



## WAMM CIVIC ASSOCIATION QUARTERLY MEETING

June 11, 2024

Bering Church of Christ

### MINUTES

Lane Llewellyn, President, called the meeting to order at 6:30 pm.

#### 1. Introduction of Officers

Lane Llewellyn introduced the Board members present at the meeting, including: Lane Llewellyn, President; Kathy Conti, Second Vice President; Diane Baker, Treasurer; and Maria Morandi, Secretary.

#### 2. Order of Business

##### 2.a. Introduction of Guests and Speaker

Lane Llewellyn introduced Yucari Ramirez, Director of Constituent Services in the Office of Council Member for District C Abbie Kamin.

Lane introduced our VIP speaker, Mr. Jason Ginsburg, a Montrose neighbor and charter member of the Facebook group "Houstonians Against Airbnb". He is an Attorney and Escrow Officer @ Walt, Abrams & Ginsburg, and Chicago Title Co. Mr. Ginsburg will introduce and educate our membership about short term rentals (STRs) in our neighborhoods, including updates concerning COH's progress regulating STRs and what Houstonians and our association can do to protect our properties.

Lane requested that questions be delayed until the end of the presentation. He asked Mr. Ginsburg to explain how he started the Facebook group.

##### 2.b. Presentation by Mr. Jason Ginsburg.

Mr. Ginsburg thanked Lane and those present for the invitation to speak to WAMM about STRs. He is a long-time resident of Montrose and owns a condo in the Park IV-V building, located in the WAMM area. He initiated the Halloween Pub Crawl in the Montrose, and helped set up the First Commons Historic District.

He described that his involvement with the current STR controversy (he owns a couple of STRs himself) started when learning that a builder was interested in buying a lot in his neighborhood. The builder was Houston Texans former linebacker Darryl Sharpton, who now manages his own investments. But after acquiring a second property (a lot next to Mr. Ginsburg's own home), Mr. Sharpton gave an interview to the Houston Chronicle indicating that his hospitality brand, The Sharpton, was planning to replat

properties in Montrose for building up to six homes to be used for the hospitality equivalent of short-term and extended-stay rentals. The first one would be located on Dunlavy St., at the corner of Mr. Ginsburg residence. Mr. Ginsburg had not heard anything positive about companies such as Airbnb, so he set up a meeting with Mr. Sharpton to find out the details. Mr. Ginsburg learned that the plan was to operate the homes - each with its own pool - exclusively as short-term rentals. Mr. Ginsburg asked about restrictions, such as in the case of hotels. Mr. Sharpton insisted that the new development is not considered a hotel, and that the homes would be “classy” residences. Mr. Ginsburg realized immediately that the rentals would be used as party houses with all the well-known disturbances and disruptions to the neighboring residents, which would not affect Mr. Sharpton because he lives in River Oaks.

Mr. Ginsburg thought that there should be a law against this questionable use of properties in residential areas, and started to research regulations and ordinances applicable to short term rentals. He distributed handouts of his findings to the attendees (attached at the end of this minutes). The ordinances provide the definitions of what is considered a hotel, such as a building used for transient sleeping accommodations, which shall not include properties that are residential in character and used for non-transient occupancy. Further, the ordinances for hotels indicate that those with 50 or less separate rentable units cannot about any tract which is in whole or in part residential in character. Mr. Ginsburg described the history of the ordinance, both case law and legislative intent, going back to 1998 when the City of Houston moved to impose a moratorium on new permits for hourly rate motels that were causing disturbances in residential neighborhoods, not unlike current STRs. Mr. Ginsburg indicated that ordinances directed at controlling short term rentals go back to the late 1800's, when the Storyville red light district was set up to eliminate encroachment of houses of ill repute in residential areas of New Orleans. Prostitution was rampant at the time, as New Orleans was a naval port.

Mr. Ginsburg stated that hundreds, if not thousands, of Houston residents are impacted by STRs. Calling 311 may not be useful. He spoke with multiple people at the COH about their responses to STRs complaints. None was willing to provide information because they could not speak for the city. He finally spoke to a lawyer who indicated that the COH's legal department is concerned about potential lawsuits from STR operators. He also indicated that city attorneys do not get extra compensation for taking on STR cases. So, the option is to go to City Council. He set up the Facebook group to bring broader attention to the issue and to be more effective at the city level.

