ 16.900.845)	<u>Transient</u> – Person receiving temporary overnight accommodations for a period of ≤30 days for a price, with or without meals. Removes	← Same as Version 2.0	Not defined.

<sup>1</sup> California’s Attorney General has taken the position that prohibiting hotels/motels from providing rooms to unsheltered individuals violates fair housing

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3.	Definitions				
	Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
			requirement that "transient" has a "primary residence elsewhere." (§ 16.900.845)		
3E.	<u>Guest</u> – Not defined.	<u>Guest</u> – Staff recommended that "guest" be defined as any person occupying a hotel/motel room, regardless of whether they are the person who paid for the room. Exception for hotel/motel employees and minors in the care or custody of a guest (e.g., guest's children). (§ 16.101.010)	← Same, but clarifies that occupant does not need to be the person paying for the room to be a "guest." (§ 16.101.010)	← Same as Version 2.0	<u>Guest</u> – "any person that occupies a guest room." (§ 5.57.020(C).)  But "unregistered adult visitors" may occupy guestrooms between 6am and 10pm. (§ 5.57.030(A)(18).)
3F.	<u>Identification Documents</u> – Not defined.	<u>Identification Documents</u> – Current (1) passport, (2) driver's license, (3) non-driver identification card, or (4) military identification. Must include recognizable photograph of guest. (§ 16.101.010)	← Same	← Same	Not defined.
3G.	<u>Long-Term Stay Hotel</u> – Not defined. <sup>2</sup>	<u>Long-Term Stay Hotel</u> – Hotel that allows guests to rent rooms for terms that exceed the maximum length of stay limitations. (§ 16.101.010) (Definition proposed by Staff)	← Same, but clarifies these are sometimes referred to as "extended-stay hotels" and provides examples. (§ 16.101.010)	← Same as Version 2.0	Not defined.

laws.

<sup>2</sup> The existing ordinance and Version 1.0 use the term "long-term stay *business* hotel," but staff recommends changing it to "long-term stay hotel" because these hotels do not exclusively serve business travelers (e.g., they also cater to guests who are moving or remodeling their residences).

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3H.	<u>Operator</u> – Not defined.	<u>Operator</u> – Owners and managers of a hotel/motel and their agents and employees. (§ 16.101.010) (Definition proposed by Staff)	← Same	← Same	Not defined.	
<p><b>KEY DECISION #3:</b> How broadly should the ordinance define the term “guest”? This definition is important because, the draft ordinances propose that, for freeway motels only, all “guests” must be included in the motel’s guest register, and the motel must verify their identity.</p> <p><b>Staff Rec:</b> Define “guest” broadly to encompass almost every person who enters a hotel/motel room, even if they are not staying overnight. Include visitors of occupants in the definition of “guest.” Exclude hotel/motel employees and minors in the care or custody of a guest. <b>Recommended change to Version 3.0</b> – Define “guest” to include the person paying for the room, even if they do not enter the room (e.g., “straw buyers”).</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Requires freeway motels to verify and register the identity of every person who pays for or enters a freeway motel room.</li> <li>▶ More oversight of who enters motel rooms will deter guests from using rooms for criminal activity and increase likelihood that motel will detect criminal activity.</li> <li>▶ Provides enforcement tool for freeway motels – noncompliance with guest registration requirements is valid grounds for removal.</li> <li>▶ If there is a reason for police to enter a room, it is safer for them to know the identities of the occupants before they go in.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Burden to freeway motels and guests.</li> </ul>						

4.	Maximum Length of Stay					
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)		
4A.	Consecutive – 30 calendar days. (§ 16.051.060(B)(1))	← Staff recommended no change (§ 16.101.020(B))	← Same (§ 16.101.020(B)), and also amends definition of “transient” to specify stay is 30 days or less. (§ 16.900.845)	← Same, and also specifies that guests must remove all belongings and room must be cleaned between each guest stay. (§ 16.101.020(C))	None	

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4.	<b>Maximum Length of Stay</b>				
	<b>Existing Ordinance (CMC § 16.051.060)</b>	<b>Version 1.0 (PoCo’s Rec.)</b>	<b>Version 2.0 (Original Staff Rec.)</b>	<b>Version 3.0 (Updated Staff Rec.)</b>	<b>Long Beach (LMC Ch. 5.57)</b>
<b>4B.</b>	Cumulative – 60 calendar days in a 180 day period. (§ 16.051.060(B)(1))	← Staff recommended no change (§ 16.101.020(B))	Eliminates restrictions on cumulative length of stay.	← Same as Version 2.0	None
<b>4C.</b>	Guests must execute a separate agreement re max. length of stay. (§ 16.051.060(B)(2))	← Staff recommended no change (§ 16.101.020(C))	Eliminates separate agreement requirement. (To avoid an operational redundancy that is an unnecessary burden to hoteliers.)	← Same as Version 2.0	None
<b>4D.</b>	Exception for long term stay hotels, subject to approval of a CUP. (§ 16.051.060(C))	← Same (§ 16.101.030). This was not addressed in the Police Commission’s Statement of Direction but staff recommends retaining this exception.	← Same (§ 16.101.020(C))	← Same as Version 2.0	Not addressed.
<p><b>KEY DECISION #4A:</b> What should be the limit for <i>consecutive</i> length of stay?</p> <p><b>Staff Rec:</b> 30 days</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Most hotel/motel guest rooms are not equipped for long-term stays (e.g., no kitchen, laundry, etc.).</li> <li>▶ From the 31<sup>st</sup> day onward, hotel/motel guests become “tenants” that cannot be removed without a lawful eviction order. (Civ. Code § 1940(b)(1); Rev. &amp; Tax Code § 7280(a).)</li> <li>▶ The City does not want guest rooms to be used as residential units, which the City regulates differently.</li> <li>▶ Hotels that want to allow longer-term stays can apply for a conditional use permit, which requires Planning Commission approval and allows the City to impose conditions on a case-by-case basis.</li> </ul> <p><u>Cons:</u></p> <ul style="list-style-type: none"> <li>▶ City would need to rely on hotels/motels to enforce this requirement (i.e., hotels/motels would be responsible for ensuring their guests do not stay more than 30 days).</li> </ul>					

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4.	Maximum Length of Stay				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
<p><b>KEY DECISION #4B:</b> What (if anything) should be the limit for <i>cumulative</i> length of stay?</p> <p><b>Staff Rec:</b> There should be no limit for cumulative length of stay, but hotels/motels must require guests to remove all of their belongings between stays to allow for cleaning and maintenance.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ This allows hotels/motels to rent rooms to guests who stay in Claremont during the week for work and return home on weekends (e.g., contractors, visiting professors, parents of college athletes who visit Claremont frequently to attend games, etc.). These kinds of intermittent stays are very common at Claremont hotels and have not resulted in problems in Claremont.</li> <li>▶ Guests do not obtain tenants' rights if the length of stay does not exceed 30 days.</li> <li>▶ Requiring guests to remove all belongings between stays allows hotels/motels to ensure room is clean and well-maintained and ensures that guest rooms do not become de-facto residential units.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ City would need to rely on hotels/motels to enforce the requirement that guests remove all of their belongings between stays.</li> </ul>					

5.	Minimum Length of Stay				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
<p>Hotels &amp; Motels – Must be for at least one “overnight” stay. (§ 16.051.060(B)(1))</p> <p>Motels only – Must be for at least 18 hours. (§ 16.900.585)</p>	<p>← Same (§ 16.101.030)</p> <p>NOTE: PoCo's recommendations that rooms not be re-rented more than once in an 18-hour period is addressed below in Section 6.</p>	<p>Hotels &amp; Motels – Generally must be for at least one “overnight” stay (with “day use” exception). (§ 16.101.030)</p>	<p>← Same as Version 2.0</p>	<p>Nuisance motels cannot rent rooms more than once in a 12-hour period* (§ 5.57.030(A)(20).)</p> <p><i>* Only applies if deemed required by City's Interdepartmental Team.</i></p>	
<p><b>KEY DECISION #5:</b> Should the ordinance impose a minimum hour requirement on what constitutes an “overnight stay”? (e.g., 12 hours? 18 hours?)</p> <p><b>Staff Rec:</b> No. The ordinance should simply require rooms be rented for an “overnight” stay (with a narrow, case-by-case exception for “day use” room rentals).</p>					

