



# City of San Leandro

Meeting Date: June 5, 2017

## Staff Report

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**File Number:** 17-312

**Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.L.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:**

**FINANCE REVIEW:** Not Applicable

**TITLE:** Staff Report to approve a resolution directing the City Attorney to use the Red Light Abatement Law to pursue enforcement against houses of prostitution within the City of San Leandro

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### RECOMMENDATIONS

Staff recommends that the City Council adopt the attached Resolution directing the City Attorney to use the Red Light Abatement Law to pursue enforcement against houses of prostitution within the City of San Leandro.

### BACKGROUND AND SUMMARY

The Red Light Abatement Law (Penal Code sections 11225-11235) provides enforcement tools against prostitution and human trafficking and declares prostitution and human trafficking to be public nuisances. The enforcement methods under the Red Light Abatement Law include, but are not limited to, the ability to: obtain temporary restraining orders; close buildings where specified illegal activity occurs or alternatively seeking payment of one year's fair market rental value as damages; seek civil penalties up to the full amount allowable by law; and seek payment of attorneys' fees and costs of investigation and discovery.

The Red Light Abatement Law empowers city attorneys to bring actions in equity to abate and prevent these nuisances, and to perpetually enjoin the person conducting or maintaining the nuisance, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists, from directly or indirectly maintaining or permitting such activity. The proposed resolution authorizes and directs the City Attorney to utilize the Red Light Abatement law to pursue enforcement against houses of prostitution within the City.



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Meeting Date: June 5, 2017

## Resolution - Council

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**File Number:** 17-311

**Agenda Section:** CONSENT CALENDAR

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**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:**

**FINANCE REVIEW:** Not Applicable

**TITLE:** RESOLUTION directing the City Attorney to use the Red Light Abatement Law to pursue enforcement against houses of prostitution within the City of San Leandro

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WHEREAS, the City Council is concerned with the health and welfare of its residents and wishes to both stop and prevent prostitution, which may involve human trafficking, from occurring within the City; and

WHEREAS, the Red Light Abatement Law (Penal Code sections 11225-11235) provides enforcement tools to combat prostitution and human trafficking, among other activities, and declares the presence of such activities to be public nuisances; and

WHEREAS, the Red Light Abatement Law empowers city attorneys to bring actions in equity to abate and prevent these nuisances, and to perpetually enjoin the person conducting or maintaining the nuisance, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists, from directly or indirectly maintaining or permitting it; and

WHEREAS, the City Council wishes to direct the City Attorney to utilize the Red Light Abatement Law as warranted and as appropriate to combat these illegal activities.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. The City Attorney is directed to use the Red Light Abatement Law and any other applicable law to help eradicate prostitution and human trafficking from the City.
2. The City Attorney is directed to seek all appropriate abatement remedies provided under the Red Light Abatement Law to accomplish these purposes, including but not limited to, temporary restraining orders, closing of the building or alternatively seeking payment of one year's fair market rental value as damages, the sale of chattels, seeking civil penalties up

to the full amount allowable by law, and seeking payment of attorneys' fees and costs of investigation and discovery.

3. The City Manager and City Attorney are hereby authorized and directed, on behalf of the City Council, to take all actions necessary or appropriate to carry out and implement the intent of this Resolution.