

Frequently Asked Questions (FAQ) regarding the City of Claremont's Proposed Hotel/Motel Ordinance

Question 1: Does the City have an existing Hotel/Motel Ordinance and is it enforceable?

Yes, Chapter 16.051 "Commercial Districts" Section 16.051.060 "Hotels/Motels" of the Claremont Municipal Code (CMC) is the City's current/existing ordinance. All of the City's current ordinance is enforceable except the following: The existing ordinance requires hotels/motels to allow the City to audit their records "at all reasonable times" (CMC § 16.051.060(F)). In 2015, the United States Supreme Court held that warrantless inspection requirements like this violate the Fourth Amendment to the United States Constitution. *City of Los Angeles v. Patel, 576 U.S. 409 (2015)*. The City's Community Improvement Division, the Claremont Police Department, and the Los Angeles County Department Health are all responsible for certain enforcement components, which are detailed below.

Question 2: What are the compliance/enforcement options for a Hotel/Motel Ordinance?

Option 1: Voluntary compliance – A hotel/motel owner voluntarily complies with the City's Hotel/Motel Ordinance.

Option 2: Issue administrative citations (i.e. code enforcement) – If a hotel/motel owner does not voluntarily comply with the City's Hotel/Motel Ordinance, the City's Community Improvement Division and/or the Los Angeles Department of Public Health (LACDPH) can issue administrative citations to impose fines in the amount of \$100 for the first violation, \$200 for the second violation, and \$500 for each violation thereafter.

Option 3: Administrative nuisance abatement – The City of Claremont has an established an administrative nuisance abatement process, as described, in part, below. The full procedure can be found in Chapter 8.16 "Public Nuisances" of the Claremont Municipal Code (CMC).

- If a building or property meets the definition of a public nuisance as described in Section 8.16.020 of the CMC, the Director of Community Development must serve the property owner with a Notice of Violation (CMC § 8.16.030).
- The CMC requires that a reasonable amount of time be established, which shall not be less than 10 days, within which the nuisance shall be abated or corrected by the property owner (CMC § 8.16.030). If an alleged nuisance is not properly abated within the period set forth in the notice provided pursuant to Section 8.16.030, the Director of Community Development or a code or law enforcement officer of the City shall serve the owner with a written notice of the City's intention to abate the public nuisance described in the notice, in accordance with CMC Sections 8.16.060 and 8.16.080.
- The owner shall have the right to request a hearing on the abatement of the public nuisance within 15 days of the date indicated on the notice.
- Following the hearing on the abatement of a public nuisance, the City Manager shall consider all evidence and determine whether the property, in whole or in part, or any building or structure thereon, constitutes a public nuisance as alleged. The City Manager's decision is appealable to the City Council (CMC § 8.16.110). Said appeal must be in writing and must be filed with the City Council no later than ten days from the date of the service of the City Manager's order (CMC § 8.16.210).

- Within 45 days from the date of the City Manager’s receipt of the written appeal, the City Council shall, after review of the entire record, the City Manager’s report, and appellant’s written appeal, and without further hearings on the matter, issue a resolution affirming, reversing, or modifying, in whole or in part, either the order finding and ordering the abatement of a public nuisance or the order determining the cost of abatement. Such resolution shall be served upon the owners, or other appellants in accordance with Section 8.16.080 and shall inform the appellants of their right to file a judicial action to appeal said decision within thirty days pursuant to Section 8.16.220. The decision of the City Council shall be final (CMC § 8.16.210).

Option 4: The City Council may direct the City Attorney to commence a civil or, in some cases, criminal proceeding to abate a public nuisance. This could include an action under the Drug Abatement Act (Health and Safety Code § 11570 et seq.), and the Red Light Abatement Law (Penal Code § 11225 et seq.).

Option 5: If the motel is not operating in accordance with its conditional use permit (CUP), the City’s Community Development Department could request the Planning Commission revoke the CUP (pursuant to the procedures and standards in CMC § 16.303.080(D)).