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5.	Minimum Length of Stay				
	Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
	<p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Based on staff's experience with Claremont's hotels/motels, requiring a specified number of hours for an "overnight stay" is unnecessary (i.e., it is a solution in search of a problem). Many law-abiding guests rent rooms for overnight stays that are less than 18 hours (or 12 hours). For example, many guests arrive late and leave early. Some guests rent rooms for day use only so they have a place to work or "freshen up" while they are in town for business or an event. The existing ordinance requires hotels/motels to charge these guests for an "overnight stay," even if they do not use the room overnight. It is staff's experience that, in Claremont, the guests who rent rooms for criminal/nuisance purposes typically stay for the full, overnight term (or longer).</li> <li>▶ In Claremont, the minimum hour requirement will result in a loss of income for hotels/motels with little or no corresponding reduction in criminal or nuisance activities.</li> <li>▶ It is very difficult for the City to monitor or enforce minimum hourly requirements for room rentals.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Without a minimum hour requirement, a guest could rent a room from 11:30pm to 1:30am, and it would technically qualify as an "overnight stay."</li> </ul> <p><b>KEY DECISION</b> on whether to allow "day use" room rates discussed below in Section 7.</p>				

6.	Re-Renting Rooms				
	Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
	No restrictions on re-renting rooms if a guest checks out early.	Hotels & Motels cannot re-rent rooms until the 18-hour minimum length of stay expires. (§ 16.101.030)	No restrictions on re-renting rooms if a guest checks out early, except that housekeeping is required between guests.	← Same as Version 2.0	Nuisance motels cannot rent rooms more than once in a 12-hour period* (§ 5.57.030(A)(20).)  * Only applies if deemed required by City's Interdepartmental Team.
	<p><b>KEY DECISION #6:</b> Should the ordinance allow hotels/motels to re-rent rooms if a guest checks out early?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pros:</u></p>				

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6.	<b>Re-Renting Rooms</b>				
	<b>Existing Ordinance (CMC § 16.051.060)</b>	<b>Version 1.0 (PoCo's Rec.)</b>	<b>Version 2.0 (Original Staff Rec.)</b>	<b>Version 3.0 (Updated Staff Rec.)</b>	<b>Long Beach (LMC Ch. 5.57)</b>
	<p>▶ Based on staff's experience with Claremont's hotels/motels, prohibiting hotels/motels from re-renting vacant rooms after a guest checks out early is unnecessary (i.e., it is a solution in search of a problem). It is not unusual for a guest to check-out early for a variety of legitimate reasons (e.g., their plans changed, they didn't like the room, they were only using the room for day use, etc.).</p> <p>▶ In Claremont, the minimum hour requirement will result in a substantial loss of income for hotels/motels with no anticipated reduction in criminal or nuisance activities.</p> <p>▶ From an economic development standpoint, it is not in the City's best interests for its hotels/motels to turn away guests when they have empty rooms available.</p> <p><u>Con:</u></p> <p>▶ As long each guest is willing to pay for a full "overnight stay" and the hotel/motel cleans the between guests, there is no limit on the number of times a room could be rented and re-rented during the "overnight" period.</p>				

7.	<b>Room Rates</b>				
	<b>Existing Ordinance (CMC § 16.051.060)</b>	<b>Version 1.0 (PoCo's Rec.)</b>	<b>Version 2.0 (Original Staff Rec.)</b>	<b>Version 3.0 (Updated Staff Rec.)</b>	<b>Long Beach (LMC Ch. 5.57)</b>
<b>7A.</b>	Room rates must be charged by the day. (§ 16.051.060(D))	← Same (§ 16.101.040(B))	Minimum room rate generally must be for at least one overnight room rental. (§ 16.101.040(A))	← Same as Version 2.0	Not specifically addressed.
<b>7B.</b>	Hourly rates or rates less than 1 full day's room rental are prohibited. (§ 16.051.060(D))	← Same (§ 16.101.040(B))	Rates less than 1 full day's room rental (e.g., hourly rates) are generally prohibited. (§ 16.101.040(A))  CD Director can approve "day use" rates on a case-by-case basis if hotel/motel is in full compliance with ordinance and has no history of criminal activities. (§ 16.101.040(B))	← Same as Version 2.0	Not specifically addressed.

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7.	Room Rates				
	Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
7C.	Weekly and monthly rates are prohibited. (§ 16.051.060(D))	Not addressed.	No restrictions on rates that exceed one overnight room rental (e.g., weekly rates). Maximum consecutive length of stay cannot exceed 30 days. (§ 16.101.020(A)-(B).)	← Same as Version 2.0	Not addressed.
<p><b>KEY DECISION #7A:</b> Should the ordinance allow hotels/motels to rent rooms for “day use” on a case-by-case basis? (“Day use” means renting a room for less than a full night’s stay.)</p> <p><b>Staff Rec:</b> Yes, as long as the ordinance requires the City’s Community Development Director to carefully vet the hotel/motel’s track record of compliance with the law and closely monitor the hotel/motel use of “day use” rates to ensure it does not create any criminal or nuisance activity.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ The Claremont Doubletree requested an exception for day use rates so it can participate in a program offered by its parent company – <a href="#">WorkSpaces by Hilton</a>. A narrow and closely monitored exception for “day use” rates would also allow local hotels/motels to rent rooms during the day for conferences, job fairs, and special events (e.g., weddings).</li> <li>▶ An absolute prohibition on “day use” rates is a missed opportunity for Claremont’s hotels/motels and surrounding businesses. There is a demand for this use for legitimate purposes that is currently being met by surrounding cities (e.g., Holiday Inn Diamond Bar – Pomona and Hotel d’Lins Ontario Airport).</li> <li>▶ If “day use” rates are a closely monitored, narrow exception, it could increase use of rooms by law-abiding guests with no corresponding criminal or nuisance activities.</li> <li>▶ City can revoke authorization to offer “day use” rates at any time if it results in criminal or nuisance activity.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Increased burden on City staff and Police Department – Hotels/motels that offer “day use” rates would need to be closely monitored (both by the hotel/motel and by the City) to ensure the program is not being used for criminal or nuisance activity.</li> </ul> <p><b>KEY DECISION #7B:</b> Should the ordinance allow hotels/motels to offer varied pricing based on length of stay (e.g., lower rates for longer stays)?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ It is industry standard to vary pricing based on length of stay. Staff supports the removal of this restriction on offering weekly or monthly rates.</li> <li>▶ Offering varied pricing based on length of stay allows Claremont’s hotels/motels to compete with hotels/motels in surrounding cities.</li> </ul>					

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Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
<p>► Varied pricing is unlikely to result in criminal or nuisance activities.</p> <p><u>Con:</u></p> <p>► None, as long as a guest's consecutive length of stay cannot exceed 30 days and guests are required to remove all of their belongings between stays. (See KEY DECISION 4A above.)</p>					

8.	Valid Credit/Debit Card				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
No requirement that guests provide a valid credit card (i.e., hotels/motels can accept cash payment).	If hotels/motels accept cash payment, they must also take a credit or debit card and confirm it is valid for an amount equal to at least a full day's room rental. (§ 16.101.040(C)) To do this, hotels/motels must charge the card and later refund it.	If hotels/motels accept cash payment, they must also take a credit or debit card and confirm with the card issuer that it is valid (but they do not need to run the card for the amount equal to at least a full day's room rental). (§ 16.101.040(C))	← Same as Version 2.0	None.	
<p><b>KEY DECISION #8A:</b> Should the ordinance require guests to provide a valid credit/debit card as a way to verify their identity?</p> <p><b>Staff Rec:</b> Yes</p> <p><u>Pro:</u></p> <p>► Requiring guests to provide a valid credit or debit card is one of the most effective deterrents of criminal activity because it is the best way to verify a guest's identity (i.e., it is relatively easy to obtain a fake ID or a stolen credit card, but it is very difficult to have a fake ID that matches a stolen credit card and looks like the person using it).</p>					