Jamie Roark suggested that Mr. Ginsburg could run for a position in City Council. Mr. Ginsburg responded that Council members Kamin and Allcorn have done a great job. One of the problems is that STRs concentrate in areas such as Montrose, The Heights, 3<sup>rd</sup> Ward, and Galleria, so a slim majority of Council members are not impacted by STRs in their districts. It is also important to realize that “shared economy” operators push to probe existing laws to test if their apps become popular. When they do, they become legal. That is what Uber did, and what Airbnb is doing all over the world. In addition, companies such as Airbnb and VRBO artfully co-op individuals on the ground to make it appear that demand for their services are like a grass movement. They

coordinate landlords to push back on any regulations. In addition, many landlords can be donors to candidates running for City Council positions. The most important issue is to impede any attempts at replacing the COH hotel ordinance. Group of landlords can try to push Council for approving a variance to the hotel ordinance (as it was done in Austin) under regulatory taking (that is, the ordinance impacts the existing landlords' profits). However, people who purchase a property for the purpose of using it as a STR cannot claim regulatory taking because the hotel ordinance was in place at the time of the purchase.

It is important to emphasize that we are not trying to eliminate this type of business, but to assure that all these operators comply with existing laws. When dealing with an Airbnb, email everybody in the list of members of the Facebook group, including himself, and ask to be included in their mailing list (the list is in the last page of the handout attached to these minutes). This will help when attending a Council meeting.

Dallas just got a huge anti-Airbnb ordinance. We are lucky that so far nobody has been killed at an Airbnb inside the COH limits. A good argument to use is: is the city going to wait until it happens? There are not current controls in Airbnb and Houston has no zoning. However, Houston has many laws that control what can be done in one's property.

Mr. Ginsburg related his experiences with questions submitted through the Facebook group. One of the questions asked frequently is: How can my family and friends travel without Airbnb? The answer is: how did they do it before Airbnb? Another question is: What about deed restrictions? Texas has ruled that they are "residential", meaning that they will enforce them in cases such as somebody stepping onto your property without permission. It is difficult to enforce deed restrictions, and the owners of Airbnb's can always opt out. A common question is also: Why do you want to hurt small business people? The preponderance of Airbnb operators are mega-owners, fewer are mom and pop businesses. A final typical question is: Mind your own business! The landlords like their neighbors to mind their own business, but they do not mind their own. This is a business model with negligence built-in.

Kevin Sokol-White ask why the city cannot look on these issues on a forward basis? What about Mr. Whitmire's priority list of issues to address? Mr. Ginsburg answered that Houston is way behind the curve on Airbnb control compared to other cities such as NY or NOLA, in part because Houston is not as much of a tourist town. Mayor Whitmire has been slow in getting out of the box on this issue. The city approaches these issues in an ad hoc manner, depending on how many and who complains (such as a Council Member). Some owners of STRs, such as one of his friends who owns condo properties in Galveston, have found out that they can cutoff Airbnb and deal with customers directly.

Lane Llewellyn spoke about the case of Jose and his wife who are dealing with a STR that is rented as a party venue for weddings, etc., and are operating without an occupancy permit. They called 311 but the operators are only issued with a citation. Jose and his wife need help now, without waiting for the passing of new ordinances. She also asked Yucari about what the District C office thinks about this particular

problem. Yucari answered that both Council Members Kamin and Allcorn are aware of the issues but there have been some changes with the new administration, and to please attend Council meetings.

Chris Sokol-White asked about starting a class action suit. Mr. Ginsburg answered that we cannot enforce public law. With respect to the party venue house, it operates as a business and the city can enforce private deed restrictions.

Lane asked whether we can post our comments about a property on the Airbnb platform. Mr. Ginsburg answered that one can post comments but preface the post by saying you are a neighbor. The company can pull the comment but it is worth a try.

Jose Aranda thanked Mr. Ginsburg and related that himself and his wife Krista were able to get an officer to see the problem and they were told that officers are in no position to interfere whether the owner is a resident or the property is used as a venue. They cannot do anything unless there is something untoward such as a fire. Mr. Ginsburg responded that cops will not interfere in a civil matter. They are unlikely to be a solution. Perhaps only in cases of noise complaints. Jose Aranda indicated that the venue operates largely on weekends, so it is unlikely that an inspector will come in response to a complaint.

Lane Llewellyn asked again whether the city will enforce deed restrictions. Mr. Ginsburg said that they can, and that we can file for a temporary restrain or an injunction. She also asked about the small apartment complexes that are removed from the long-term rental market. Mr. Ginsburg responded that there are studies demonstrating that Airbnb has driven up housing and rental costs, contributing to the housing availability and affordability crisis. In addition, these small complexes are ideal venues for trafficking drugs and people. As a civic association, power resides in staying together. For example, Mr. Sharpton has moved on and is selling the two lots he acquired for building short-term rentals

Lane Llewellyn and the attendees thanked Mr. Ginsburg for the very informative presentation.

