



Charlotte City Council
Community Safety Committee
Summary Minutes
November 15, 2018

COMMITTEE AGENDA TOPICS

- I. Hotel and Motel Requirements Ordinance (information and feedback)
- II. Residential Rental Registration & Remedial Action Program (information and feedback)

COMMITTEE INFORMATION

Committee Members Present: Julie Eiselt (Chair), Braxton Winston (Vice Chair), Tariq Bokhari, Justin Harlow, James Mitchell

Staff Resources: Dr. Kim Eagle, City Manager's Office
Mark Newbold, City Attorney's Office, CMPD

Meeting Duration: Noon – 1 p.m.

ATTACHMENTS

1. Document – Hotel and Motel Requirements Ordinance Strikeout
2. Document – Hotel and Motel Requirements Ordinance Clean Draft
3. Presentation – Residential Rental Registration & Remedial Action Program

DISCUSSION HIGHLIGHTS

Committee Chair Eiselt called the meeting to order at 12:05 p.m. and asked everyone in the room to introduce themselves. Assistant City Manager Kim Eagle introduced the meeting's agenda to provide context for the agenda items and discussion.

Hotel and Motel Requirements Ordinance

Deputy City Attorney Mark Newbold presented the revised ordinance to the committee with the removal of items six and seven based on the decision rendered in the U.S. Supreme Court case California v. Patel from 2015 that now prohibits CMPD from asking hotels and motels guest registration and reservation information about potential suspects involved in criminal activity.

Committee member Bokhari requested statistics on how frequently CMPD enforces the ordinance. Committee Vice Chair Winston requested more information about the Sugar Creek area and how often this ordinance has been enforced.

Staff will follow up with more information about enforcement and will review the ordinance for any other improvements and changes.

Residential Rental Registration & Remedial Action Program

Deputy City Attorney Mark Newbold presented additional information about the residential rental registration and remedial action program. More than half of residential rental properties are registered with the city.

Staff is recommending:

- no change to owner attendance requirement at mandatory meetings
- removal of the subsection requiring posting proof of registration
 - registration is no longer mandatory for all properties (volunteer only)
 - registration required only for properties falling at/above disorder risk threshold

Committee members requested further review of the ordinance. Committee Vice Chair Winston requested a heat map that identifies where the voluntary registrants are located. Staff will provide committee members with the ordinance and more information about voluntary registrants at an upcoming meeting.

Next meeting is tentatively scheduled for Thursday, Dec. 13, at noon in room 280.

Meeting adjourned at 12:50 p.m.

Community Safety Committee
Thursday, Nov. 15 | Noon | Room 280

Committee Members: Julie Eiselt, Chair
Braxton Winston, Vice Chair
Tariq Bokhari
Justin Harlow
James Mitchell

Staff Resource: Kim Eagle, City Manager's Office

AGENDA

I. Hotel and Motel Requirements Ordinance

Staff Resources: Chief Kerr Putney, CMPD
Deputy City Attorney Mark Newbold, CMPD

In 2008, city council passed an ordinance that allowed CMPD to ask hotels and motels for guest registration and reservation information about potential suspects involved in criminal activity. Based on the decision rendered in the U.S. Supreme Court case California v. Patel from 2015, staff will share recommended revisions to the ordinance for consideration. CMPD previewed this item for the committee in October.

Action requested – provide input and feedback

II. Residential Rental Registration & Remedial Action Program

Staff Resources: Chief Kerr Putney, CMPD
Deputy City Attorney Mark Newbold, CMPD

In response to recent state legislation, CMPD is reviewing the city's Residential Rental Registration ordinance. CMPD will be recommending the following amendments:

- Removal of the mandatory registration requirement
- Removal of the initial meeting fee
- Decriminalization of violations of the ordinance (violations will be enforced with civil penalties).

