

City of Houston, Texas, Ordinance No. 2020-319

AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO HUMAN TRAFFICKING TRAINING CERTIFICATION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the Houston Police Department's (HPD) Vice Division reported that between 2016 and 2019 it conducted 269 operations at 116 hotel locations to address human trafficking and prostitution; and

WHEREAS, HPD has observed that inconsistent reporting of illegal conduct within hotels can promote prostitution and the illegal sex and labor trafficking trades generally across the nation and pose a significant threat to the health, safety, and welfare of Houstonians; and

WHEREAS, according to the City's Department of Planning and Development, there are over 500 hotel and motel locations in the City; and

WHEREAS, a July 2018 Polaris Project report titled "On-Ramps, Intersections, and Exit Routes" stated that 75% of human trafficking victims surveyed reported being at a hotel during the course of their victimization; and

WHEREAS, the same Polaris Project publication stated that escort services, a form of sex trafficking, and traveling sales crews, a form of labor trafficking, were the two most likely types of human trafficking to use hotels as part of their business model; and

WHEREAS, according to a January 7, 2020, *Houston Chronicle* editorial, child sex trafficking of victims as young as 15 years of age go unreported at various hotel locations in the City of Houston; and

WHEREAS, the Code of Ordinances, Houston, Texas, (the "Code") does not currently mandate that hotels require their owners, operators, managers and employees to be trained in recognizing and reporting signs of sex and labor trafficking; and

WHEREAS, the Administration seeks to increase the consistency in reporting acts of sex and labor trafficking observed by employees and other representatives of hotels in the City and believes this can be best achieved through the following requirements:

- (1) Hotel operators will train all operators, managers, and employees on recognizing and reporting signs of sex and labor trafficking; and

- (2) Hotel operators will post a sign in clear view of all employees listing indicators of trafficking and the phone numbers of local law enforcement and the National Human Trafficking Hotline to facilitate reporting; and
- (3) Hotel operators will submit annual certifications to the City that all employees have received training in recognizing and reporting signs of sex and labor trafficking; and
- (4) The City will assess a penalty for failure of any hotel operator to comply with the requirements set forth in this ordinance; and

WHEREAS, the intent of this Ordinance is to establish a minimum threshold for human trafficking training and education; it is not meant to discourage or relieve an employer from providing longer, more frequent training regarding human trafficking; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. That Article VI of Chapter 28 of the Code of Ordinances, Houston, Texas, is hereby amended by changing its title to "HOTELS," designating Sections 28-201 through 28-210 as a new Division 1, to be entitled "LOCATION," replacing the term *article* wherever it appears in Sections 28-201 through 28-210 with the term *division*, and adding a new Division 2 that reads as follows:

"DIVISION 2. HUMAN TRAFFICKING TRAINING AND CERTIFICATION

Sec. 28-211. Definitions.

The following words, terms and phrases, when used in this division, shall have the same meanings as provided in this section, except where the context clearly indicates a different meaning:

Department means the department of administration and regulatory affairs.

Director means the director of the department and the director's designees.

Employee means any person who is directly employed in consideration of direct monetary wages.

Hotel means any building or buildings in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, courts, inns, rooming houses, or other buildings where rooms are furnished for a consideration as well as the parking lot and other common areas, but shall not include hospitals, sanitariums, nursing homes, tourist homes, houses, boarding homes as defined in section 28-451 of this Code or lodging facilities as defined in section 28-601 of this Code.

Hotel operator means a person who owns, operates, manages or controls a hotel within the city.

Human trafficking means:

- (1) Sex trafficking by way of the recruitment, harboring, transportation, provision or obtaining of a person for the purpose of a commercial sex act in which the commercial sex act is induced by force, fraud, or coercion or in which the person induced to perform such act has not yet attained 18 years of age; or
- (2) Labor trafficking by way of the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Occupant has the same meaning as provided in section 44-101 of this Code."

Sec. 28-212. Hotels must provide human trafficking training; certification of training required.

(a) A hotel operator must provide at least 20 minutes of annual training to each hotel employee on how to identify human trafficking activities and victims and how to report human trafficking.

