



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: BOS
Department No.: 011
For Agenda Of: May 6, 2008
Placement:
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Board Member(s) Chair Salud Carbajal, 1st District Supervisor
Supervisor Joni Gray, 4th District
Contact Info: Susan Paul, Assistant CEO/HR Director, 568-2817
SUBJECT: Direction to Establish a Social Host Ordinance in the County of Santa Barbara

County Counsel Concurrence

As to form: N/A

Other Concurrence: N/A

As to form: Yes

Recommended Actions:

The Board consider:

- 1) Adoption of policy direction to establish a Countywide Social Host Ordinance, and direct staff to proceed with the necessary coordination and documents needed to adopt such an ordinance,
- 2) Return to the Board within 90 days with an ordinance for Board consideration.

Summary Text:

Social Host Ordinances hold individual (parents and/or other adults, such as older siblings) responsible for underage drinking on residential property they own, rent, lease, or otherwise control. While there are laws prohibiting providing alcoholic beverages to underage youth, Social Host Laws prohibit the host from providing a location for underage persons to possess or consume alcohol.

Underage and binge drinking is a significant problem facing young people today and in fact, alcohol is the number one drug of choice for youth and the leading cause of death among teenagers.

Social Host Ordinances exist in the following jurisdictions, and are being pursued or considered in the City of Santa Barbara.

- City of Agoura Hills
- City of Berkeley
- City of Camarillo
- City of Carpinteria
- City of El Cajon
- City of Ojai
- City of Port Hueneme
- City of San Diego
- City of San Luis Obispo
- City of Santa Cruz
- City of Santa Paula
- City of Simi Valley
- County of Napa
- County of Ventura
- Town of Mammoth Lakes

The coalition representing North and South Santa Barbara County Fighting Back have recommended the establishment of a Social Host Ordinance for the County. Their letter urging the establishment of a County Social Host Ordinance is attached to this Board letter.

Background:

State and local communities across the nation are working to implement regulations, statutes, and ordinances that address the complex issues surrounding underage drinking.

Alcohol is involved in the deaths of more teens than all other illicit drugs combined by a four-to-one ratio. Underage drinking is a factor in nearly half of all teen automobile crashes and 50 – 65 percent of youth suicides. Alcohol abuse is linked to as many as two-thirds of all sexual assaults and date rapes of teens, and college students, and it contributes significantly to homicides, suicides, and fatal injuries. According to the National Institutes of Health, youth who drink before they turn 15 are far more likely to develop alcohol addiction than those who start drinking at 21.

In Santa Barbara, the California Healthy Kids data gathered from 7th, 9th, and 11th grades throughout the County show that alcohol is a serious disease. Adolescent participation in alcohol and drug treatment throughout the County has continued to climb since 1999, from 363 youth to 1,772 in 2004, indicating that alcohol and drug use is a significant problem among the youth population.

The National Academies Institute of Medicine's seminal report entitled *Reducing Underage Drinking: a Collective Responsibility*, released in 2003, documents the wide ranging and devastating consequences of adolescent and young adult consumption of alcoholic beverages, estimating the annual social cost of underage drinking to be at least \$53 billion. *Reducing*

Underage Drinking urges states and localities to enact a comprehensive set of strategies to reduce underage alcohol consumption. These strategies include strengthening Social Host Liability Laws to deter underage drinking parties and other gatherings.

Social Host Liability refers to laws that hold non-commercial individuals responsible for underage drinking events on property they own, lease or otherwise control. Whereas laws prohibiting furnishing alcoholic beverages to underage persons target the provision of alcoholic beverages to underage persons, social host laws target the provision of a venue in which underage drinking takes place.

A Practical Guide to Preventing and Dispersing Underage Drinking Parties (PIRE, undated¹) articulates why regulating underage drinking parties and other gatherings is an important priority and why social host liability laws should be considered an essential law enforcement strategy for deterring these gatherings:

“Many people dismiss underage drinking as a normal ‘rite of passage’ in adolescence. However, it is important to remember that alcohol is one of the most common contributors to injury, death, and criminal behavior among youth (US Department of Health and Human Services, 1992). Underage alcohol use can have immediate and potentially tragic consequences as well as long-range harmful consequences, such as increased risk for chronic addiction (Grant and Dawson, 1977). Enforcement activities to limit youth access to alcohol are critical to reducing underage drinking and its often tragic consequences.”

