



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Councilmember Nancy Pyle

**SUBJECT:** Social Host Ordinance

**DATE:** November 1, 2010

Approved

Date

11/1/10

## RECOMMENDATION

Direct the City Manager to conduct a work load assessment for the following:

- Draft a Social Host Ordinance that will hold adults that provide alcohol and host underage drinking parties responsible.

In addition:

- Staff should be directed to review the County Social Host Ordinance NS-638 which was drafted as a Model Ordinance, supported by the Tri-Counties Apartment Association and Stanford University, and provides for administrative citations.
- The Social Host Ordinance should be presented to both the Youth and Neighborhood Commissions for their review. These Commissions should use their contacts for more community outreach.

## BACKGROUND

A Social Host Ordinance is a proactive step that holds adults who knowingly or unknowingly host parties on property they own, lease or otherwise control, responsible for underage drinking.

- The County Ordinance seeks to deter underage drinking parties and includes fines to recover the cost of law enforcement and emergency services for such parties.
- At the State level, on August 18, 2010 Governor Schwarzenegger signed AB 2486. According to the author-

***Social host liability: furnishing alcohol to underage persons.***

*Under existing law, a social host who furnishes alcoholic beverages to any person may not be held legally accountable for damages suffered by that person, or for injury to the person or property of, or death of, any 3<sup>rd</sup> person, resulting from the consumption of those beverages. This bill would provide that these provisions do not preclude a claim against a parent, guardian, or another adult who knowingly furnishes alcoholic beverages at his or her residence to a person under 21 years of age and that furnishing the alcoholic beverages may be found.*

On September 21, 2010 my community was again the site of a fatal motor vehicle crash involving underage drinking. Underage drinking cannot be addressed by simply holding teens responsible. We must also hold the adults who host and provide the alcohol for underage drinkers responsible.

By passing a Social Host Ordinance, Santa Clara County along with the cities of Morgan Hill, Gilroy, Palo Alto, Saratoga, Monte Sereno, Santa Clara, Los Altos, Los Gatos and Milpitas have all taken steps to change the perception that house parties with underage drinking are socially acceptable. Parties with underage drinking are always illegal.

To effectively use staff time, staff should evaluate existing Ordinances and reach out to Gabrielle Antolovich, Executive Director of Voices United who has brought this issue to the Youth Commission for approval. Youth Commission representatives from Districts 5 and 7 have already scheduled a teen forum in early December to discuss a Social Host Ordinance. While there are existing programs and laws on the books to address the issue of underage drinking, we should continue to develop new tools to help adults and teens understand the dangers of underage drinking.