Action requested - provide input and feedback

Next Meeting: Thursday, Dec. 20, at noon in Room 280

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE XIII OF THE CHARLOTTE CITY CODE ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS"

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order; and

WHEREAS, the City of Charlotte has authority pursuant to Article 8 of Chapter 160A of the North Carolina General Statutes to adopt ordinances to protect the health, safety, or welfare of its citizens and peace and dignity of the City.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 15 of the City Code shall be rewritten to amend Section 15-302 to read:

“Section 15- 302. Prohibited Acts

(a) It shall be unlawful for any lodging establishment, person, owner, operator, general manager, night clerk or person responsible for the day to day operations of a lodging establishment to:

(1) Fail to number or designate in a plain and conspicuous manner each lodging unit. Such number or designation shall be placed on the outside of each lodging unit and no two lodging units shall bear the same number or designation, unless clearly designated as to a building, wing, or other identifier.

(2) Allow a guest to register or check in at the lodging establishment who does not provide a valid credit card or government issued identification except when a reservation is established by a confirmation number, or provided by an amenity program, kiosk, or on-line system.

- (3) Charge a registered guest an hourly rate for a lodging unit except if
- i the hourly extension was granted by the lodging establishment to accommodate a late check out; or
 - ii. the hourly extension is a partial day rate granted for flight layovers or other travel delays; or
 - iii. the hourly rate is established by a written company policy.

(4) Block 911 calls from a guest room.

(5) Knowingly allow a person to remain or return to the premises of the lodging establishment, or provide or continue to provide lodging to a registered guest or other person only where the registered guest or other person is participating in observable criminal activity in or on the property. This section does not apply to a lodging establishment if it is currently taking legal action to remove the registered guest or other person or has provided the registered guest or other person written notice to leave within a reasonable time period or the registered guest or other person has been notified to leave and has refused to leave.”

~~(6) — Fail to allow a law enforcement officer to conduct an on-site inspection of registration or reservation information about a registered guest, who is a suspect in a particular crime. The information to be inspected shall be provided in whatever form and content as captured by the lodging establishment and shall not be removed from the lodging establishment except upon consent of the hotel manager or his or her designee or by receipt of a subpoena or court order. A hotel manager may request to speak to the officer’s direct supervisor or require confirmation in writing before providing an on-site inspection of registration or reservation information.~~

~~————(7) — Fail to allow law enforcement officers reasonable access to the vehicle parking area of the lodging establishment within a reasonable period of time upon request by a law enforcement officer who is conducting a criminal investigation.”~~

Section 2: This ordinance will become effective _____, 2018

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE XIII OF THE CHARLOTTE CITY CODE ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS"

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order; and

WHEREAS, the City of Charlotte has authority pursuant to Article 8 of Chapter 160A of the North Carolina General Statutes to adopt ordinances to protect the health, safety, or welfare of its citizens and peace and dignity of the City.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 15 of the City Code shall be rewritten to amend Section 15-302 to read:

“Section 15- 302. Prohibited Acts

(a) It shall be unlawful for any lodging establishment, person, owner, operator, general manager, night clerk or person responsible for the day to day operations of a lodging establishment to:

(1) Fail to number or designate in a plain and conspicuous manner each lodging unit. Such number or designation shall be placed on the outside of each lodging unit and no two lodging units shall bear the same number or designation, unless clearly designated as to a building, wing, or other identifier.

(2) Allow a guest to register or check in at the lodging establishment who does not provide a valid credit card or government issued identification except when a reservation is established by a confirmation number, or provided by an amenity program, kiosk, or on-line system.

(3) Charge a registered guest an hourly rate for a lodging unit except if

- i the hourly extension was granted by the lodging establishment to accommodate a late check out; or
- ii. the hourly extension is a partial day rate granted for flight layovers or other travel delays; or
- iii. the hourly rate is established by a written company policy.

(4) Block 911 calls from a guest room.

(5) Knowingly allow a person to remain or return to the premises of the lodging establishment, or provide or continue to provide lodging to a registered guest or other person only where the registered guest or other person is participating in observable criminal activity in or on the property. This section does not apply to a lodging establishment if it is currently taking legal action to remove the registered guest or other person or has provided the registered guest or other person written notice to leave within a reasonable time period or the registered guest or other person has been notified to leave and has refused to leave.”

Section 2. This ordinance shall become effective upon adoption.