One common way that underage drinkers gain access to alcohol is at parties. These parties are commonly large gatherings of young people in a home, in an outdoor area (such as a beach or park), or in some other venue (like a warehouse rented for the purpose). These parties can be particularly problematic because of the number of drinkers involved and the large quantities of alcohol consumed. Reports of alcohol poisonings, traffic crashes, property damage, community disturbances, violence, and sexual assault are all too common as a result of these parties.

In general, Social Host Ordinances address the following:

- Recognizes that the occurrence of loud or unruly parties on private property where harmful alcoholic beverages are served to, or consumed by, underage persons is harmful to the underage person themselves, is a threat to the public health, safety, quiet enjoyment of residential property and general welfare, and constitutes a public nuisance.
- Recognizes that persons responsible for the occurrence of loud or unruly parties on private property over which they have possession or control have a duty to ensure that

¹ Pacific Institute for Research and Evaluation - 1999 Regulatory Strategies for Preventing Youth Access to Alcohol: Best Practices. <http://www.apolnet.ca/resources/educationalbestpractices.html>. Accessed 9/1/05

alcoholic beverages are not served to, or consumed by, underage persons at these parties.

- Recognizes that landlords have a duty to prevent the occurrence of loud or unruly parties, including those where alcoholic beverages are served to, or consumed by underage persons, on private property they lease to tenants, even if they do not have day-to-day, physical control of the property.
- Recognizes that law enforcement, fire, or other emergency responders often need to respond multiple times to disperse underage drinking parties, resulting in disproportionate expenditure of the public safety resources on these parties, delaying police calls to the rest of the community.
- Recognizes that cities and counties require a variety of enforcement strategies to abate underage drinking parties under varying circumstances and that present law constrains the ability of law enforcement to deter underage drinking parties and other gatherings.
- As a primary strategy for deterring underage drinking parties on private property, imposes a civil fee against social host (including tenants) and/or landowners (including landlords) for the recovery of specified costs associated with providing law enforcement, fire, or other emergency response services on multiple occasions to the scene of a loud or unruly party where alcoholic beverages are served to, or consumed by, underage persons.
- Provides the option of imposing criminal penalties in cases of egregious circumstances or recalcitrant offenders.

The Fighting Back and Public Policy Task Force Carpinteria, CARES for Youth, the Santa Ynez Alcohol and Drug Coalition, Santa Barbara City's Project Alcohol and the Drug Prevention Team Coalition, Santa Barbara City, Sheriff Brown and District Attorney Christie Stanley are interested in pursuing a Social Host Ordinance for Santa Barbara County.

The goals of establishing a Social Host Ordinance are:

- Ensure Social Host Ordinances are effective and congruent across the County's municipalities and unincorporated areas;
- Ensure elements included in the County's Social Host Ordinance reflect lessons learned from other counties across the State;
- Ensure these policies are pursued in a thoughtful, non-adversarial, and consistent manner countywide;
- Reduce underage and binge drinking and the associated negative consequences to individuals and communities.

Developing a Social Host Ordinance for the County of Santa Barbara will require the work and collaboration of key agencies, individuals, and cities including law enforcement, County Counsel, the CEOs office, and potentially other health and human services departments.

While efforts are underway in various cities throughout the Country to establish Social Host Ordinances, in order for these efforts to be successful a countywide policy covering the unincorporated areas is necessary.

It is recommended that the County Board of Supervisors adopt policy direction to establish a countywide Social Host ordinance and to direct staff to proceed with the necessary coordination and documents needed to implement such an ordinance.

Performance Measure:

Fiscal and Facilities Impacts:

Budgeted: Select_Budgeted

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Attachments:

Authored by:

cc: