

Victor Panak

From: Jonathan Davis <jdavis@kcl-law.com>
Sent: Friday, September 23, 2022 1:36 PM
To: Victor Panak
Cc: Bruce Levin; jjmargolis@yahoo.com
Subject: FW: Warrant Article 32 (hotel sex trafficking)
Attachments: HotelAmdWA.9-19-22NT.docx; HotelAmdWA.9-19-22.docx

Hello Mr. Panak –

Thank you for your email. I can attend for Art. 32. However, we have submitted a proposed amendment to the Moderator and asked her to decide if the amendment is or is not within the scope of the original article. So far, we haven't heard the Moderator's decision. While I believe the amendment is within the scope of the original article, there are important differences.

It might be a waste of EDAB's time and resources to be concentrating on the article if it turns out that the proposed amendment is approved by the Moderator – in which case, the amendment would be moved at Town Meeting; but, on the other hand, if the Moderator determines that the proposed amendment is not within the scope of the original article, it might be a waste of EDAB's time and resources to be concentrating on the amendment.

I'm attaching a clean copy of the proposed amendment and its explanation, and a track changes of the original article and its explanation showing how the proposed amendment would change the original article. The clean copy, which is easier to read, has the extension "NT" (as in "no track changes"). The other attachment has the track changes.

I'll let you know what I hear from the Moderator. Please let me know how EDAB wants to approach this.

Thank you.
Jonathan Davis

From: Victor Panak <vpanak@brooklinema.gov>
Sent: Thursday, September 22, 2022 4:05 PM
To: Jonathan Davis <jdavis@kcl-law.com>; Bruce Levin <bdlesq@hotmail.com>; jjmargolis@yahoo.com; Jesse Gray <jesse.gray@gmail.com>; Susie Roberts <roberts.susan.m@gmail.com>; eelperin@gmail.com; Dennis De Witt <djdewitt@rcn.com>; mrssusanpark@yahoo.com
Cc: Meredith Mooney <mmooney@brooklinema.gov>
Subject: EDAB Public Hearing on Warrant Articles

Hello Petitioners,

The Economic Development Advisory Board is interested in discussing and potentially issuing recommendations to Town Meeting on the following articles:

- Article 13 on Design Review after Demolition Delay
- Articles 17 and 20 on Limiting the Allowed Number of Social Consumption Marijuana Retailers
- Article 27 on a New Zoning By-law Prohibiting Fossil Fuel Infrastructure
- Article 32 on a General By-law for Innholder Requirements Related to Human Trafficking

EDAB will be holding a public hearing on these article on October 3, 2022 starting at 6pm. You are invited to please attend and present your articles to the Board and be available for any questions. *We request that presentations are kept to a 5 minute maximum and limited to a summary of the articles and an explanation of their importance.*

Attached is a draft agenda for the hearing – it is unlikely to change. Please let me know if you will be able to attend. If you plan on sending someone else in your stead, let me know who that will be. Feel free to forward this email to anyone you feel appropriate.

Thank you!

Victor Panak

ED/LT Planner, Economic Development Division

Brookline Planning Department

333 Washington Street, Brookline, MA 02445

Phone: 617-264-6482 (wk), 339-368-0433 (cell)

Office: Tu/Th Remote: Mo/We/Fr

[EXTERNAL EMAIL] [CAUTION] This email originated from a sender outside of the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

**Amendments in
Tracked Changes**

Submitted by Jonathan Davis, Town Meeting Member, Precinct 17

125 Park Street, Apt. 1, Brookline, MA 02446
Tel. 781/997-1600
Email: jdavis@kcl-law.com

Bruce Levin, Town Meeting Member, Precinct 17
20 Webster Street, Apt. 703, Brookline, MA 02446
Tel. 617/510-1850
Email: bdlesq@hotmail.com

Jonathan Margolis, Town Meeting Member, Precinct 7
49 Harvard Avenue, Apt. 4, Brookline, MA 02446
Tel. 617/738-5369
Email: jjmargolis@yahoo.com

To see if the Town will amend the Town General By-Laws by amending Article 8 by adding Section 8.40 immediately following the conclusion of Section 8.39, as follows.

