

## City of Costa Mesa

### City Council Meeting

#### Service Request Follow-up

Meeting Date: May 3, 2004

TO: City Council

FROM: Tom Wood, Acting City Attorney

DATE: May 6, 2004

SUBJECT: Response to Question by Mike Berry Regarding Crime Eviction Ordinance Request # R 050304-1

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During the 'Public Comments' portion of the City Council Meeting of May 3, 2004, Mr. Mike Berry asked some questions about the operation of the City's Crime Eviction Ordinance and its effectiveness to fight gang activity in the City. His 3 concerns were: (1) the ordinance does not apply to motels, (2) the ordinance does not apply to crimes committed inside a house, and (3) the ordinance does not apply to juveniles.

You may recall that the City's Crime Eviction ordinance was adopted in March 2002. An interested citizen, John Feeney, had urged the Council to adopt an ordinance like Buena Park had. The ordinance calls for the police to notify the landlord of any tenant convicted of committing a gang or drug related crime; the landlord is required to evict such a person. The ordinance is working as intended.

Here are my responses to Mr. Berry's questions.

#1 – Actually the ordinance does apply to any person who is arrested for committing a drug or gang related crime **if** he/she is a *long-term* resident at a motel. (CMMC 11-191(k)) It was not intended to apply to temporary residents at hotels or motels.

#2 –The ordinance does apply when a tenant commits such crimes in a single-family house where he/she is a tenant, or on the nearby premises.

#3 – The ordinance cannot apply to juvenile tenants because, as the original staff report noted, "the law prevents the Police Department from releasing juvenile offender information to a landlord." However, many gang members are adults, i.e. over 18 years old.

cc: Allan Roeder  
John Hensley  
Mike Berry