### **3. New Business**

#### **3.a. Resurfacing of local streets.**

Maria Morandi reported that resurfacing of local streets will be delayed until the city completes a 1-year small water line (2-4") project potentially starting in September of this year. WAMM was not aware of this project which was approved by City Council in 2021. Affected neighbors will be advised in advance of the start of the project before work starts. Much of the work will be done by underground boring, with little digging. After completion of the small water line project, street resurfacing will consist of a 2" asphalt overlay. Lane advised that this does not mean we should stop calling 311 to report pot holes and poor street conditions, as well as flooding.

#### **3.b. Election of New WAMM Board**



Lane reminded everybody that we are approaching the election of new officers for the WAMM Board. More details will be provided in the Gazette. Michael Sieloff said he could be interested in running.

### 3.c. 2024 Greek Festival

Plan to attend the September Quarterly Meeting to hear about this year's Greek Festival and get some free tickets.

### 3.d. Status of parking variance request.

The hearing on the parking variance request by the re-developers of the former Tower Theater shopping center has been deferred indefinitely. Mike Sieloff asked whether this means that the proposed redevelopment is off the table. Lane answered that it does not mean redevelopment will not go forward, just the request for the reduction in the required number of off-site parking spaces may be.

### 3.e. Doggie Park

Lane reported that Covenant House is on board with our proposed doggie park. There was some discussion about the nature of the park, security, and water features. Mr. Ginsburg suggested to include some from of playground and a water feature for kids instead of a fountain.

Hearing no additional new business, Lane Llewellyn called the meeting adjourned at 7:45 pm.

## **ARTICLE VI. HOTELS<sup>1</sup>**

### **DIVISION 1. LOCATION**

#### **Sec. 28-201. Definitions.**

As used in this division the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

*Bed and breakfast facility.* A building on residential property with rooms for rent on a daily basis, with a resident owner, occupant or manager and no more than ten sleeping rooms for rent.

*Central business district.* The area included and bounded by Buffalo Bayou, Chartres Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street, and Heiner Street as projected and extended to Sabine Street. Properties abutting and fronting on such streets are included in the district.

An area that has:


- (1) A permanent public transit system;
- (2) A demonstrated modal split in favor of public transportation;
- (3) An equivalent level of municipally owned public parking; and
- (4) Equivalent levels of vehicular traffic, as determined after a study by the director, may be added to the above-described area or established as a separate area and may, after a public hearing, be designated by the city council as a central business district.

*Church.* A building, whether situated within the city or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship or for propagating a particular form of religious belief.

*Commission.* The planning commission of the city.

*Director.* The director of the department of planning and development or the director's designee.

*Health facility* means a public health clinic or a multi-purpose center operated by the Houston Health Department or a public health clinic operated for the city by another entity.

 *Hotel.* Any building or buildings in which the public may obtain transient sleeping accommodations. The term shall include hotels, motels, suites hotels, tourist homes, houses, or courts, inns, rooming houses, or other buildings where transient rooms are furnished for a consideration, but shall not include properties that are residential in character.

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<sup>1</sup>Editor's note(s)—Ord. No. 2020-319, § 2, adopted April 15, 2020, changed the title of Article VI to read as herein as set out. Former Article VI was entitled Location of hotels.



*Library.* A building or buildings, whether situated within the city or not, the primary purpose of which is the keeping of literary and artistic materials such as books, periodicals, newspapers, pamphlets, and prints for reference or reading.

*Licensed day-care center.* A facility licensed by the State of Texas, whether situated within the city or not, that provides care, training, education, custody, treatment or supervision for more than 12 children under 14 years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than 24 hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.

*Limited-access or controlled-access highway.* Any highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

*Parking management area.* A high density urban development with a minimum of 3,500,000 square feet of gross floor area and a minimum floor area ratio of one under a unified management entity that is situated in close proximity to permanent transit facilities.

*Public park* means a publicly owned or leased tract of land, whether situated in the city or not, designated, dedicated, controlled, maintained, and operated by the city or any political subdivision of the state for use by the general public for active or passive recreational or leisure purposes that contains improvements, pathways, access, or facilities intended for public recreational use. The term "public park" shall not include parkways, public roads, rights-of-way, esplanades, traffic circles, easements, or traffic triangles unless such tracts or areas contain and provide improvements or access to a recreational or leisure use by the public. A current list of public parks shall be compiled and maintained by the director of the parks and recreation department and shall be available for public inspection in the office of the city secretary.

\* *Residence.* Any permanent building or structure containing habitable rooms for nontransient occupancy, that is designed and used primarily for living, sleeping, cooking and eating, and is intended to be used or occupied as a dwelling place for residential purposes, whether or not attached, including homes, town homes, patio homes, duplexes, triplexes, quadraplexes, condominiums and apartments. Hotels, motels, boardinghouses, group homes, halfway houses, nursing homes, hospitals, nursery schools, schools and child care facilities shall not be considered residences. ]

*Residential.* Pertaining to the use of land for a residence, as defined in this section.