Option 6: The City’s licensing body and/or the City Council could suspend or revoke a motel’s business license (pursuant to the procedures and standards outlined in CMC Ch. 5.20) if “necessary for the preservation and protection of public health, morals, safety or general welfare.”

Question 3: Does the City enforce the existing Hotel/Motel Ordinance and other laws pertaining to prostitution/human trafficking and other criminal/nuisance activity?

Yes, City staff regularly responds to calls for service (code enforcement and police response) at the three “freeway motels” (Knights Inn, Motel 6, and the Claremont Lodge). More specific information is detailed below.

Code Enforcement – Calendar Year 2022

- The City of Claremont [Community Improvement Division](#) is responsible for responding to community concerns through proactive code enforcement, abatement, and community improvement strategies.
- The Los Angeles County Department of Public Health (LACDPH) – Environmental Health Division/ Lodging and Institutions Program is responsible for the enforcement of public health laws pertaining to hotels, motels, boarding homes, boarding schools, interim housing, and private school cafeterias. All of these named establishments that reside in Los Angeles County are required to hold a Public Health License in order to operate. The Lodging and Institutions Program conducts inspections of hotels, motels, interim housing, boarding schools, and boarding homes, including rooming houses, home for the aged, sober living facilities, boarding houses, lodging houses, and bed and breakfast facilities on an annual basis. Anyone can report a problem or notify LACDPH about activities that may be of public health concern by calling the Lodging and Institutions Program at 213-351-0288 or filing a report on their [website](#). Because these matters are not in the City’s purview, City of Claremont Community Improvement staff

have requested that LACDPH include them in any inspections that they conduct at Claremont hotels/motels.

- Community Improvement staff responded to the Claremont Lodge in March because the monument sign had graffiti on it and a portion of the block wall was missing its cap. These issues have been resolved.
- A letter was sent to Motel 6 from the City's Community Development Department in April that detailed several property maintenance issues, and administrative citations were issued. Motel 6 filed an appeal of those administrative citations, and that appeal is still pending.
- In May, Community Improvement staff responded to the Motel 6 due to miscellaneous items being stored outside. This matter has been resolved.
- The use of a gas leaf blower was reported at Motel 6 and subsequently cited in July.
- The Architectural Commission reviewed Motel 6's proposed landscape and site plan in October. Motel 6 appealed the Architectural Commission's approval of Motel 6's landscape plan to the City Council, and the City Council denied the appeal and affirmed the Architectural Commission's approval in full at its November 22, 2022 meeting.
- In September, trash/debris, dog feces, and an abandoned mattress were found near the tennis courts on the Motel 6 property. Trash and debris were also reported near the tennis courts in October.
- In October, the City received a complaint of living conditions in Room 269 at the Knights Inn. This issue was investigated and resolved by the end of the month. In November, an overgrown tree was also reported at the Knights Inn.
- As noted above, the United States Supreme Court held that warrantless inspection requirements violate the Fourth Amendment to the United States Constitution. As such, the Community Development Department is working on an inspection program that would request all hotels and motels to voluntarily grant the City's request to inspect each hotel/motel.

Police Department Response

- Calls for service at the Motel 6 address: 1,619 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- Arrests at the Motel 6 address: 122 between September 2020 and September 2022.
- Calls for services at the Knights Inn address: 679 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- Arrests at the Knights Inn address: 58 between September 2020 and September 2022.
- Calls for services at the Claremont Lodge address: 554 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- Arrests at the Claremont Lodge address: 58 between September 2020 and September 2022.
- Calls for service in the geographic area between the 10 freeway and American, and Indian Hill and Drake: 3,036 between September 2020 and September 2022. These also include officer initiated activity, like welfare checks.
- For arrests in the geographic area between the 10 freeway and American, and Indian Hill and Drake, there were 247 arrests between September 2020 and September 2022.
- On Thursday, May 12, 2022, the Claremont Police Department executed a special crime suppression detail at the hotels adjacent to the 10 Freeway along Indian Hill Boulevard. During the eight-hour detail, Officers made ten arrests. Officers arrested one individual in possession of