8.40.1 As used in this section 8.40 the term “Hotel” means a hotel as defined in the Zoning By-Law section 2.08(5). The term “Hotel” also means a limited service hotel as defined in the Zoning By-Law section 2.12(1). As used in this section 8.40 the term “sex trafficking” means commercial sex induced by force, fraud and/or coercion.

8.40.2 The Innholder licensee of a Hotel shall provide each of its Employees as hereafter defined with training to identify signs of possible sex trafficking in the Hotel and to appropriately respond when such signs are observed. As used in this subsection 8.40.2 an Employee means (a) any employee of the Innholder licensee who works for the licensee at least 16 hours in any week provided that such employee’s principal work-site is the Hotel for which the license is issued, and provided further that such employee’s principal responsibilities involve physical presence with Hotel guests and/or physical presence in Hotel guest rooms, (b) any employee of the Innholder licensee who works for the licensee, regardless of the number of hours worked and regardless of the principal work-site, who manages or assists in the management of the Hotel for which the license is issued, (c) any employee of a third party that provides workers who, if the worker were employed

by the Innholder licensee, would be described in (a), above, and (d) any individual who is an independent contractor who works for the Innholder licensee who, if the individual were employed by the licensee, would be described in (a), above.

Training may be at a cost or at no cost to the licensee and shall be provided by a reputable anti-human trafficking entity, whether an agency of the government of the Commonwealth of Massachusetts or of the government of the United States, a not-for-profit organization, or a for profit entity (including, by way of example and not as a limitation, a national hotel brand). ~~—provided however, that in any case, the Police Department approves of the training agency, organization or entity and the training program.~~ Training shall not be at any cost, expense, or reduction in wages or other compensation to any Employee. In the case of an Innholder ~~that license applicant who~~, at the time of ~~the~~ a license application, already holds an in-force ~~Innholder~~ license for the same Hotel, which in-force license was issued after enactment of this section 8.40, the Innholder applicant shall provide the Select Board Police Department with a true and complete list of all Employees as hereabove defined who received the ~~approved~~ training since the issue of the ~~current license in force Innholder license~~, the job titles of such Employees, the identity of the approved training agency, organization or entity, a brief description of the training, and the date or dates of such training, and, also, a true and complete list of all Employees as hereabove defined and their job titles who did not receive the ~~approved~~ training. ~~since the issue of the in-force license. In the discretion of the Chief of Police or the Chief of Police's nominee the Police Department may investigate the accuracy of the aforementioned list and shall report concerns about inaccuracies in the list, and/or concerns about insufficient Employee training, to the applicant and also to the Select Board and/or to any other Innholder licensing authority.~~

8.40.3 Each Innholder ~~licensee for a Hotel~~ shall cause anti-sex trafficking notices to be prominently posted and continually maintained in ~~its the~~ Hotel at all front desks, at the entrances to all common rooms where guests may purchase and consume food and/or drink, within all elevator cabs, at the entrances to all common lavatories, and at the entrances to all staircases. The notices may be such as are provided by an anti-human trafficking agency, organization or entity that provides training as set forth that the Police Department approves for the training of Hotel Employees as provided in subsection 8.40.2. Each Innholder shall provide the Select Board and the Police Department with a true copy of the notice to be posted. The Police Department may create and require posting and continual maintenance of notices of its own design, Innholder licensees to not bear any cost of design but the licensees to bear all costs of reproduction, posting and maintenance. The Police Department may, at any all reasonable times when the Hotel is open for

business, enter the Hotel to examine the posting and maintenance of ~~such anti-sex trafficking~~ notices and shall report concerns about insufficient posting and maintenance to the Innholder ~~licensee~~ and ~~also~~ to the Select Board . ~~and/or to any other Innholder licensing authority.~~

8.40.4(a) As used in this subsection 8.40.4 the term “Occupancy Period” means a period of time that includes five or more consecutive nights in which a room is registered to the same Hotel guest and, while so registered, no Employee has entered the room for one hundred or more consecutive hours to provide any service the Hotel generally offers in rooms because the registered Hotel guest or another occupant has denied entry. If the Hotel does not generally offer any service in rooms during the Occupancy Period except upon the request of an occupant, the absence of any request for service will be considered a denial of entry.