*Residential area.* The area around a hotel site that, within the residential test area, contains 50 percent or more residential tracts that are wholly or partially situated in the test area. For purposes of this computation, tracts that are improved with multi-unit residential occupancies, such as apartments and condominiums, shall be counted on the basis of each one-eighth acre of land, or any fraction thereof that is situated within the test area, being equal to one residential tract.

*Residential restrictions.* One or more restrictive covenants limiting the use of property to residential purposes that are contained or incorporated by reference in a properly recorded map, plat, replat, declaration, deed, judgment or other instrument filed in the county real property records, map records or deed records.

*Residential street.* A street where 30 percent or more of the frontage along both sides of the street within a distance of 250 feet or the distance to the nearest four-way public street intersection, whichever is greater, from the tract upon which a hotel would be located consists, in each direction along the blockface, of front, side or rear yards of residential uses. For purposes of this division, a major thoroughfare may also be classified as a residential street, in which case the residential street classification shall control.

*Residential test area.* An area determined by creating a closed curve with a radius as provided below from the boundaries of the proposed hotel tract. Each tract, other than the hotel tract, that is situated in



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whole or in part within the radius so created shall be a part of the residential test area. For a hotel with 50 or fewer separately rentable units, the applicable radius shall be 1,500 feet. For a hotel with 51 through 75 separately rentable units, the applicable radius shall be 1,000 feet.

*Residential tract.* Either of the following:

- a. A tract that is included within a recorded residential subdivision subject to any enforceable, valid and unexpired residential restrictions upon which a residence exists or may be constructed pursuant to those valid and applicable residential restrictions; or
- b. An unrestricted tract upon which a residence exists.

*Service facilities.* Facilities provided by a hotel for the service and convenience of customers, including, but not limited to, restaurant or food service, liquor sales, meeting rooms or swimming pool.

*School.* A building, whether situated within the city or not, where persons regularly assemble for the purpose of instruction or education, together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to (1) public and private schools used for primary or secondary education, in which any regular kindergarten or grades one through 12 classes are taught, (2) special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one through 12, and (3) public and private institutions of higher education.

*Suites hotel.* A hotel as herein defined with all of the following characteristics:

- (1) At least 75 separately rentable units, with service facilities; provided that the service facilities may not include a restaurant or cocktail lounge;
- (2) Each rentable unit shall contain a kitchen with a full-size refrigerator, a range or range top with at least two burners, an oven (traditional, microwave or convection), sink, dishwasher, storage cabinets and counterspace for meal preparation;
- (3) At least 75 percent of the rentable units shall be suites with a living room and a separately enclosed bedroom; and
- (4) No units shall be rentable on less than a full twenty-four-hour basis.

*Tract.* A contiguous parcel of land under common ownership, whether situated within the city or not.

(Ord. No. 93-1641, § 2, 12-22-93; Ord. No. 94-1268, § 4, 11-22-94; Ord. No. 95-104, § 1, 1-25-95; Ord. No. 98-334, § 4, 4-29-98; Ord. No. 98-529, § 2, 6-30-98; Ord. No. 01-722, §§ 2, 3, 8-1-01; Ord. No. 2015-820, § 22, 8-26-2015; Ord. No. 2018-225, § 10, 3-22-2018; Ord. No. 2020-319, § 2, 4-15-2020)

## **Sec. 28-202. Locational requirements.**

- (a) It shall be unlawful for any person to construct any new hotel, to alter or remodel any existing hotel so as to add more sleeping rooms thereto, or to convert any premises for use as a hotel unless the following requirements are met:
  - (1) The tract on which the hotel is situated shall have direct frontage on and take primary access from:
    - a. At least one major thoroughfare that is not a residential street;
    - b. The right-of-way of a limited access or controlled-access highway; or
    - c. A street or portion thereof that is not a residential street, that is striped or otherwise actually allows for at least four lanes of moving traffic, and that connects to a major thoroughfare that is not a residential street, provided that a hotel that is the result of the conversion of an existing



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apartment complex of 75 or more units to a suites hotel may be on a street or portion thereof that meets all of the requirements of this item 28-202(1)c. but that is a residential street.

All primary entrances to the property shall be at least 20 feet in width and shall be from the street identified above in this provision upon which the tract fronts and from which the tract takes primary access. Notwithstanding the foregoing, the hotel may have one or more secondary entrances to the tract from streets other than those identified in this paragraph, provided that the entrance lanes are not more than 15 feet in width and that the total number of secondary entrances does not exceed 75 percent of the total of primary entrances either in number or aggregate width.