## Hotel/Motel Ordinance Comparison Chart

8.	Valid Credit/Debit Card				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
<p><u>Con:</u></p> <p>► Claremont's hotels/motels will not be able to rent rooms to guests who do not have a valid credit or debit card. (NOTE – the ordinance makes an exception for guests that are paying for a room with a voucher.<sup>3</sup>) The ordinance can still allow guests to pay for the room with cash. (See KEY DECISION 8B below.)</p> <p><b>KEY DECISION #8B:</b> Should the ordinance allow guests to pay for rooms with cash?</p> <p><b>Staff Rec:</b> Yes, if guests are required to present a valid credit/debit card.</p> <p><u>Pros:</u></p> <p>► The purpose of credit/debit card requirement is to verify a guest's identity. Requiring a guest to pay for the room with a credit/debit card does not necessarily deter or reduce criminal/nuisance activity.</p> <p>► Some guests have valid reasons to pay for rooms with cash (e.g., survivors of domestic violence who do not want their abusers to know where they are staying by checking their credit card records).</p> <p><u>Con:</u></p> <p>► Some guests may use cash to pay for rooms to avoid creating a credit/debit card record of unlawful activity, but as noted above, if a guest is required to present a valid credit/debit card, the hotel/motel will have record of their stay that law enforcement can use to investigate and prosecute crimes.</p>					

9.	Guest Register				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
<p><b>9A.</b></p> <p><b>** Applicable to all hotels/motels **</b></p> <p><u>Contents:</u> Hotels/motels must keep written record with the information below</p>	<p><b>** Applicable to all hotels/motels **</b></p> <p><u>Contents:</u> Hotels/motels must keep a register with the information</p>	<p><b>** Only applicable to freeway motels **</b></p> <p><u>Contents:</u> Hotels/motels must keep a register with the</p>	<p><b>** Only applicable to freeway motels **</b></p>	<p><b>** Only applicable to motels deemed a nuisance **</b></p> <p>Guests and visitors of nuisance motels must sign document</p>	

<sup>3</sup> As noted above, California's Attorney General has taken the position that prohibiting hotels/motels from providing rooms to unsheltered individuals violates fair housing laws.

## Hotel/Motel Ordinance Comparison Chart

9.	Guest Register				
	Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
	<p>for "each person renting a unit":</p> <ol style="list-style-type: none"> <li>1. Name</li> <li>2. Permanent address</li> <li>3. Dates of occupancy/length of stay</li> <li>4. Room rate</li> </ol> <p>(§ 16.051.060(F))</p>	<p>below for each "guest"<sup>4</sup>:</p> <ol style="list-style-type: none"> <li>1. Name</li> <li>2. Permanent address</li> <li>3. Dates of occupancy (including date &amp; hour of check in and check out times)</li> <li>4. Room rate</li> <li>5. Room number</li> <li>6. Scanned image of identification document(s)</li> <li>7. Employee attestation that guest matches photo on identification document(s)</li> </ol> <p>(§ 16.101.040(E)(1)-(2))</p>	<p>information below for each "guest"<sup>1</sup>:</p> <ol style="list-style-type: none"> <li>1. Name</li> <li>2. Permanent address</li> <li>3. Dates of occupancy (including date &amp; hour of check in and check out times)</li> <li>4. Room rate</li> <li>5. Room number</li> <li>6. Identification number(s) and issuing jurisdiction from the identification document(s)</li> <li>7. Employee attestation that guest matches photo on identification document(s)</li> </ol> <p>(§ 16.101.050(A)(1)-(2))</p>	<p><u>Contents:</u></p> <p>← Same as Version 2.0, except:</p> <ul style="list-style-type: none"> <li>• Register must include each guest's date of birth and the make, model, and license plate number of any guest vehicle parked on site;</li> <li>• Acknowledges guests may not have a "permanent address";</li> <li>• Option to require photo or scan of guest's ID document; and</li> <li>• Clarifies that any guest who <b>occupies</b> the room must be in the register (not just the guest who <b>rents</b> the room).</li> </ul>	<p>acknowledging motel's posted "house rules."* (§ 5.57.030(A)(19).)</p> <p>Nuisance motels must collect and visually verify the vehicle license number of guests and visitors* (§ 5.57.030(A)(22).)</p> <p>"[U]nregistered adult visitors" cannot occupy guestrooms between 10pm and 6am. (§ 5.57.030(A)(18).)</p> <p><i>* Only applies if deemed required by City's Interdepartmental Team.</i></p>
9B.	<p><u>Responsible Agent</u> – Not addressed</p>	<p><u>Responsible Agent</u> – Not addressed</p>	<p><u>Responsible Agent</u> – Guest register requirement does not prevent motels from allowing a responsible agent to book a block of guest rooms on behalf of an organized</p>	<p><u>Responsible Agent</u> – ← Same as Version 2.0, but clarifies that motel must review each adult guest's ID documents and include each adult guest's information in</p>	<p><u>Responsible Agent</u> – Not addressed.</p>

<sup>4</sup> As noted above, "guest" is defined broadly to include anyone who occupies the guest room, regardless of whether they are staying the night or responsible for paying for the room.

## Hotel/Motel Ordinance Comparison Chart

9.	<b>Guest Register</b>				
	<b>Existing Ordinance (CMC § 16.051.060)</b>	<b>Version 1.0 (PoCo's Rec.)</b>	<b>Version 2.0 (Original Staff Rec.)</b>	<b>Version 3.0 (Updated Staff Rec.)</b>	<b>Long Beach (LMC Ch. 5.57)</b>
			group (e.g., sports team). (§ 16.101.050(A)(2))	the register (regardless of whether the guest was the responsible agent). (§ 16.101.050(A)(2))	
<b>9C.</b>	<u>Digital Check In</u> – Not addressed	<u>Digital Check In</u> – Not addressed	<u>Digital Check In</u> – CD Director can approve electronic check in kiosks or use of “digital keys” on a case-by-case basis if hotel/motel is in full compliance with ordinance and has no history of criminal activities. If a digital key is used, this means that there may not be a manual review of an identification document or a valid credit/debit card. (§ 16.101.050(A)(1))	<u>Digital Check In</u> – ← Same as Version 2.0	<u>Digital Check In</u> – Not addressed
<b>9D.</b>	<u>Record Retention</u> – 4 years. (§ 16.051.060(F))	<u>Record Retention</u> – 3 years. (§ 16.101.040(E)(3))	<u>Record Retention</u> – 1 year. (§ 16.101.050(E)(3))	<u>Record Retention</u> – ← Same as Version 2.0	<u>Record Retention</u> – Not addressed
<b>9E.</b>	<u>Inspection of Records</u> – Hotels/motels must make records available to City “at all reasonable times” so the City can audit the records to determine their “accuracy.” If hotel/motel does not make records available to the City, it must reimburse the City for the costs the City incurred trying to conduct the audit. (§ 16.051.060(F))	<u>Inspection of Records</u> – Hotels/motels must make records available to City “upon request.” Refusal to allow inspection within 15 days is a violation of the ordinance. (§ 16.101.040(E)(4)-(5))	<u>Inspection of Records</u> – To inspect hotel/motel records, City must have one (or more) of the following: (1) consent; (2) service of a 30-day inspection notice that provides an opportunity for pre-compliance review; (3) a court-issued warrant or subpoena; or (4) exigent circumstances. (§§ 16.101.040(K); 16.101.050(E)(4))	<u>Inspection of Records</u> – ← Same as Version 2.0, but with clarification acknowledging not all hotels/motels are required to keep a guest register. (§ 16.101.040(K))	<u>Inspection of Records</u> – Not addressed

## Hotel/Motel Ordinance Comparison Chart

9.	<b>Guest Register</b>			
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
<p><b>KEY DECISION #9A:</b> Which hotels/motels should be required to keep a guest register? (All hotels/motels? Freeway motels only? Hotels/motels that have been declared to be nuisances only?)</p> <p><b>Staff Rec:</b> Freeway motels only (more likely to attract criminal and nuisance activity as a result of their location and configuration).</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ The guest register requirement is an effective deterrent of criminal activity (because it requires hotels/motels to verify and document each guest's identity).</li> <li>▶ Provides enforcement tool for freeway motels – noncompliance with guest registration requirements is valid grounds for removal.</li> <li>▶ If there is a reason for police to enter a room, it is safer for them to know the identities of the occupants before they go in.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Burdensome to the freeway motels and their guests.</li> </ul> <p><b>KEY DECISION #9B:</b> Should hotels/motels be required to scan images of a guest's Identification Documents?</p> <p><b>Staff Rec:</b> No, but the freeway motels should be required to gather key pieces of information from the Identification Documents that law enforcement would need for an investigation (name, date of birth, license number), and an employee should be required to attest that picture on the guest's Identification Documents matched the guest.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Not requiring motels to scan Identification Documents reduces risk that highly-sensitive guest information will be lost through data breaches.</li> <li>▶ Information required in Version 3.0 is sufficient for law enforcement investigations, if needed.</li> <li>▶ Requiring guests to provide a valid Identification Document is one of the most effective deterrents of criminal activity. This is why staff supports the employee attestation requirement.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Burdensome to the freeway motels and their guests.</li> </ul> <p><b>KEY DECISION #9C:</b> Should the ordinance allow the City's Community Development Director to allow a hotel/motel to offer digital check ins?</p> <p><b>Staff Rec:</b> Yes, on a case-by-case basis if hotel/motel is in full compliance with ordinance and has no history of criminal activities.</p> <p><u>Pros:</u></p>				

## Hotel/Motel Ordinance Comparison Chart

9.	<b>Guest Register</b>				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
<p>▶ This option allows Claremont's hotels/motels to compete with hotels/motels in surrounding cities. Hoteliers requested this option because, "[i]n today's lodging industry, a great many individuals check in to a hotel online, using a kiosk, or via a mobile device, and, in some cases, they can go to their rooms without ever having to go to the "front desk."</p> <p>▶ If this option is closely-monitored by the hotel/motel and City, it is unlikely to result in criminal or nuisance activity.</p> <p>▶ City can revoke authorization to offer digital check ins at any time if it results in criminal or nuisance activity.</p> <p><u>Con:</u></p> <p>▶ Increased burden on City staff and Police Department – Hotels/motels that offer digital check-ins would need to be closely monitored (both internally and by the City) to ensure the program is not being used for criminal or nuisance activity.</p> <p><b>KEY DECISION #9D:</b> What is the appropriate retention period for hotel/motel records, including the guest register?</p> <p><b>Staff Rec:</b> 1 year.</p> <p><u>Pros:</u></p> <p>▶ 1 year is generally sufficient for law enforcement to complete any necessary investigations.</p> <p>▶ Due to the risk of data breaches, industry practice is to retain records containing sensitive guest information for the shortest period necessary.</p> <p>▶ Retaining records and protecting them from data breaches is costly and burdensome.</p> <p><u>Con:</u></p> <p>▶ The City (and its Police Department) will not be able to access records after they are destroyed. In the unlikely event that the City needs a record that is more than 1 year old, it might not be available anymore.</p> <p><b>KEY DECISION</b> on record inspections discussed below in Section 15.</p>					

10.	<b>Secured Parking</b>				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
Not required	<b>** Staff recommends only applicable to freeway motels **</b>	<b>** Only applicable to freeway motels **</b>  ← Same, except electronic arms can be used if fences	<b>** Only applicable to freeway motels **</b>  <u>Secured Parking</u> – Not required.	<b>** Only applicable to motels deemed a nuisance **</b>  <u>Secured Parking</u> – nuisance motels must completely limit pedestrian and vehicle access to the motel property	

## Hotel/Motel Ordinance Comparison Chart

10. Secured Parking				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
	Motels must have fenced and gated access to their parking areas unless CD Director makes a finding secured parking would be infeasible or unsafe. (§ 16.101.050(A).)	and gates are infeasible. (§ 16.101.050(B).)	<u>Permit Parking</u> – Required. Motels must require vehicles parked on site to display parking permits and can only issue parking permits to guests who have provided the information needed for the register. (§ 16.101.050(B).)	and rooms by a fence, gate, security guard, or other means* (§ 5.57.030(A)(1).)  <u>Permit Parking</u> – nuisance motels must issue parking permits for vehicles and enforce towing* (§ 5.57.030(A)(22).)  * Only applies if deemed required by City's Interdepartmental Team.
<p><b>KEY DECISION #10:</b> Should the ordinance require secured parking or permit parking for hotels/motels?</p> <p><b>Staff Rec:</b> Require permit parking for <u>freeway motels only</u> (more likely to attract criminal and nuisance activity as a result of their location and configuration). Do not require secured parking for any hotels or motels.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Permit parking allows the motel and City staff (including the Police Department) to quickly and easily verify which vehicles belong to registered guests.</li> <li>▶ Motels are primarily responsible for monitoring and enforcing permit parking requirements (e.g., towing vehicles that do not have permits). If motels fail to enforce permit parking requirements, the City could initiate code enforcement proceedings against the motel for violations of the ordinance.</li> <li>▶ Secured parking is problematic because City staff and Police will need the motel's permission, a warrant, or exigent circumstances to enter the parking area. For freeway motels, this could increase the amount of criminal and nuisance activities in the parking areas.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Burden to freeway motels to implement, administer, monitor, and enforce permit parking.</li> </ul>				

11. Video Surveillance				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
Not required	<b>** Staff recommends only applicable to freeway motels **</b>	<b>** Only applicable to freeway motels **</b> ← Same, except City must have one (or more) of the	<b>** Only applicable to freeway motels **</b> ← Same as Version 2.0	<b>** Only applicable to motels deemed a nuisance **</b>

## Hotel/Motel Ordinance Comparison Chart

11.	Video Surveillance			
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
	<p>Motels must have CCTV cameras on all common areas and parking areas. They must maintain surveillance footage for at least 90 days. They must make surveillance footage available to law enforcement within 15 days of request. (§ 16.101.050(B).)</p>	<p>following to obtain surveillance footage (1) consent; (2) service of a 30-day inspection notice that provides an opportunity for pre-compliance review; (3) a court-issued warrant or subpoena; or (4) exigent circumstances. (§ 16.101.050(C).)</p>		<p>Nuisance motels must install CCTV in common areas and/or at entry points.* (§ 5.57.030(A)(2).)</p> <p><i>* Only applies if deemed required by City's Interdepartmental Team.</i></p>
<p><b>KEY DECISION #11:</b> Should the ordinance require hotels/motels to have CCTV cameras in their common areas and parking areas?</p> <p><b>Staff Rec:</b> Yes, for <i>freeway motels only</i> (more likely to attract criminal and nuisance activity as a result of their location and configuration)</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> <li>▶ CCTV cameras are an effective deterrent of criminal and nuisance activities and are instrumental to law enforcement in apprehending criminals.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Hoteliers expressed concern about the high cost of installing CCTV cameras on all common areas and parking areas.</li> </ul>				

12.	Kitchens in Guest Rooms			
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
<p>Prohibits guest rooms in hotels/motels from having a kitchen or cooking facilities, other than a microwave and small refrigerator, except in long-term stay hotels. (§ 16.051.060(B)(3), (C))</p>	<p>← Same (§ 16.101.040(A))</p> <p>This was not addressed in the Police Commission's Statement of Direction, so staff left the kitchen prohibition in the</p>	<p>Eliminates prohibition on guest rooms in hotels/motels having kitchens or cooking facilities.</p>	<p>← Same as Version 2.0</p>	<p>Not addressed</p>