(b) In the case of an Innholder that, at the time of a license application, already holds an in-force license for the same Hotel, which in-force license was issued after enactment of this section 8.40, the Innholder shall provide the Select Board with a true and complete report of the dates of all Occupancy Periods during the period of the in-force license, the room number(s) with respect to each Occupancy Period, the approximate number of consecutive hours during each Occupancy Period for which Employee entry was denied, how Employees knew that entry was denied, and the actions, if any, by Employees with respect each affected room during each Occupancy Period.

~~8.40.4(a) As used in this subsection 8.40.4 the term “Occupancy Period” or “OP” means a room that the Hotel permits the same registered Hotel guest to occupy for a period that includes five or more consecutive nights during which period no Employee has entered the room for one hundred or more consecutive hours to provide any service the Hotel generally offers in rooms because the registered Hotel guest or another occupant has refused or otherwise prohibited entry. If the Hotel does not generally offer any service in rooms during the OP except upon the request of an occupant, the absence of any request for service shall be considered a refusal or other prohibition of entry.~~

~~(b) In the case of an Innholder license applicant who, at the time of the application, already holds an in-force Innholder license for the same Hotel which in-force license was issued after enactment of this section 8.40 the applicant shall provide the Police Department with a true and complete report (hereafter “OP Report”) that lists all rooms since the issue of the in-force license that the Hotel has~~

~~permitted a registered Hotel guest to occupy for an Occupancy Period, the dates of each Occupancy Period, the number of consecutive hours for which Employee entry was denied or prohibited, and describes the method of denying or prohibiting entry (for example, by “do not disturb” signs, by email, by telephone call to the front desk, by not requesting service in the room if service can only be obtained by request, or any other method), and the actions, if any, of Employees with respect to each such room during the Occupancy Period. In the discretion of the Chief of Police or the Chief of Police’s nominee the Police Department may investigate the accuracy of the OP Report and shall report concerns about inaccuracies of the OP Report and/or concerns about facilitating sex trafficking to the applicant and to the Select Board and/or to any other Innholder licensing authority~~

8.40.5 This section 8.40 shall take effect with respect to a Hotel upon enactment – except, however, that 8.40.2 and 8.40.4(b) shall take effect upon the issuance of an Innholder license for the Hotel after enactment.

8.40.6(a) No provision of this By-Law shall apply where prohibited or preempted by state or federal law.

(b) If any provision of this By-Law, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this By-Law which can be given effect without the invalid provisions or application, and to this end the provisions of this By-Law are severable.

Or act on anything relative thereto.

Petitioners’ Article Description As Amended

The Amendment simplifies the Article and makes communication between the Innholder licensee and the Select Board direct rather than involving the Police Department. It also puts Innholder licensees more on the honor system than the original Article. (However, the Amendment continues to require that the Police Department police the posting and maintenance of anti-sex trafficking notices).

Human trafficking in hotels, most often sex trafficking, is an international problem, and the United States is not immune. The U.S. Department of Homeland Security has an initiative to counter sex trafficking in the hotel industry (called “Blue Campaign”), as do the American Hotel and Lodging Association, several non-

profits (e.g. ECPAT (End Child Prostitution and Trafficking)-USA, and the Polaris Project), and some hotel chains.

Several brochures about the problem, and combatting it, are attached.

States (including Massachusetts) have criminal laws against sex trafficking and also have civil laws that permit victims to recover monetary damages. The Massachusetts Attorney General's office has a human trafficking division where suspected human trafficking can be reported.

Nevertheless, sex trafficking in hotels often goes unnoticed and is not prosecuted, commonly because hotel staff and management are unaware of the signs of possible sex trafficking.

In 2019 a developer proposed a limited service extended stay hotel in Brookline with ~~more than over~~ 100 rooms that, when originally proposed, would have allowed electronic entry without staff present at night, daytime staff limited to between one and three persons, housekeeping staff prohibited from entering rooms unless requested by guests, a virtual offsite concierge, and staff contact with guests to be minimized. (There was also no mention of training staff to recognize signs of sex trafficking.)

Under the Article an Innholder ~~licensee~~ for a hotel must provide training for certain workers at the hotel in identifying signs of sex trafficking and responding appropriately to the signs. It is up to the Innholder licensee to decide upon and engage the training entity, which must be a reputable anti-human trafficking entity as more detailed in the text of the Article. ~~The Police Department must approve entities performing training and the training programs.~~ Where an applicant for an Innholder license already holds an Innholder license for the same hotel and the existing license was issued after enactment of the Article (in other words, where the applicant is seeking renewal of a license issued after enactment of the Article), the applicant must provide the Select Board report to the Police Department with a report naming the entity providing the training, the dates of the training, a brief description of the training, a list of the workers and their job titles required to be trained during the existing license period who were trained, and the workers and their job titles required to be trained who were not. ~~the Police Department may investigate the report, and the Police Department must report its concerns about the accuracy of the report and the extent of training to both the licensee and to the Select Board.~~ It is then up to the Select Board to determine what, if anything, to do with this information ~~from the Police Department~~ in considering the application for

renewal of the existing Innholder license. In effect, an Innholder’s license renewal is at risk if the Innholder licensee does not comply with the Article. Because the required reporting ~~to the Police Department~~ can only occur when a licensee already holds a license that was issued after the Article was enacted and the licensee is essentially applying for renewal of the existing license the licensee has a year before applying for renewal to provide the required training and to acquire the information needed to make the required report to the ~~Select Board. Police Department.~~

The Article requires hotels to ~~post~~ prominently ~~post~~ and maintain anti-sex trafficking notices. ~~The notices may be such as are provided by anti-sex trafficking entities that provide training. The Innholder -must provide the Select Board and the Police Department with true copies of the notices to be posted. The Police Department must approve the notices, and the Police Department may create its own notices hotels must post and maintain.~~ The Police Department may enter hotels at reasonable times during hotel business hours to examine posting and maintenance of required notices and must report concerns about insufficient posting and maintenance to the Innholder licensee and to the Select Board. In the case of this requirement, Police Department reporting is not dependent on whether the existing Innholder license was issued after the enactment of the Article or whether the existing Innholder is applying for license renewal because posting and maintaining notices should not take a year to learn and it can be quickly performed and deficiencies can be quickly remedied – and it is hoped that the notices, by themselves, may have a deterrent effect.

~~Training hotel workers will be of limited effectiveness if they cannot observe the condition of guest rooms. The Article requires that the holder of an Innholder license issued after enactment of the Article report to the Select Board when rooms were registered to a guest for a period that includes at least five consecutive nights and during which occupants denied hotel workers entry for at least one hundred consecutive hours, the dates of the periods and the number of consecutive hours in which entry was denied (which, of course, may be more than one hundred hours), an explanation of how hotel workers knew entry was being denied, and the actions, if any, hotel workers took with respect to the affected rooms. It is up to the Select Board to determine what, if anything, to do with this information. Because the required reporting can only occur when an Innholder already holds a license issued after the Article was enacted and the Innholder is essentially applying for renewal of the existing license the Innholder has a year before applying for renewal to gather and pay attention to information that will be needed for the report.~~

- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight
- Formatted: Not Highlight

Formatted: Not Highlight

~~These requirements are intended to try assist Innholders in acting to discourage sex trafficking, to prevent and deter sex trafficking, and to inform would-be traffickers and their customers (some of whom may be Brookline residents) that hotels in Brookline are not places to do business.~~

Formatted: Not Highlight

~~The Article requires that the holder of an Innholder license issued after enactment of the Article report to the Police Department rooms permitted to a registered guest for a period of five or more consecutive nights during which period the registered guest or other occupants denied hotel workers entry for at least one hundred consecutive hours, an explanation of the way the denial was made, and also actions (if any) hotel employees took with respect to the room during the period of denial. (One hundred consecutive hours is more than four full days, but a denial period may be longer). The Police Department may investigate the report, and the Police Department must report its concerns about the accuracy of the report and about what the report may imply as to facilitating sex trafficking to both the licensee and to the Select Board. It is up to the Select Board to determine what, if anything, to do with this information from the Police Department in considering the application for renewal of the existing Innholder license. Because the required reporting to the Police Department can only occur when an Innholder licensee already holds a license that was issued after the Article was enacted and the licensee is essentially applying for renewal of the existing license the licensee has a year before applying for renewal to start paying attention to information that will be needed for the report.~~

~~These requirements are intended to try to prevent sex trafficking, and inform would be traffickers and their customers (some of whom may be Brookline residents) that hotels in Brookline are not places to do business.~~

To petitioners' knowledge there is no similar law in Massachusetts—either at the state level or the municipal level. Presently, S.192/H.2540, which addresses hotel staff training and anti-human trafficking signage, has been reported to the Massachusetts House Ways & Means Committee. A previous bill in the 2019-2020 legislative session was not enacted.

For a survey by state and municipality of anti-sex trafficking laws with respect to the hospitality industry see: ECPAT-USA – Unpacking Human Trafficking vol. 4 (See, <https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/624b15373d6>

0d55930cd1932/1649087805782/Unpacking+Human+Trafficking+Vol+4.2022.pdf).

It should be mentioned that several large hotel chains have begun staff training. (See, <https://news.marriott.com/news/2021/07/28/marriott-international-launches-enhanced-human-trafficking-awareness-training> ; <https://ir.hilton.com/~media/Files/H/Hilton-Worldwide-IR-V3/committee-composition/slavery-and-trafficking-statement-2017.pdf>)

**Clean Version of
Amendments**

Submitted by Jonathan Davis, Town Meeting Member, Precinct 17

125 Park Street, Apt. 1, Brookline, MA 02446
Tel. 781/997-1600
Email: jdavis@kcl-law.com

Bruce Levin, Town Meeting Member, Precinct 17
20 Webster Street, Apt. 703, Brookline, MA 02446
Tel. 617/510-1850
Email: bdlesq@hotmail.com

Jonathan Margolis, Town Meeting Member, Precinct 7
49 Harvard Avenue, Apt. 4, Brookline, MA 02446
Tel. 617/738-5369
Email: jjmargolis@yahoo.com

To see if the Town will amend the Town General By-Laws by amending Article 8 by adding Section 8.40 immediately following the conclusion of Section 8.39, as follows.

8.40.1 As used in this section 8.40 the term “Hotel” means a hotel as defined in the Zoning By-Law section 2.08(5). The term “Hotel” also means a limited service hotel as defined in the Zoning By-Law section 2.12(1). As used in this section 8.40 the term “sex trafficking” means commercial sex induced by force, fraud and/or coercion.

8.40.2 The Innholder licensee of a Hotel shall provide each of its Employees as hereafter defined with training to identify signs of possible sex trafficking in the Hotel and to appropriately respond when such signs are observed. As used in this subsection 8.40.2 an Employee means (a) any employee of the Innholder licensee who works for the licensee at least 16 hours in any week provided that such employee’s principal work-site is the Hotel for which the license is issued, and provided further that such employee’s principal responsibilities involve physical presence with Hotel guests and/or physical presence in Hotel guest rooms, (b) any employee of the Innholder licensee who works for the licensee, regardless of the number of hours worked and regardless of the principal work-site, who manages or assists in the management of the Hotel for which the license is issued, (c) any employee of a third party that provides workers who, if the worker were employed

by the Innholder licensee, would be described in (a), above, and (d) any individual who is an independent contractor who works for the Innholder licensee who, if the individual were employed by the licensee, would be described in (a), above.

Training may be at a cost or at no cost to the licensee and shall be provided by a reputable anti-human trafficking entity, whether an agency of the government of the Commonwealth of Massachusetts or of the government of the United States, a not-for-profit organization, or a for profit entity (including, by way of example and not as a limitation, a national hotel brand). . Training shall not be at any cost, expense, or reduction in wages or other compensation to any Employee. In the case of an Innholder that , at the time of a license application, already holds an in-force license for the same Hotel, which in-force license was issued after enactment of this section 8.40, the Innholder shall provide the Select Board with a true and complete list of all Employees as hereabove defined who received the training since the issue of the current license, the job titles of such Employees, the identity of the training agency, organization or entity, a brief description of the training the date or dates of such training, and, also, a true and complete list of all Employees as hereabove defined and their job titles who did not receive the training.

8.40.3 Each Innholder shall cause anti-sex trafficking notices to be prominently posted and continually maintained in its Hotel at all front desks, at the entrances to all common rooms where guests may purchase and consume food and/or drink, within all elevator cabs, at the entrances to all common lavatories, and at the entrances to all staircases. The notices may be such as are provided by an anti-human trafficking agency, organization or entity that provides training as set forth in subsection 8.40.2. Each Innholder shall provide the Select Board and the Police Department with a true copy of the notice to be posted. The Police Department may, at any reasonable time when the Hotel is open for business, enter the Hotel to examine the posting and maintenance of such notices and shall report concerns about insufficient posting and maintenance to the Innholder and to the Select Board .

8.40.4(a) As used in this subsection 8.40.4 the term “Occupancy Period” means a period of time that includes five or more consecutive nights in which a room is registered to the same Hotel guest and, while so registered, no Employee has entered the room for one hundred or more consecutive hours to provide any service the Hotel generally offers in rooms because the registered Hotel guest or another occupant has denied entry. If the Hotel does not generally offer any service in rooms during the Occupancy Period except upon the request of an occupant, the absence of any request for service will be considered a denial of entry.

(b) In the case of an Innholder that, at the time of a license application, already holds an in-force license for the same Hotel, which in-force license was issued after enactment of this section 8.40, the Innholder shall provide the Select Board with a true and complete report of the dates of all Occupancy Periods during the period of the in-force license, the room number(s) with respect to each Occupancy Period, the approximate number of consecutive hours during each Occupancy Period for which Employee entry was denied, how Employees knew that entry was denied, and the actions, if any, by Employees with respect each affected room during each Occupancy Period.

8.40.5 This section 8.40 shall take effect with respect to a Hotel upon enactment – except, however, that 8.40.2 and 8.40.4(b) shall take effect upon the issuance of an Innholder license for the Hotel after enactment.

8.40.6(a) No provision of this By-Law shall apply where prohibited or preempted by state or federal law.

(b) If any provision of this By-Law, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this By-Law which can be given effect without the invalid provisions or application, and to this end the provisions of this By-Law are severable.

Or act on anything relative thereto.

Petitioners’ Article Description As Amended

The Amendment simplifies the Article and makes communication between the Innholder licensee and the Select Board direct rather than involving the Police Department. It also puts Innholder licensees more on the honor system than the original Article. (However, the Amendment continues to require that the Police Department police the posting and maintenance of anti-sex trafficking notices).

Human trafficking in hotels, most often sex trafficking, is an international problem, and the United States is not immune. The U.S. Department of Homeland Security has an initiative to counter sex trafficking in the hotel industry (called “Blue Campaign”), as do the American Hotel and Lodging Association, several non-

profits (e.g. ECPAT (End Child Prostitution and Trafficking)-USA, and the Polaris Project), and some hotel chains.

Several brochures about the problem, and combatting it, are attached.

States (including Massachusetts) have criminal laws against sex trafficking and also have civil laws that permit victims to recover monetary damages. The Massachusetts Attorney General's office has a human trafficking division where suspected human trafficking can be reported.

Nevertheless, sex trafficking in hotels often goes unnoticed and is not prosecuted, commonly because hotel staff and management are unaware of the signs of possible sex trafficking.

In 2019 a developer proposed a limited service extended stay hotel in Brookline with more than 100 rooms that, when originally proposed, would have allowed electronic entry without staff present at night, daytime staff limited to between one and three persons, housekeeping staff prohibited from entering rooms unless requested by guests, a virtual offsite concierge, and staff contact with guests to be minimized. (There was also no mention of training staff to recognize signs of sex trafficking.)

Under the Article an Innholder for a hotel must provide training for certain workers at the hotel in identifying signs of sex trafficking and responding appropriately to the signs. It is up to the Innholder to decide upon and engage the training entity, which must be a reputable anti-human trafficking entity as more detailed in the text of the Article. Where an applicant for an Innholder license already holds an Innholder license for the same hotel and the existing license was issued after enactment of the Article (in other words, where the applicant is seeking renewal of a license issued after enactment of the Article), the applicant must provide the Select Board with a report naming the entity providing the training, the dates of the training, a brief description of the training, a list of the workers and their job titles required to be trained during the existing license period who were trained, and the workers and their job titles required to be trained who were not. It is then up to the Select Board to determine what, if anything, to do with this information in considering the application for renewal of the existing Innholder license. In effect, an Innholder's license renewal is at risk if the Innholder licensee does not comply with the Article. Because the required reporting can only occur when a licensee already holds a license that was issued after the Article was enacted and the licensee is essentially applying for renewal of

the existing license the licensee has a year before applying for renewal to provide the required training and to acquire the information needed to make the required report to the Select Board.

The Article requires hotels to post prominently and maintain anti-sex trafficking notices. The notices may be such as are provided by anti-sex trafficking entities that provide training. The Innholder must provide the Select Board and the Police Department with true copies of the notices to be posted. The Police Department may enter hotels at reasonable times during hotel business hours to examine posting and maintenance of required notices and must report concerns about insufficient posting and maintenance to the Innholder licensee and to the Select Board. In the case of this requirement, Police Department reporting is not dependent on whether the existing Innholder license was issued after the enactment of the Article or whether the existing Innholder is applying for license renewal because posting and maintaining notices should not take a year to learn and it can be quickly performed and deficiencies can be quickly remedied – and it is hoped that the notices, by themselves, may have a deterrent effect.

Training hotel workers will be of limited effectiveness if they cannot observe the condition of guest rooms. The Article requires that the holder of an Innholder license issued after enactment of the Article report to the Select Board when rooms were registered to a guest for a period that includes at least five consecutive nights and during which occupants denied hotel workers entry for at least one hundred consecutive hours, the dates of the periods and the number of consecutive hours in which entry was denied (which, of course, may be more than one hundred hours), an explanation of how hotel workers knew entry was being denied, and the actions, if any, hotel workers took with respect to the affected rooms. It is up to the Select Board to determine what, if anything, to do with this information. Because the required reporting can only occur when an Innholder already holds a license issued after the Article was enacted and the Innholder is essentially applying for renewal of the existing license the Innholder has a year before applying for renewal to gather and pay attention to information that will be needed for the report.

These requirements are intended to try assist Innholders in acting to discourage sex trafficking, to prevent and deter sex trafficking, and to inform would-be traffickers and their customers (some of whom may be Brookline residents) that hotels in Brookline are not places to do business.

To petitioners' knowledge there is no similar law in Massachusetts—either at the state level or the municipal level. Presently, S.192/H. 2540, which addresses hotel staff training and anti-human trafficking signage, has been reported to the Massachusetts House Ways & Means Committee. A previous bill in the 2019-2020 legislative session was not enacted.

For a survey by state and municipality of anti-sex trafficking laws with respect to the hospitality industry see: ECPAT-USA – Unpacking Human Trafficking vol. 4 (See, <https://static1.squarespace.com/static/594970e91b631b3571be12e2/t/624b15373d60d55930cd1932/1649087805782/Unpacking+Human+Trafficking+Vol+4.2022.pdf>).

It should be mentioned that several large hotel chains have begun staff training. (See, <https://news.marriott.com/news/2021/07/28/marriott-international-launches-enhanced-human-trafficking-awareness-training> ; <https://ir.hilton.com/~-/media/Files/H/Hilton-Worldwide-IR-V3/committee-composition/slavery-and-trafficking-statement-2017.pdf>)