- (2) No portion of the tract on which the hotel, other than a hotel with 120 or more separately rentable units and service facilities is situated may have frontage on or take any access from any street on which any school, library, church, licensed day care center, health facility, or public park also has frontage, if the hotel tract would be within 750 feet of the school, library, church, licensed day care center, health facility, or public park tract. The distance shall be measured from the nearest point on the tract on which the hotel is situated to the nearest point on the tract on which the school, library, church, licensed day care center, health facility, or public park is situated.



- (3) The property line of the tract on which a hotel with 50 or fewer separately rentable units is situated may not abut at any point any other tract that is in whole or in part residential in character. To the extent that any property line of the tract on which a hotel with 51 or more separately rentable units is situated abuts at any point any other tract that is in whole or in part residential in character, then the owner of the hotel shall provide a buffer along the entire length of that property line of the hotel. The buffer shall include the provision and maintenance of each of the following:

- a. Hotel building(s) set back at least ten feet from the property line;
- b. Canopy trees at least one per 100 lineal feet of property line;
- c. Ornamental trees at least two per 100 lineal feet of property line;
- d. Shrubs at least 16 per 100 lineal feet of property line; and
- e. Solid wood or masonry fence at least eight feet in height.

Upon request by the applicant in writing, the director may waive any of the buffer requirements of item (3) above upon finding the following: (i) the project is a conversion of another premises to a suites hotel; (ii) the project, if a waiver is granted, will not be contrary to the public interest or detrimental to the public health, safety, or welfare; and (iii) the project, if a waiver is granted, will not result in a violation of any other applicable ordinance, regulation or statute.

- (4) No premises located on a residential street shall be converted to a suites hotel other than an apartment complex with 75 or more units.
- (5) A hotel, with or without service facilities, that has 75 or fewer separately rentable units may not be situated in a residential area unless the hotel is situated upon a tract that is contiguous to and abuts the right-of-way of a limited access or controlled access highway and takes its primary access from the frontage road of that highway, provided that the hotel may not take secondary access from any residential street.
- (b) All determinations required under this section shall be based upon facts in existence on the day that the application for a building permit to construct, alter, or remodel the hotel is duly filed in the office of the building official with all plans, drawings, and other documents required for its consideration and processing under the terms of the *Building Code*. In the event that any applicant for a building permit to construct, alter, or remodel a hotel fails to initiate or prosecute the work such that the building permit expires under the terms of the *Building Code*, then a new building permit shall be required, and its issuance shall be subject to facts in existence at the time that the application is file for the new permit.

TAX CODE

TITLE 2. STATE TAXATION

SUBTITLE E. SALES, EXCISE, AND USE TAXES

CHAPTER 156. HOTEL OCCUPANCY TAX

SUBCHAPTER A. DEFINITIONS

Sec. 156.001. DEFINITIONS. (a) In this chapter, "hotel" means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:

(1) a hospital, sanitarium, or nursing home;

(2) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Section 61.003, Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or

(3) an oilfield portable unit, as defined by Section 152.001.

\* (b) For purposes of the imposition of a hotel occupancy tax under this chapter, Chapter 351 or 352, or other law, "hotel" includes a short-term rental. In this subsection, "short-term rental" means the rental of all or part of a residential property to a person who is not a permanent resident under Section 156.101.

Acts 1981, 67th Leg., p. 1686, ch. 389, Sec. 1, eff. Jan. 1, 1982.

Amended by Acts 1993, 73rd Leg., ch. 486, Sec. 5.01, eff. Oct. 1,

1994; Acts 1995, 74th Leg., ch. 454, Sec. 1, eff. Sept. 1, 1995;

Acts 1995, 74th Leg., ch. 1000, Sec. 56, eff. Oct. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 566 (H.B. 3182), Sec. 3, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1255 (H.B. 1905), Sec. 22(a), eff. September 1, 2015.



[← Back](#)

# Neighborhoods want hot-sheet motels to check out early

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By JULIE MASON May 28, 1998 Publication: Houston Chronicle Page: 20 Word Count: 484

Actions ▼

Mayor Lee Brown on Wednesday promised action to address the proliferation of hourly rate motels near residential areas, including consideration of a moratorium on new permits.

"If we can find some legal way to do it, then I am certainly in favor of a moratorium," Brown said. "I believe in using all remedies at our disposal."

More than two dozens residents of the Acres Homes area attended City Council on Wednesday to protest plans for a 30-unit motel near their neighborhood.

State Rep. Sylvester Turner, D-Houston, who grew up in the area and now represents its residents, said so-called hot-sheet motels attract drugs and prostitution.