## Hotel/Motel Ordinance Comparison Chart

12.	<b>Kitchens in Guest Rooms</b>				
	<b>Existing Ordinance (CMC § 16.051.060)</b>	<b>Version 1.0 (PoCo's Rec.)</b>	<b>Version 2.0 (Original Staff Rec.)</b>	<b>Version 3.0 (Updated Staff Rec.)</b>	<b>Long Beach (LMC Ch. 5.57)</b>
		existing ordinance intact.			
<p><b>KEY DECISION #12:</b> Should hotel/motel guest rooms be prohibited from having a kitchen or cooking facilities, other than a microwave and small refrigerator, except in long-term stay hotels?</p> <p><b>Staff Rec:</b> Eliminate prohibition on guest rooms in hotels/motels having kitchens or cooking facilities.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Hoteliers requested this prohibition be removed. Kitchen facilities can be an attractive amenity in a guest room.</li> <li>▶ On their own, kitchens in guest rooms are unlikely to be a source of criminal or nuisance activity. To the contrary, they may make rooms more attractive to guests who are using the rooms for legitimate, law-abiding purposes.</li> </ul> <p><u>Cons:</u></p> <ul style="list-style-type: none"> <li>▶ Increases the likelihood that guests will use guest rooms as residences (but enforcement of limits on consecutive length of stay can address this).</li> <li>▶ Decreases likelihood that guests will dine out.</li> </ul>					

13.	<b>Other Site and Operational Requirements for Hotels/Motels</b>				
	<b>Existing Ordinance (CMC § 16.051.060)</b>	<b>Version 1.0 (PoCo's Rec.)</b>	<b>Version 2.0 (Original Staff Rec.)</b>	<b>Version 3.0 (Updated Staff Rec.)</b>	<b>Long Beach (LMC Ch. 5.57)</b>
	None	The Police Commission's Statement of Direction did not address these site and operational requirements, but staff recommended them. They are similar to the requirements in the	<ul style="list-style-type: none"> <li>• Security of guest rooms (§ 16.101.040(E))</li> <li>• Cleanliness (§ 16.101.040(F))</li> <li>• Room furnishings (§ 16.101.040(G))</li> <li>• Exterior of property (§ 16.101.040(H))</li> <li>• Common areas (§ 16.101.040(I))</li> </ul>	← Same as Version 2.0	Nuisance motels in Long Beach must comply with site and operational requirements that are similar to (but less stringent than) the requirements Claremont's draft

## Hotel/Motel Ordinance Comparison Chart

13.	Other Site and Operational Requirements for Hotels/Motels				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
	City of Oakland's ordinance. <ul style="list-style-type: none"> <li>• Security of guest rooms (§ 16.101.040(F))</li> <li>• Cleanliness (§ 16.101.040(G))</li> <li>• Room furnishings (§ 16.101.040(H))</li> <li>• Exterior of property (§ 16.101.040(I))</li> <li>• Common areas (§ 16.101.040(J))</li> </ul>				ordinance.* (§ 5.57.030(A)(4) – (17).) In addition, nuisance Motels in Long Beach must: <ul style="list-style-type: none"> <li>• Post crime prevention signage* (§ 5.57.030(A)(3)); and</li> <li>• Have a staff member on site on a 24 hour basis* (§ 5.57.030(A)(5))</li> </ul> <i>* Only applies if deemed required by City's Interdepartmental Team.</i>
<p><b>KEY DECISION #13:</b> Should the ordinance explicitly outline site and operational requirements, like security, cleanliness, room furnishings, and the condition of the exterior of the property and common areas?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pro:</u></p> <p>▶ Most of these requirements can be found in other parts of the Claremont Municipal Code. Including these requirements in the ordinance provides enhanced notice to hoteliers and members of the community and clarity about the City's requirements.</p> <p><u>Con:</u></p> <p>▶ The City will need to monitor Code amendments on an ongoing basis to avoid inconsistencies with the hotel/motel ordinance.</p>					

14.	Long-Term Stay Hotels				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
Requires CUP for long-term stay hotel. (§ 16.051.060(C))	← Same (§ 16.101.060)  This was not addressed in the Police Commission's Statement of Direction, so staff left the CUP	← Same, but eliminates references to "business" travelers and eliminates requirement that hotel be located in an area with a "concentration of	← Same as Version 2.0, except it re-includes requirement that hotel be located in an area with a "concentration of amenities" for guests,	Not addressed	

## Hotel/Motel Ordinance Comparison Chart

14.	Long-Term Stay Hotels				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
	requirement for long-term stay hotels in the existing ordinance intact.	amenities” for guests, including restaurant retail, recreation, open space, and exercise facilities. (§ 16.101.060	including restaurant retail, recreation, open space, and exercise facilities. (§ 16.101.060(A))		
<p><b>KEY DECISION #14:</b> Should the ordinance require long-term stay hotels to be located in an area with a “concentration of amenities” for guests, including restaurant retail, recreation, open space, and exercise facilities.</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> <li>▶ This requirement ensures guests of long-term stay hotels will not need to travel far to shop, dine, and recreate.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ This requirement arguably prevents the proposed Residence Inn (on the site of the current Knight’s Inn) from being used as a long-term stay hotel because it is not in an area with a concentration of “open space.”</li> </ul>					

15.	Inspections of Site, Records, & Surveillance Footage				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
Only addresses inspection of records — Hotels/motels must make records available to City “at all reasonable times” so the City can audit the records to determine their “accuracy.” If hotel/motel does not make records available to the City, it must reimburse the City for the costs the City incurred trying to	Requires hotels/motels to provide records and surveillance footage upon request. (§ 16.101.040(E)(5))	To inspect hotel/motel records, surveillance footage, and/or non-public areas of the site, the City must have one (or more) of the following: <ul style="list-style-type: none"> <li>1. Consent;</li> <li>2. Service of a 30-day inspection notice that provides an opportunity for pre-compliance review;</li> </ul>	← Same as Version 2.0, but with clarification acknowledging not all hotels/motels are required to keep a guest register. (§ 16.101.040(K))	Not addressed	

## Hotel/Motel Ordinance Comparison Chart

15.	Inspections of Site, Records, & Surveillance Footage				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
conduct the audit. (§ 16.051.060(F))		3. A court-issued warrant or subpoena; or 4. Exigent circumstances. (§ 16.101.040(K))			
<p><b>KEY DECISION #15:</b> Staff recommends Version 2.0 or 3.0 to remove warrantless inspection requirement. See note below.</p> <p><b>NOTE:</b> The procedure in Versions 2.0 and 3.0 would bring the ordinance into compliance with a 2015 United States Supreme Court decision — <i>City of Los Angeles v. Patel</i>, 576 U.S. 409 (2015) — and the Fourth Amendment to the United States Constitution (which generally prohibits warrantless searches). It is staff's experience that Claremont's current hotels and motels cooperate with law enforcement and provide consent to inspection of their records, surveillance footage, and sites.</p>					

16.	Amortization of Legal Nonconforming Conditions				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
None	The Police Commission's Statement of Direction did not address amortization. Staff initially recommended the following timeframes:  Existing hotels/motels must bring their operations into compliance with this ordinance by the following dates: <ul style="list-style-type: none"> <li>• Changes in hotel/motel</li> </ul>	After outreach to hoteliers, Staff recommended the following timeframes:  Existing hotels/motels must bring their operations into compliance with this ordinance by the following dates: <ul style="list-style-type: none"> <li>• Changes in hotel/motel operations – ~3 months</li> <li>• Changes that require physical</li> </ul>	← Same as Version 2.0		Not addressed.

## Hotel/Motel Ordinance Comparison Chart

16. Amortization of Legal Nonconforming Conditions				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
	<p>operations – effective immediately</p> <ul style="list-style-type: none"> <li>Changes that require physical improvements to the property – ~3 months (March 31, 2023)</li> </ul> <p>Upon request, CD director may grant extensions for hotels/motels making diligent progress toward compliance. (§ 16.101.070)</p>	<p>improvements to the property – ~1 year</p> <p>Upon request, CD director may grant extensions for hotels/motels making diligent progress toward compliance. (§ 16.101.070)</p>		
<p><b>KEY DECISION #16:</b> What is the appropriate amortization period for hotels/motels to bring their (1) operations, and (2) sites into compliance with the new ordinance?</p> <p><b>Staff Rec:</b> 3 months for changes to operations; 1 year for physical improvements to site; option for Community Development Director to extend deadlines for hotels/motels making diligent progress toward compliance.</p> <p><u>Pro:</u></p> <p>▶ Hotels and motels cannot be expected to bring their operations and sites into compliance with a newly adopted ordinance overnight. Providing an amortization period is fair and legally required.</p> <p><u>Con:</u></p> <p>▶ The longer the amortization period, the longer it will take to see improvements from the ordinance.</p>				

17. Enforcement				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
Not specifically addressed, but City can enforce ordinance through criminal or administrative penalties (Ch. 1.12 &	Adds a section specifically outlining enforcement options and declares violations of the ordinance to be a public nuisance. (§ 16.101.080)	← Same, but adds a subsection encouraging proactive abatement of criminal activity by hotels/motels. (§ 16.101.080)	← Same as Version 2.0	Outlines enforcement options (administrative citations, administrative nuisance abatement, business permit revocation). (§ 5.57.040.)