(b) Except as provided by subsection (c) of this section, the human trafficking training required by this section shall be approved by the mayor's office on human trafficking, completed either in person or online in

the manner prescribed by rule or regulation promulgated pursuant to section 28-216 of this Code. The training shall include, but not be limited to, the following:

- (1) An overview of human trafficking, including the experience of its victims, how and why human trafficking takes place in the hospitality industry, and how it is defined under federal law;
- (2) Guidance on how to identify individuals who are most at risk for human trafficking;
- (3) An explanation of the difference between labor and sex trafficking specific to the hotel sector;
- (4) Guidance on the role of hospitality employees in reporting and responding to this issue;
- (5) The contact information of appropriate agencies, including, but not limited to, the National Human Trafficking Hotline toll-free telephone number and text line, and the telephone numbers of the appropriate local law enforcement agencies; and
- (6) If online, the training shall contain a pacing mechanism that requires the trainee to read all course material, view all videos, and complete all coursework before generating a certificate.

(c) Each trainee's completion of the training shall be documented with an attendance sheet or a certificate.

(d) The mayor's office on human trafficking shall publish a list of preapproved programs that satisfy the human trafficking awareness training requirements set forth in this section.

(e) After July 14, 2020¹, a hotel operator must provide the training described in subsection (b) of this section to any new employee within 30 days after the employee's hire.

(f) A hotel operator shall certify to the director by no later than March 31 of each year, beginning March 31, 2021, on a form promulgated pursuant to section 28-216 of this Code, that all of the hotel's employees that were hired by March 1 of the same year have completed the training required by this section.

¹ City Secretary shall insert the date calculated 90 days next following the date of passage and approval of this Ordinance.

(g) A late processing fee specified in the city fee schedule shall be assessed against a hotel operator that fails to comply with subsection (e) of this section. For purposes of avoiding this late processing fee, the date of the certification shall be the date that it is actually received by the director in complete and valid form; provided, however, that mailed submission forms shall be deemed to have been received on the postmark date, if legible.

(h) A hotel operator shall maintain records sufficient to verify and substantiate the hotel operator's full compliance with sections 28-212(a) and (f) of this Code. A hotel operator shall produce the records described in this section to the director or to a police officer within 72 hours after receiving a request for the same.

(i) The director shall keep a record of all training certifications and attendance sheets received annually from hotel operators for at least two years.

Sec. 28-213. Display of hotline information.

(a) A hotel operator shall prominently display in clear view of all employees a sign in accordance with the standards set forth in rules promulgated by the director, including a statement that employees of the hotel must receive annual human trafficking training and information on how to recognize and report it.

(b) The sign required in subsection (a) above shall be posted in English, Spanish, and any other language that is spoken by at least 10% of the hotel's employees. A separate sign shall be posted for each required language.

Sec. 28-214. Retaliation or discrimination prohibited.

No hotel operator, his agent or representative, nor any employee may discharge from employment, discipline or otherwise punish, retaliate or discriminate against any person as a reprisal for the person's having made a good-faith report of a suspected act of human trafficking to that person's employer or any appropriate law enforcement agency or the National Human Trafficking Hotline.

Sec. 28-215. Penalty.

(a) The director shall inform a hotel operator of any discovered failure to comply with this section. Subsequently, the hotel operator must within 30 days either cure the violation or demonstrate to the director that the finding of non-compliance was incorrect. If, after 30 days, the director

determines that the hotel operator has failed to cure the violation, the hotel will be subject to a penalty as set forth in subsection (b).

(b) This division is subject to the provisions of section 1-6 of this Code. The first violation of the provisions in this division shall be punishable by a fine of \$100.00 as provided therein; the second and any subsequent violation by the same hotel shall be punishable by a fine of \$500.00. Each day any violation continues shall constitute and be punishable as a separate offense.

Sec. 28-216. Rules and regulations.

The director is hereby authorized to promulgate rules and regulations consistent with the intent and purposes of the provisions of this article. A copy of all rules and regulations shall be maintained by the department, published on the department's website, and be made available in the office of the city secretary for inspection by the public, and copies shall be made available for purchase consistent with the fees prescribed by law."

Section 3. That the City Council hereby approves the late processing fee promulgated in Section 28-212(f), as added to the Code of Ordinances by this Ordinance, in the amount of \$25.00. The Director of the Department of Administration and Regulatory Affairs shall ensure that this new fee is provided to the Director of Finance for incorporation into the City Fee Schedule as soon as possible. This fee shall not be subject to the annual fee increase under Section 1-13 of the Code of Ordinances, Houston, Texas.

Section 4. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 5. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 15th day of April, 2020.

APPROVED this 15th day of April, 2020.

Sylvester Turner
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. _____
JWG:RAW:asw 4/29/2020 Assistant City Attorney
Requested by Minal Davis, Special Advisor to the Mayor on Human Trafficking
L.D. File No. 0422000008001