



AGENDA REPORT

TO:

Honorable Mayor and Members of the City Council

FROM:

Councilmember Charlene Wang, District 2

DATE: January 29, 2025

SUBJECT: SUPPLEMENTAL: ORDINANCE AMENDING OAKLAND MUNICIPAL CODE 9.08.260 (PROHIBITION OF PROSTITUTION AND PROSTITUTION RELATED OFFENSES) TO CONFORM TO STATE LAW

RECOMMENDATION

Is that the City Council accept the Supplemental Report regarding the proposed Ordinance amending Oakland Municipal Code 9.08.260 (Prohibition of Prostitution and Prostitution Related Offenses) To Conform To State Law (1) by repealing the offense of loitering for the purpose of engaging in prostitution; (2) adding loitering for the purpose of purchasing commercial sex as an offense; (3) allowing for the administrative assessment of fines against sex-purchasers, sex-traffickers, and properties used for prostitution; and (4) creating a human trafficking survivor support fund.

REASON FOR SUPPLEMENTAL REPORT

We know that property owners are not the only entities responsible for allowing a nuisance business to exist, the business proprietor has an equal if not greater level of responsibility and therefore business proprietors have been added to Section 2; Subsection E.

For the purposes of ensuring transparency, accountability, and the equitable application of this Ordinance, a section has been added on required reporting. In Section 5 of the ordinance, the City Administrator shall submit a written informational report to the City Council every six months beginning August 2026, which shall contain the following information: (1) **Law Enforcement Activity**, documenting the total number of arrests and citations for violations of subsections (B), (C)(1)(b), (D) and (E), geographic and demand trends in the solicitation of commercial sex, and trends in calls for service and complaints; (2) **Prosecutorial Outcomes**, including the number of arrests referred to the District Attorney, the resulting criminal charges filed, and a comprehensive breakdown of every individual arrested or cited by race/ethnicity, gender identity, age, and home city; (3) **Fiscal Transparency**, detailing the total dollar amount of fines assessed, the amount collected and deposited into the Human Trafficking Survivor

Support Fund (OMC 9.08.265), the total amount currently uncollected or in arrears, uses of the fund, and the associated outcome metrics; and (4) **Community Impact & Equity Review** to holistically assess whether enforcement and funding allocations are effectively advancing the stated goals of survivor protection and community safety while identifying any unintended consequences or disparities that may require future policy adjustment.

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