## Hotel/Motel Ordinance Comparison Chart

17.	Enforcement				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
1.14), nuisance abatement (Ch. 8.16), or a legal action (e.g., Code Civ. Proc. § 731; Health & Saf. Code § 11125).					
<b>NO KEY DECISION</b> – The enforcement section is informational. It simply summarizes the City's current enforcement options.					

18.	Oversight & Reporting				
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)	
Not specifically addressed	← Same	← Same	← Same	Creates a "City Interdepartmental Team" (CIT) comprised of City staff from multiple Departments, including but not limited to; the Health Department, Department of Development Services Code Enforcement and Planning Bureaus, and if necessary, the Fire Department, Police Department, City Prosecutor's Office and City Attorney's Office. The CIT is responsible for investigating complaints about motels and determining which regulations to impose on motels that have been "deemed a nuisance" (e.g., secured parking, CCTV surveillance, etc.).	
<p><b>KEY DECISION #18:</b> What (if any) types of City and community oversight and reporting requirements should the ordinance require?</p> <p><b>Staff Rec:</b> In response to feedback from the October 4, 2022 Planning Commission meeting and the November 29, 2022 listening session, staff recommends the ordinance include the following additional oversight and reporting features:</p> <ol style="list-style-type: none"> <li>1. Like Long Beach, establish a City Interdepartmental Team (CIT) to proactively address criminal and nuisance activities at hotels and motels, particularly at freeway motels.</li> <li>2. The CIT must prepare quarterly reports on their activities and post them on the City's website.</li> <li>3. The CIT must provide an annual report to the City Council.</li> <li>4. The City must create a comment form, posted on the City's website to allow members of the public to provide feedback on hotels and motels.</li> </ol>					

## Hotel/Motel Ordinance Comparison Chart

18.	Oversight & Reporting			
Existing Ordinance (CMC § 16.051.060)	Version 1.0 (PoCo's Rec.)	Version 2.0 (Original Staff Rec.)	Version 3.0 (Updated Staff Rec.)	Long Beach (LMC Ch. 5.57)
<p><u>Pro:</u></p> <ul style="list-style-type: none"> <li>▶ Community outreach, oversight, and reporting requirements will increase transparency will ensure the City's enforcement efforts are transparent.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Increased burden on City staff.</li> </ul>				

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p><b>KEY DECISION #1:</b> Should the ordinance: (1) <i>proactively</i> apply to all hotels/motels (like Versions 1.0-3.0); or (2) only apply <i>reactively</i> to motels that have been declared a “nuisance” through nuisance abatement proceedings (like LB’s ordinance)?</p> <p><b>Staff Rec:</b> Version 3.0 – <i>proactively</i> apply to all hotels/motels, including heightened requirements for freeway motels.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Clear operating and site requirements for all hotels/motels.</li> <li>▶ Faster results for any problem hotels/motels – declaring a hotel/motel a “nuisance” takes time and can be challenged through legal action.</li> <li>▶ Aimed at preventing problems <i>before</i> they arise (rather than responding to problems).</li> </ul> <p><u>Cons:</u></p> <ul style="list-style-type: none"> <li>▶ Less targeted than Long Beach’s approach.</li> <li>▶ Less flexibility for hotel/motel operators.</li> </ul>	
<p><b>KEY DECISION #2A:</b> Should the ordinance be a standalone chapter (as opposed to a section in the City’s Chapter of regulations for Commercial Districts)?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Easier to find.</li> <li>▶ Regulations can be broken up into sections (more user-friendly).</li> <li>▶ Eliminates potential confusion about whether regs apply to hotels/motels that are not in Commercial Districts (e.g., Knights Inn is in a Specific Plan District).</li> </ul> <p><u>Cons:</u></p> <ul style="list-style-type: none"> <li>▶ None.</li> </ul>	
<p><b>KEY DECISION #2B:</b> Should the ordinance stay in the Zoning Code (Title 16) or be moved to Title 5 of the Municipal Code (“Business Regulation”)?</p> <p><b>Staff Rec:</b> Keep the ordinance in the Zoning Code (Title 16).</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Consistent with the way the City regulates site and operational requirements for other businesses (e.g., massage establishments, body art, etc.).</li> <li>▶ Planning Commission will continue to have a role in reviewing any changes to the ordinance.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Longer timeframe to amend the ordinance if it is in the Zoning Code (requires noticed public hearings before both Planning Commission and City Council).</li> </ul>	

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p><b>KEY DECISION #3:</b> How broadly should the ordinance define the term “guest”? This definition is important because, the draft ordinances propose that, <i>for freeway motels only, all “guests” must be included in the motel’s guest register, and the motel must verify their identity.</i></p> <p><b>Staff Rec:</b> Define “guest” broadly to encompass almost every person who enters a hotel/motel room, even if they are not staying overnight. Include visitors of occupants in the definition of “guest.” Exclude hotel/motel employees and minors in the care or custody of a guest. <b>Recommended change to Version 3.0</b> – Define “guest” to include the person paying for the room, even if they do not enter the room (e.g., “straw buyers”).</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Requires freeway motels to verify and register the identity of every person who pays for or enters a freeway motel room.</li> <li>▶ More oversight of who enters motel rooms will deter guests from using rooms for criminal activity and increase likelihood that motel will detect criminal activity.</li> <li>▶ Provides enforcement tool for freeway motels – noncompliance with guest registration requirements is valid grounds for removal.</li> <li>▶ If there is a reason for police to enter a room, it is safer for them to know the identities of the occupants before they go in.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Burden to freeway motels and guests.</li> </ul>	
<p><b>KEY DECISION #4A:</b> What should be the limit for <i>consecutive</i> length of stay?</p> <p><b>Staff Rec:</b> 30 days.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Most hotel/motel guest rooms are not equipped for long-term stays (e.g., no kitchen, laundry, etc.).</li> <li>▶ From the 31<sup>st</sup> day onward, hotel/motel guests become “tenants” that cannot be removed without a lawful eviction order. (Civ. Code § 1940(b)(1); Rev. &amp; Tax Code § 7280(a).)</li> <li>▶ The City does not want guest rooms to be used as residential units, which the City regulates differently.</li> <li>▶ Hotels that want to allow longer-term stays can apply for a conditional use permit, which requires Planning Commission approval and allows the City to impose conditions on a case-by-case basis.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ City would need to rely on hotels/motels to enforce this requirement (i.e., hotels/motels would be responsible for ensuring their guests do not stay more than 30 days).</li> </ul>	