a loaded concealed firearm and made a second arrest for possession of a “Ghost Gun” along with an extended gun magazine. The other arrests ranged from possession of Oxycodone and Xanax laced with fentanyl for sale, possession of narcotics, soliciting on the freeway, driving on a suspended driver’s license, and warrant arrests. Officers issued two hazardous citations and impounded one vehicle. The special crime suppression detail was coordinated in response to concerns from residents and businesses about the increase in criminal activity in the area surrounding the hotels.

- On August 26, 2022 and September 15, 2022, the Claremont Police Department along with the Pomona Police Department and the Los Angeles County Probation Department conducted a two-day prostitution detail in the area of Indian Hill Blvd. and IS-10 freeway. During the two-day enforcement detail, a total of 19 subjects were arrested for solicitation for prostitution. One individual arrested was on active parole, a registered sex offender and wearing a GPS monitoring ankle bracelet as one of his conditions of parole. He was taken to the West Valley Detention Center where he was booked and held pending his court appearance. The other 18 arrestees were transported to the Claremont Police Department Jail, where they were booked and later released on citations. The special crime suppression detail was coordinated in response to concerns from residents and businesses about the increase in criminal activity in the area surrounding the hotels.
- On November 4, 2022, the Claremont Police Department and the Los Angeles County District Attorney’s Bureau of Investigations conducted an undercover prostitution detail in the area of Indian Hill Blvd. and IS-10 freeway. The Claremont Police Department receives multiple complaints from residents, business owners, and passerby’s regarding prostitution in the immediate area. During the enforcement detail, 15 subjects were arrested for soliciting a “Prostitute” for sexual acts. A 16th individual, identified as Jose Berrios, 39 years old from Lake Elsinore, and a registered sex offender for “Pimping and pandering,” was arrested when he attempted to “Pimp and pander” the three undercover officers.

Question 4: What are other cities doing to address “nuisance motels”?

- Acquiring motels and transforming them into housing for people experiencing homelessness (Some examples include: City of Long Beach – [Luxury Inn, Motel 6](#); City of Anaheim – [Tampico Motel, Anaheim Lodge](#); City of Fresno – [Four motels along “Motel Drive”](#); City of Stanton – [The Tahiti Motel and Stanton Inn and Suites](#))
- Administrative or civil nuisance abatement (Some examples include: City of Dana Point – [Seaside Inn](#); City of Dana Point – [Harbor Inn](#); City of Los Angeles – [Hometown Inn](#); City of Denver, CO – [Z Star Motel](#); City of Columbus, OH – [America’s Best Value Inn](#); City of San Pedro (LA City Attorney) – [Palos Verdes Inn Hotel](#))

Question 5: Who provides guidance to the City Council and City staff regarding nuisance abatement action that the City can pursue?

The City’s legal counsel (either the City Attorney’s Office or special counsel) provides this guidance. To preserve the confidential and privileged nature of these attorney-client communications, the City typically does not disclose the legal guidance it receives from its attorneys publicly.

Question 6: Has Long Beach’s Ordinance been effective in combatting crime/nuisance activity and has it stood up to any legal challenges?

- Long Beach pursued a parallel path by adopting a Nuisance Motel Ordinance and an Interim Motel Conversion Ordinance simultaneously, which set the groundwork for ramping up with Project Roomkey and Homekey during the COVID-19 pandemic.
- Since the adoption of the ordinances, neither of them have been legally challenged. The city has purchased one motel, and they are in the process of purchasing another motel, which they will convert into temporary housing for people experiencing homelessness.
- Before presenting these ordinances to their City Council, Long Beach staff created an internal/staff Task Force (City Attorney, Community Development, Public Works, and other City departments) and compiled three years (2014-2017) of “calls for service” data. The data analysis was done for all hotels and motels citywide and staff presented objective analysis to all hotel and motel operators, including the 6 nuisance locations that they identified through the data. In their data analysis, they differentiated between “Priority 1” (top priority) and lower priority calls (i.e. violence vs. nuisance issues) to determine which locations were the most dangerous. The results of their data analysis led to the launch of a Nuisance Motels Pilot Program (1 year program, 6 nuisance motel locations) in 2018. The total data collection/analysis/outreach/development process took three years before the final ordinances were presented to their City Council. During this process (pre-ordinance adoption), calls for service were decreasing at the nuisance motels, likely due to motel operators’ awareness of the pending ordinances.
- Data analysis has not been conducted post-pandemic/since the ordinances were adopted in 2020. Long Beach staff is re-analyzing data now (post-pandemic) at the direction of their Council because some of the criminal/nuisance issues appear to be resurfacing.

Question 7: Why didn’t City staff recommend the “Long Beach Ordinance” to the Planning Commission?

In April 2022, the Claremont Police Commission approved a Statement of Direction regarding enforcement of laws affecting prostitution and crime related to motels within the city. Their direction was not to duplicate the “Long Beach Ordinance.” Their Statement of Direction was what guided the “Police Commission recommended” version of the Ordinance that was presented to the Planning Commission on October 4, 2022.

Question 8: Why did City staff recommend a proposed ordinance that differs from that of the Police Commission’s recommendation?

City staff used the Police Commission recommended ordinance to conduct outreach with management representatives from each of the five hotels/motels in Claremont as well as legal counsel for the California Hotel & Lodging Association and California Association of Boutique & Breakfast Inns, and legal counsel for the Motel 6 located in Claremont. Staff also relied on the expertise of the City’s Police Department, Community Improvement Division, Planning Division, and the advice of its City Attorney’s Office to refine the Police Commission recommended ordinance. Staff’s goal is to balance several competing interests and objectives, including without limitation: the community’s desire for enhanced oversight and enforcement tools for motels in areas susceptible to crime; the hoteliers’ desire to be free

from costly and burdensome governmental requirements; and constitutional constraints that have become more clear in the 18 years since the City adopted its Hotel/Motel Ordinance. Importantly, the Police Commission formed their Statement of Direction (which contains recommendations on potential provisions for a new or amended Hotel/Motel Ordinance) without the benefit of input from staff, the City Attorney's Office, or industry stakeholders. It was understood that the Police Commission's Statement of Decision was a starting point that would be more fully vetted before any proposals were presented to the City Council.

Question 9: Why did City staff recommend that the Hotel/Motel Ordinance not require guests to have a permanent address?

Requiring that a guest have a permanent address would preclude hotels/motels from providing rooms to unsheltered individuals and individuals who have chosen to not have a permanent address. The City and other agencies use local hotels/motels for voucher programs to get unsheltered individuals off the street and oftentimes, these people do have an identification card with an address on it, which may be a last known address, a PO Box, or another address where they receive mail.

Additionally, recently re-elected Attorney General Rob Bonta has taken the position that voucher program limitations violate California's Fair Employment and Housing Act (FEHA) by discriminating against hotel residents based on income source. His office's press release is available online at <https://oag.ca.gov/news/press-releases/attorney-general-bonta-demands-city-el-cajon-immediately-rescind-warning-notices>, and a demand letter he sent to the City of El Cajon is available online at <https://oag.ca.gov/system/files/attachments/press-docs/AGO%20Letter-El%20Cajon%2009.23.22.pdf>. This also means that the City cannot limit the number of housing vouchers that a motel or hotel may choose to accept.

Question 10: Why did the Police Commission and City staff recommend that hotel/motel guests be required to present a valid form of identification and a credit or debit card upon checking in to a hotel/motel?