"This city is rapidly turning into motel haven, and they are not being built for conventioners," Turner said. "These facilities represent a blight, and neighborhoods should be protected."

In the past 14 months, city planning officials have received 54 applications for hotel or motel construction, and approved 49. One was rejected, and four are under review.

Becky Nevers, spokeswoman for the city's Planning and Development Department, said a trend among larger chains appears to be toward building scaled-down, smaller facilities with fewer units.

Councilman Orlando Sanchez, one of several council members who said they are concerned about the issue, suggested the proliferation of hourly rate motels is disproportionately concentrated in minority neighborhoods.

Councilwoman Jean Kelley said the issue is one that potentially affects the quality of life for the entire city.

"We want to keep our wholesome communities," Kelley said. "If we have wholesome communities, we have a wholesome city."

Council last addressed the issue of hotel and motel construction with an ordinance in 1993, that generally restricted construction of hotels of less than 130 units to major thoroughfares.

Councilman Bruce Tatro called for a moratorium on new permits for 90 days on motels with fewer than 60 rooms that are within 1,500 feet of a residential area, park, school, day care or other sensitive land use.

In the meantime, he urged city officials to begin work on a tougher ordinance regulating the placement of motels - citing planned development of such facilities in his own northwest Houston district.

Councilman Michael Yarbrough, who echoed the call for a moratorium, said his district residents formed a "motel watch," to monitor illegal activities around such venues.

"I think these communities need immediate relief," Yarbrough said.

City Attorney Anthony Hall, however, cautioned that isolating certain classifications of motel for a moratorium may not be legally defensible - and could discourage development that council might otherwise support.

In addition to considering a moratorium, Brown said he would ask the Houston Police Department to review violations and other issues surrounding hourly rate motels, instruct the Legal Department to review the existing ordinance and direct planning officials to work with



neighborhoods to improve notification where such motels are planned.

Still, a prospective moratorium may be too late to help the residents of Acres Homes with their current dilemma. The motel permitted for their area was approved more than a year ago.

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**Houston Chronicle**

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**Page:** 20

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[← Back](#)

# City Council decides to put the chill on 'hot sheet motels'

## /Controls will push future units farther away from neighborhoods

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By JULIE MASON July 1, 1998 Publication: Houston Chronicle Page: 21 Word Count: 606

Actions ▼

City Council responded to homeowners' complaints Tuesday by voting unanimously in favor of new regulations for so-called "hot sheet motels."

The new controls will push future motel construction farther away from neighborhoods, where residents complain of a criminal element attracted by the hourly-rate operations.

"A lot of motels that front feeder roads actually back into residential neighborhoods, and that's a problem," said Councilman Bruce Tatro. "The old regulations just weren't working, particularly in my district."

Tatro was among several elected officials calling for Mayor Lee Brown's administration to revise a 1992 ordinance on hotel and motel construction.

On a proposal by Councilwoman Annise Parker, council approved new distancing requirements beyond the scope recommended by the Planning and Development Department.

Planners had suggested a plan to prohibit construction of motels with 75 or fewer units within 375 feet of an area at least 50 percent residential. Parker's amendment increased the distance to 750 feet.

Previously, the city ordinance generally restricted hotels of less than 130 units to major thoroughfares - allowing a proliferation of motels that backed into residential areas, such as two proposed in Tatro's district.

The new ordinance also enhances the definition of a residential street, and allows "grandfathering" only for pending projects that have already received building permits.

Planning Director Robert Litke said the new ordinance is aimed at directing hotels and motels away from residential and inappropriate areas.

The new regulations were drafted with input from the hotel industry in addition to homeowners groups, Litke said, and leave sufficient sites available for future development.

"Even with the 750-foot distancing requirement, there are approximately 30,000 sites available for hotel and motel construction that would meet the test for this ordinance," Litke said. "That's a lot of land available for development."

In the past 14 months, city officials have received 54 applications for hotel or motel construction. They approved 49, rejected one and are reviewing the four others.

The issue came to the attention of council after residents from Acres Homes complained about a motel under construction in their area.

Residents who have been working with the city on developing a master plan for improving their community said the new motel would be detrimental to their efforts.

Litke told council the new regulations are too late to help the residents of Acres Homes, since the motel is already being built.

Councilman Michael Yarbrough, whose district includes Acres Homes, said it's unfortunate for

the residents who live near the motel site.

"Seven hundred and fifty feet is better than 375, but this still creates a dilemma for communities when they are trying to grow and establish themselves with some land uses other than affordable housing," Yarbrough said.

Litke responded that planning officials approved the permit for the new motel because, at the time, it conformed to the city's regulations.

It was unclear whether the new ordinance would address the two motels opposed by residents in Tatro's district.

Of concern to council members is an apparent pattern of locating hourly rate motels in low-income or minority neighborhoods.

"This industry targets low-income areas," said Councilman Orlando Sanchez. "A lot of times, these neighborhoods are trying so hard to improve their communities, and this motel proliferation isn't helping."

Tatro said reducing the size of motels regulated by the ordinance will help neighborhoods opposing such construction, since such facilities are apparently being built with fewer rooms.

Opponents of the small, inexpensive motels complain they attract patrons involved with drugs and prostitution.

"I am not for regulation and governmental over-intrusion," Sanchez said. "But sometimes there comes a point where the industry is not going to do anything, and it becomes incumbent on government to step in with moderate, unobtrusive and reasonable regulation."

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*Al Rose*

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**STORYVILLE,  
NEW ORLEANS**

*Being an Authentic, Illustrated Account  
of the Notorious Red-Light District*

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TUSCALOOSA



fifteen-year-old Celice Anderson, of 416 Howard Street, remanded after having secured her arrest at 36 Basin Street.

The situation was clearly set forth in a *Mascot* editorial of June, 1892, in which the desirability of a restricted district was considered in positive terms:

... Like gambling, it [prostitution] is ineradicable, yet—if handled properly, it can be curtailed. Against houses of ill-fame as such, the *Mascot* makes no crusade, so long as they are conducted in a decorous manner and are not located in respectable neighborhoods, for they are a necessary evil. The subject is a delicate one to handle, but it must be admitted that such places are necessary in ministering to the passions of men who otherwise would be tempted to seduce young ladies of their acquaintance. But whatever good they may unconsciously effect . . . would be offset were they allowed to flourish in every part of the city. It is a notorious fact that of late such establishments have sprung up in many neighborhoods hitherto free from them, thus obtruding the evil under the eyes of growing girls of respectable family.

Besides, under the present system, many of the demi-monde are diseased, yet ply their trade just the same. The consequence is that growing boys and young men contract contagious diseases which can be suppressed, but which remain in the blood. . . . The evil consequences spread further, for when they marry those affections of the blood are transmitted to their children. . . .

Young men can no more be made continent by legislation than gamblers can be forced to cease gambling, yet the evil results of their intercourse with fallen women can be minimized by State regulation. . . . [There follows a description, at length, of such regulations to control disease by regular examination and put such places in predetermined areas as carried out in certain European countries.]

Why should not such a system be adopted in New Orleans? The social evil is rampant in our midst. . . . Houses of assignation and ill-fame . . . are springing up all over the city. . . . Many a man has purchased a house and lot on a quiet street . . . but has woken up some morning to find the house next door occupied by disreputable people who carouse, receive visitors, hammer the piano all night, use obscene language and convert his paradise into a hell. . . . The council is powerless to interfere as long as the obnoxious people own their house or the landlord of it refuses to eject them. . . .

Opposition to legal controls came mainly from church groups, with their predictable and irrelevant objection that "sin" would be "dignified" if its existence were legally acknowledged. It was no secret that many of the landlords who

owned property leased by houses of ill-fame all over town, and who did not relish the idea of losing their tenants to a downtown restricted district from which other landlords would derive the revenue, were pillars of the church for whom any flimsy rationalization would do, so long as the status quo was preserved.

The medical profession balked at the idea of police-supervised medical examinations for prostitutes under a district plan. The town was quack-ridden, with a veritable army of "doctors" who advertised quick venereal disease "cures" in the press; the prospect of any reduction in the incidence of such disease was hardly pleasing to them. Legitimate medical men—who in fairness to the profession must be judged the majority—were opposed on principle to "political interference in medical matters" and thus found the idea of police inspection obnoxious.

A police ordinance (No. 7325), requiring the lower-class bawds to leave the ground floors of Bienville, Burgundy, Customhouse, Conti, Dauphine, and St. Louis streets, had the effect of moving most of them into the areas that would later be part of Storyville. Even so, elaborate vice establishments continued to prosper noisily in the Garden District and the French Quarter. The public and the press clamored for control efforts and then proceeded to reject reasonable proposals that the city fathers offered. Thus an 1892 proposal requiring compulsory medical examination of prostitutes was denounced in a mass meeting of New Orleans matrons as an affront to Southern womanhood. An effort similar in intent to the later Story ordinance, but lacking the legal characteristics that would have made its provisions stand up under appellate scrutiny, failed to pass the combined legislative chambers of New Orleans.

But the stage was now being set for a comprehensive and fool-proof law that would free the city from the spreading anarchy of vice and contain the "evil" within acceptable limits. Such a law needed to be constitutional, enforceable, and acceptable to the city fathers on the basis of morality and equity—and economics.

Thus, when the carefully prepared legislation of Alderman Sidney Story came up for consideration, it met with only token opposition. The legal principle involved had already been articulated by the *Mascot* ten years earlier (March 26, 1887): "The proper remedy is to specify a certain district outside of which it will be unlawful for prostitution to be carried on, and



AS SOON AS SHE WILL BE  
WITH YOU BAD LUCK WILL  
DISAPPEAR!

ACT 1ST  
SCENE 2ND.

# MAS

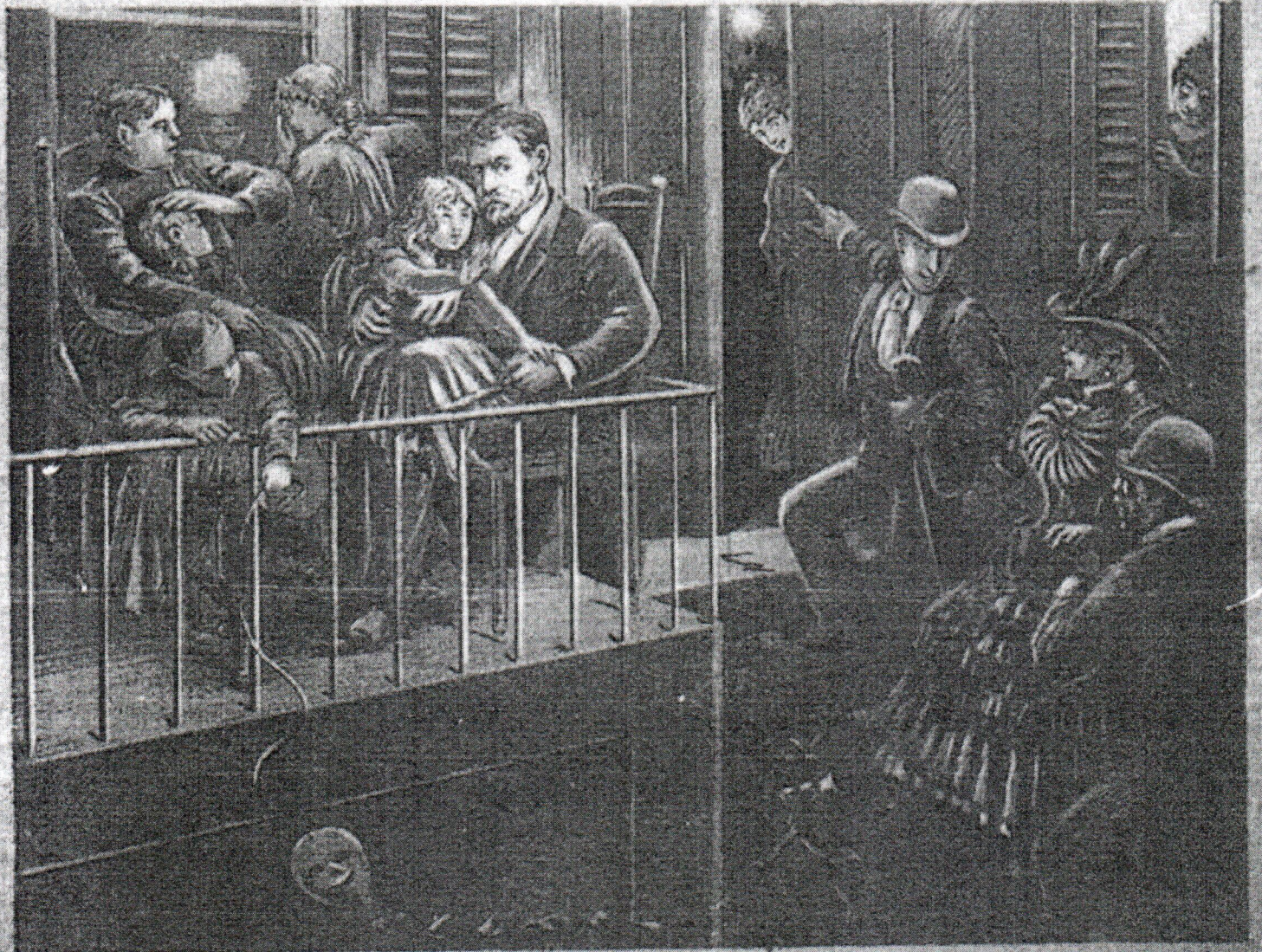
ELEVENTH  
YEAR

# THE COT.

PRICE 5 CENTS

June 11, '92

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**A PLAGUE OF PROSTITUTES.**



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