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p><b>KEY DECISION #4B:</b> What (if anything) should be the limit for <i>cumulative</i> length of stay?</p> <p><b>Staff Rec:</b> There should be no limit for cumulative length of stay, but hotels/motels must require guests to remove all of their belongings between stays to allow for regular cleaning and maintenance.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ This allows hotels/motels to rent rooms to guests who stay in Claremont during the week for work and return home on weekends (e.g., contractors, visiting professors, parents of college athletes who visit Claremont frequently to attend games, etc.). These kinds of intermittent stays are very common at Claremont hotels and have not resulted in problems in Claremont.</li> <li>▶ Guests do not obtain tenants' rights if the length of stay does not exceed 30 days.</li> <li>▶ Requiring guests to remove all belongings between stays allows hotels/motels to ensure room is clean and well-maintained and ensures that guest rooms do not become de-facto residential units.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ City would need to rely on hotels/motels to enforce the requirement that guests remove all of their belongings between stays.</li> </ul>	
<p><b>KEY DECISION #5:</b> Should the ordinance impose a minimum hour requirement on what constitutes an "overnight stay"? (e.g., 12 hours? 18 hours?)</p> <p><b>Staff Rec:</b> No. The ordinance should simply require rooms be rented for an "overnight" stay (with a narrow, case-by-case exception for "day use" room rentals).</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Based on staff's experience with Claremont's hotels/motels, requiring a specified number of hours for an "overnight stay" is unnecessary (i.e., it is a solution in search of a problem). Many law-abiding guests rent rooms for overnight stays that are less than 18 hours (or 12 hours). For example, many guests arrive late and leave early. Some guests rent rooms for day use only so they have a place to work or "freshen up" while they are in town for business or an event. The existing ordinance requires hotels/motels to charge these guests for an "overnight stay," even if they do not use the room overnight. It is staff's experience that, in Claremont, the guests who rent rooms for criminal/nuisance purposes typically stay for the full, overnight term (or longer).</li> <li>▶ In Claremont, the minimum hour requirement will result in a loss of income for hotels/motels with little or no corresponding reduction in criminal or nuisance activities.</li> <li>▶ It is very difficult for the City to monitor or enforce minimum hourly requirements for room rentals.</li> </ul> <p><u>Con:</u></p>	

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p>▶ Without a minimum hour requirement, a guest could rent a room from 11:30pm to 1:30am, and it would technically qualify as an “overnight stay.”</p>	
<p><b>KEY DECISION #6:</b> Should the ordinance allow hotels/motels to re-rent rooms if a guest checks out early?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pros:</u></p> <p>▶ Based on staff’s experience with Claremont’s hotels/motels, prohibiting hotels/motels from re-renting vacant rooms after a guest checks out early is unnecessary (i.e., it is a solution in search of a problem). It is not unusual for a guest to check-out early for a variety of legitimate reasons (e.g., their plans changed, they didn’t like the room, they were only using the room for day use, etc.).</p> <p>▶ In Claremont, the minimum hour requirement will result in a substantial loss of income for hotels/motels with no anticipated reduction in criminal or nuisance activities.</p> <p>▶ From an economic development standpoint, it is not in the City’s best interest for its hotels/motels to turn away guests when they have empty rooms available.</p> <p><u>Con:</u></p> <p>▶ As long each guest is willing to pay for a full “overnight stay” and the hotel/motel cleans the between guests, there is no limit on the number of times a room could be rented and re-rented during the “overnight” period.</p>	
<p><b>KEY DECISION #7A:</b> Should the ordinance allow hotels/motels to rent rooms for “day use” on a case-by-case basis? (“Day use” means renting a room for less than a full night’s stay.)</p> <p><b>Staff Rec:</b> Yes, as long as the ordinance requires the City’s Community Development Director to carefully vet the hotel/motel’s track record of compliance with the law and closely monitor the hotel/motel use of “day use” rates to ensure it does not create any criminal or nuisance activity.</p> <p><u>Pros:</u></p> <p>▶ The Claremont Doubletree requested an exception for day use rates so it can participate in a program offered by its parent company – <a href="#">WorkSpaces by Hilton</a>. A narrow and closely monitored exception for “day use” rates would also allow local hotels/motels to rent rooms during the day for conferences, job fairs, and special events (e.g., weddings).</p> <p>▶ An absolute prohibition on “day use” rates is a missed opportunity for Claremont’s hotels/motels and surrounding businesses. There is a demand for this use for legitimate purposes that is currently being met by surrounding cities (e.g., Holiday Inn Diamond Bar – Pomona and Hotel d’Lins Ontario Airport).</p> <p>▶ If “day use” rates are a closely monitored, narrow exception, it could increase use of rooms by law-abiding guests with no corresponding criminal or nuisance activities.</p>	

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p>► City can revoke authorization to offer “day use” rates at any time if it results in criminal or nuisance activity.</p> <p><u>Con:</u></p> <p>► Increased burden on City staff and Police Department – Hotels/motels that offer “day use” rates would need to be closely monitored (both by the hotel/motel and by the City) to ensure the program is not being used for criminal or nuisance activity.</p>	
<p><b>KEY DECISION #7B:</b> Should the ordinance allow hotels/motels to offer varied pricing based on length of stay (e.g., lower rates for longer stays)?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pros:</u></p> <p>► It is industry standard to vary pricing based on length of stay. Staff supports the removal of this restriction on offering weekly or monthly rates.</p> <p>► Offering varied pricing based on length of stay allows Claremont's hotels/motels to compete with hotels/motels in surrounding cities.</p> <p>► Varied pricing is unlikely to result in criminal or nuisance activities.</p> <p><u>Con:</u></p> <p>► None, as long as a guest’s consecutive length of stay cannot exceed 30 days and guests are required to remove all of their belongings between stays. (See KEY DECISION 4A above.)</p>	
<p><b>KEY DECISION #8A:</b> Should the ordinance require guests to provide a valid credit/debit card as a way to verify their identity?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pro:</u></p> <p>► Requiring guests to provide a valid credit or debit card is one of the most effective deterrents of criminal activity because it is the best way to verify a guest’s identity (i.e., it is relatively easy to obtain a fake ID or a stolen credit card, but it is very difficult to have a fake ID that matches a stolen credit card and looks like the person using it).</p> <p><u>Con:</u></p> <p>► Claremont’s hotels/motels will not be able to rent rooms to guests who do not have a valid credit or debit card. (NOTE – the ordinance makes an exception for guests that are paying for a room with a voucher.<sup>1</sup>) The ordinance can still allow guests to pay for the room with cash. (See KEY DECISION 8B below.)</p>	
<p><b>KEY DECISION #8B:</b> Should the ordinance allow guests to pay for rooms with cash?</p>	

<sup>1</sup> As noted above, California’s Attorney General has taken the position that prohibiting hotels/motels from providing rooms to unsheltered individuals violates fair housing laws.

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p><b>Staff Rec:</b> Yes, if guests are required to present a valid credit/debit card.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ The purpose of credit/debit card requirement is to verify a guest's identity. Requiring a guest to pay for the room with a credit/debit card does not necessarily deter or reduce criminal/nuisance activity.</li> <li>▶ Some guests have valid reasons to pay for rooms with cash (e.g., survivors of domestic violence who do not want their abusers to know where they are staying by checking their credit card records).</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Some guests may use cash to pay for rooms to avoid creating a credit/debit card record of unlawful activity, but as noted above, if a guest is required to present a valid credit/debit card, the hotel/motel will have record of their stay that law enforcement can use to investigate and prosecute crimes.</li> </ul>	
<p><b>KEY DECISION #9A:</b> Which hotels/motels should be required to keep a guest register? (All hotels/motels? <b>Freeway motels only?</b> Hotels/motels that have been declared to be nuisances only?)</p> <p><b>Staff Rec:</b> <b>Freeway motels only</b> (more likely to attract criminal and nuisance activity as a result of their location and configuration).</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ The guest register requirement is an effective deterrent of criminal activity (because it requires hotels/motels to verify and document each guest's identity).</li> <li>▶ Provides enforcement tool for freeway motels – noncompliance with guest registration requirements is valid grounds for removal.</li> <li>▶ If there is a reason for police to enter a room, it is safer for them to know the identities of the occupants before they go in.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Burdensome to the freeway motels and their guests.</li> </ul>	
<p><b>KEY DECISION #9B:</b> Should hotels/motels be required to scan images of a guest's Identification Documents?</p> <p><b>Staff Rec:</b> No, but the <b>freeway motels</b> should be required to gather key pieces of information from the Identification Documents that law enforcement would need for an investigation (name, date of birth, license number), and an employee should be required to attest that picture on the guest's Identification Documents matched the guest.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Not requiring motels to scan Identification Documents reduces risk that highly-sensitive guest information will be lost through data breaches.</li> <li>▶ Information required in Version 3.0 is sufficient for law enforcement investigations, if needed.</li> </ul>	