One of the most effective ways to deter criminal activity (including identity fraud) is to require guests to provide a valid credit or debit card and to present that card with a valid identification that matches the name on the credit/debit cards. The City's existing ordinance does not require this (i.e., hotels/motels can accept cash payment). In their professional experience, the Claremont Police Department has found that it is fairly simple for someone to steal a credit or debit card and use it without permission, and it is fairly simple for someone to obtain a fake ID, but it is far more difficult to obtain a stolen credit or debit card and also produce a valid form of identification that matches said card. Although these requirements may result in some people being excluded from being able to rent a hotel or motel room, industry stakeholders have shared with staff that this is already a common practice in the hotel/motel industry (many chain hotels/motels already require this). Staff recommends that hotels/motels only be able to accept cash payments if the hotel/motel can validate the patron's identification and credit or debit card.

Question 11: Can the City of Claremont demand access to hotel or motel rooms when residents/guests make the City aware of health and safety concerns?

Generally, no. In 2015, the United States Supreme Court held that warrantless inspection requirements violate the Fourth Amendment to the United States Constitution *City of Los Angeles v. Patel*, 576 U.S. 409 (2015), meaning that City staff (including police) cannot demand access to specific motel or hotel rooms – even to respond to complaints, possible criminal activity, or possible code enforcement issues – without a warrant. To access a non-public area of a hotel or motel (including a guest room), the City must have one or more of the following: (1) consent; (2) a warrant; (3) notice that provided an opportunity for pre-compliance judicial review; or (4) exigent circumstances.

In addition, the Los Angeles County Department of Public Health (LACDPH) is the only agency with the authority to issue a Public Health License/Permit in the City of Claremont. All hotels and motels are required to obtain a Public Health License in order to operate. Specifically, the LACDPH Environmental Health Division/Lodging and Institutions Program is responsible for the enforcement of public health laws pertaining to hotels, motels, boarding homes, boarding schools, interim housing, and private school cafeterias.

The LACDPH Lodging and Institutions Program conducts routine inspections of hotels, motels, and other housing facilities within their purview on an annual basis. They also conduct complaint investigations. Anyone can report a problem or notify LACDPH about activities that may be of public health concern by calling the Lodging and Institutions Program at 213-351-0288 or filing a report on their [website](#). City of Claremont Community Improvement staff have requested that LACDPH include them in any inspections that they conduct at Claremont hotels/motels.

Question 12: When and how was community and stakeholder outreach conducted throughout this process?

- Multiple Police Commission meetings.
- Outreach conducted by Police Commission Ad-Hoc Committee.
- Staff has held numerous meetings with the owners of Motel 6, Knights Inn, and the Claremont Lodge to specifically discuss criminal and nuisance activity at each respective motel.
- Staff, City Attorney, and Hotel/Motel Stakeholder meeting on September 19, 2022.
- Planning Commission meeting on October 4, 2022.
- Staff and City Attorney meeting with the Committee for Safe and Healthy Housing on November 14, 2022.
- Staff and City Attorney meeting with Los Angeles Citywide Nuisance Abatement Program (CNAP) Team on November 22, 2022.
- Hotel/Motel Community Listening Session on November 29, 2022. Please note that no new information or proposed ordinances will be presented at this meeting. No decisions regarding the Hotel/Motel Ordinance will be made at the Community Listening Session and this is not a public Brown Act meeting. This is an opportunity for members of the public to ask questions and provide feedback on a proposed Hotel/Motel Ordinance, which City staff is currently working on and will present to the Police Commission and the Planning Commission at a joint meeting that will be held in 2023.

- (*Upcoming*) Joint Meeting of the Police and Planning Commissions. Please note that this meeting is **tentatively** scheduled for Saturday, January 28, 2023. More information regarding meeting logistics will follow.
- Updates and information has been shared with residents via the City's weekly electronic newsletters, quarterly mailed newsletters, social media, and our website.