Approved as to Form:

City Attorney



CHARLOTTESM

Community Safety Committee
November 15, 2018

Rental Ordinance



Current Rental Property Registration

- Starting January 1, 2013, all owners of rental properties located within the City limits of Charlotte shall register their properties.
- Registration is free but mandatory.
- Owners must provide their contact information including email.
- Owner must list the address of the rental property, and the number of units on the property.
- Email alerts allow property owners and property managers the ability to have “real time” access to events that are possible taking place on the property.

Email Alerts

- *At 7/10/2015 09:56 a police report was taken in the Eastway Division Response Area 1 for 3510 CARD ST . The report generated complaint number 20150710-0956-01.. Here is a brief narrative of that complaint:
The R\P states that an unknown person broke into the crawl space of the house at 3510 Card Street sometime between 1800 hours on the 9th and 0800 hours on the 10th of July. Once inside the suspect cut all the copper pipes that were under the house.*
- Email alerts are automatically generated by our crime analysis department.
 - The records management system(RMS) is data mined to match calls for service/incidents with registered properties.
 - The alert has the phone number for our unit as well as the police division where the property is located.
 - Email alerts allow the owner to monitor their investment and allows property management companies the means to monitor any criminal activity and taking action for same.

Rental Registration

| | |
|---|----------|
| TOTAL REGISTERED | 31837 |
| APARTMENTS (UNITS/TOTAL COMPLEXES) | 6532/592 |
| CONDOS | 3579 |
| DUPLEX | 1534 |
| HOUSE | 17459 |
| OTHER | 333 |
| TOWNHOME | 2126 |
| TRAILER | 274 |



Rental Property Ordinance

- There are 9 categories of properties with single family homes starting at Category 1 and apartment complexes with 300-700+ units classified as Category 9.
- Administrative fees are based upon category.
- Crime and disorder will now be measured on a quarterly system.
 - For example, one quarter would be October, November, and December.
- Each category of rental property has a different level/threshold of crime and disorder to determine whether or not the property is in violation of the ordinance.
 - For example, a Category 5 property will fall under the ordinance if there are any of the following occurring on the property: 1 Homicide, 4 Violent Crimes, 21 Disorder Calls for Service.



Rental Ordinance Meetings: Review Remedial Action Plan

- Owners whose property meets or exceeds the threshold for criminal activity will attend a rental ordinance meeting at the Division office where the rental property is located.
- During the ordinance meeting, the owner/property manager and the analyst will review the remedial action plan.
- The remedial action plan consists of ten steps that address unauthorized tenants, drug and crime free lease addendums, quarterly inspections of the property, and criminal background checks for possible tenants.
- Owner pays the administrative fee based upon the category the property is classified.
 - Administrative fees are fees assessed to property owners found in violation of the ordinance.

Rental Property Unit

- Establish relationship between rental property owners/managers and police officers.
- Conduct landlord/property management training seminars.
- Assist officers in researching foreclosure status of residences where possible squatters or rental fraud is taking place.

Senate Bill (SB) 326

- Legislation regulates rental registration programs and ordinances throughout the state.
- Legislation prohibits the following:
 - Mandatory rental property registration.
 - Criminal penalties for violations.
- Can require rental property owners that fall within top 10% of properties with crime or disorder problems to register.
 - Charlotte looks at top 4%.
- Can impose civil penalties only.
 - Current ordinance has possibility of criminal penalty.

Proposed Rental Ordinance

- Change ordinance to require registration for properties that meet the disorder risk threshold.
 - *Currently registration mandatory for all residential rental properties located within City limits of Charlotte.*
- Change ordinance to provide for violations subject to \$50 civil penalty.

Proposed Rental Ordinance

- Encourage voluntary registration.
- Voluntary registration will provide owners/property managers email alerts for incident and call for service notifications.
- Email blasts sent to registered owners informing them of the ability to have their properties registered.

- Met with representatives from the Greater Charlotte Apartment Association and REBIC.
- Reviewed proposed changes to the ordinance to which no objections were raised.
- Concerns
 - Allow registered agent to attend mandatory meeting in place of owner
 - Remove requirement for posting proof of registration

- Staff recommendations
 - No change to owner attendance requirement at mandatory meeting
 - Remove subsection requiring posting of proof of registration
 - Registration no longer mandatory for all properties
 - Registration required only for properties falling at/above disorder risk threshold



Proposed Rental Ordinance

Questions