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p>▶ Requiring guests to provide a valid Identification Document is one of the most effective deterrents of criminal activity. This is why staff supports the employee attestation requirement.</p> <p><u>Con:</u></p> <p>▶ Burdensome to the freeway motels and their guests.</p>	
<p><b>KEY DECISION #9C:</b> Should the ordinance allow the City's Community Development Director to allow a hotel/motel to offer digital check ins?</p> <p><b>Staff Rec:</b> Yes, on a case-by-case basis if hotel/motel is in full compliance with ordinance and has no history of criminal activities.</p> <p><u>Pros:</u></p> <p>▶ This option allows Claremont's hotels/motels to compete with hotels/motels in surrounding cities. Hoteliers requested this option because, "[i]n today's lodging industry, a great many individuals check in to a hotel online, using a kiosk, or via a mobile device, and, in some cases, they can go to their rooms without ever having to go to the 'front desk.'"</p> <p>▶ If this option is closely-monitored by the hotel/motel and City, it is unlikely to result in criminal or nuisance activity.</p> <p>▶ City can revoke authorization to offer digital check ins at any time if it results in criminal or nuisance activity.</p> <p><u>Con:</u></p> <p>▶ Increased burden on City staff and Police Department – Hotels/motels that offer digital check-ins would need to be closely monitored (both internally and by the City) to ensure the program is not being used for criminal or nuisance activity.</p>	
<p><b>KEY DECISION #9D:</b> What is the appropriate retention period for hotel/motel records, including the guest register?</p> <p><b>Staff Rec:</b> 1 year.</p> <p><u>Pros:</u></p> <p>▶ 1 year is generally sufficient for law enforcement to complete any necessary investigations.</p> <p>▶ Due to the risk of data breaches, industry practice is to retain records containing sensitive guest information for the shortest period necessary.</p> <p>▶ Retaining records and protecting them from data breaches is costly and burdensome.</p> <p><u>Con:</u></p> <p>▶ The City (and its Police Department) will not be able to access records after they are destroyed. In the unlikely event that the City needs a record that is more than 1 year old, it might not be available anymore.</p>	

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p><b>KEY DECISION #10:</b> Should the ordinance require secured parking or permit parking for hotels/motels?</p> <p><b>Staff Rec:</b> Require permit parking for <b>freeway motels only</b> (more likely to attract criminal and nuisance activity as a result of their location and configuration). Do not require secured parking for any hotels or motels.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Permit parking allows the motel and City staff (including the Police Department) to quickly and easily verify which vehicles belong to registered guests.</li> <li>▶ Motels are primarily responsible for monitoring and enforcing permit parking requirements (e.g., towing vehicles that do not have permits). If motels fail to enforce permit parking requirements, the City could initiate code enforcement proceedings against the motel for violations of the ordinance.</li> <li>▶ Secured parking is problematic because City staff and Police will need the motel's permission, a warrant, or exigent circumstances to enter the parking area. For freeway motels, this could increase the amount of criminal and nuisance activities in the parking areas.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Burden to freeway motels to implement, administer, monitor, and enforce permit parking.</li> </ul>	
<p><b>KEY DECISION #11:</b> Should the ordinance require hotels/motels to have CCTV cameras in their common areas and parking areas?</p> <p><b>Staff Rec:</b> Yes, for <b>freeway motels only</b> (more likely to attract criminal and nuisance activity as a result of their location and configuration).</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> <li>▶ CCTV cameras are an effective deterrent of criminal and nuisance activities and are instrumental to law enforcement in apprehending criminals.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Hoteliers expressed concern about the high cost of installing CCTV cameras on all common areas and parking areas.</li> </ul>	
<p><b>KEY DECISION #12:</b> Should hotel/motel guest rooms be prohibited from having a kitchen or cooking facilities, other than a microwave and small refrigerator, except in long-term stay hotels?</p> <p><b>Staff Rec:</b> Eliminate prohibition on guest rooms in hotels/motels having kitchens or cooking facilities.</p> <p><u>Pros:</u></p> <ul style="list-style-type: none"> <li>▶ Hoteliers requested this prohibition be removed. Kitchen facilities can be an attractive amenity in a guest room.</li> <li>▶ On their own, kitchens in guest rooms are unlikely to be a source of criminal or nuisance activity. To the contrary, they may make</li> </ul>	

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p>rooms more attractive to guests who are using the rooms for legitimate, law-abiding purposes.</p> <p><u>Cons:</u></p> <ul style="list-style-type: none"> <li>▶ Increases the likelihood that guests will use guest rooms as residences (but enforcement of limits on consecutive length of stay can address this).</li> <li>▶ Decreases likelihood that guests will dine out.</li> </ul>	
<p><b>KEY DECISION #13:</b> Should the ordinance explicitly outline site and operational requirements, like security, cleanliness, room furnishings, and the condition of the exterior of the property and common areas?</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> <li>▶ Most of these requirements can be found in other parts of the Claremont Municipal Code. Including these requirements in the ordinance provides enhanced notice to hoteliers and members of the community and clarity about the City’s requirements.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ The City will need to monitor Code amendments on an ongoing basis to avoid inconsistencies with the hotel/motel ordinance.</li> </ul>	
<p><b>KEY DECISION #14:</b> Should the ordinance require long-term stay hotels to be located in an area with a “concentration of amenities” for guests, including restaurant retail, recreation, open space, and exercise facilities.</p> <p><b>Staff Rec:</b> Yes.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> <li>▶ This requirement ensures guests of long-term stay hotels will not need to travel far to shop, dine, and recreate.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ This requirement arguably prevents the proposed Residence Inn (on the site of the current Knights Inn) from being used as a long-term stay hotel because it is not in an area with a concentration of “open space.”</li> </ul>	
<p><b>KEY DECISION #15:</b> Staff recommends Version 2.0 or 3.0 to remove warrantless inspection requirement. See note below.  <b>NOTE:</b> The procedure in Versions 2.0 and 3.0 would bring the ordinance into compliance with a 2015 United States Supreme Court decision — <i>City of Los Angeles v. Patel</i>, 576 U.S. 409 (2015) — and the Fourth Amendment to the United States Constitution (which generally prohibits warrantless searches). It is staff’s experience that Claremont’s current hotels and motels cooperate with law enforcement and provide consent to inspection of their records, surveillance footage, and sites.</p>	
<p><b>KEY DECISION #16:</b> What is the appropriate amortization period for hotels/motels to bring their (1) operations, and (2) sites into compliance with the new ordinance?</p>	

## Summary of Key Decisions for Hotel/Motel Ordinance

KEY DECISIONS	NOTES
<p><b>Staff Rec:</b> 3 months for changes to operations; 1 year for physical improvements to site; option for Community Development Director to extend deadlines for hotels/motels making diligent progress toward compliance.</p> <p><u>Pro:</u></p> <ul style="list-style-type: none"> <li>▶ Hotels and motels cannot be expected to bring their operations and sites into compliance with a newly adopted ordinance overnight. Providing an amortization period is fair and legally required.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ The longer the amortization period, the longer it will take to see improvements from the ordinance.</li> </ul>	
<p><b>KEY DECISION #17:</b> None</p>	
<p><b>KEY DECISION #18:</b> What (if any) types of City and community oversight and reporting requirements should the ordinance require?</p> <p><b>Staff Rec:</b> In response to feedback from the October 4, 2022 Planning Commission meeting and the November 29, 2022 listening session, staff recommends the ordinance include the following additional oversight and reporting features:</p> <ol style="list-style-type: none"> <li>1. Like Long Beach, establish a City Interdepartmental Team (CIT) to proactively address criminal and nuisance activities at hotels and motels, particularly at freeway motels.</li> <li>2. The CIT must prepare quarterly reports on their activities and post them on the City's website.</li> <li>3. The CIT must provide an annual report to the City Council.</li> <li>4. The City must create a comment form, posted on the City's website to allow members of the public to provide feedback on hotels and motels.</li> </ol> <p><u>Pro:</u></p> <ul style="list-style-type: none"> <li>▶ Community outreach, oversight, and reporting requirements will increase transparency will ensure the City's enforcement efforts are transparent.</li> </ul> <p><u>Con:</u></p> <ul style="list-style-type: none"> <li>▶ Increased burden on City staff.</li> </ul>	