



## CITY OF SOUTH PASADENA

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June 2, 2014

The Honorable Susan Bonilla  
Member, California State Assembly  
State Capitol Building, Room 4140  
Sacramento, CA 95814  
Via FAX: (916) 319-2114

RE: **AB 1147 (Bonilla, Gomez, Holden) Massage Therapy Act of 2014.** *(As amended on April 23, 2014)* **Notice of SUPPORT**

Dear Assembly Member Bonilla:

The City of South Pasadena supports AB 1147, which would completely revise and recast the law pertaining to massage therapy, including returning land use control back to the cities.

AB 1147 allows local governments to enact ordinances that would require a massage establishment that only hires certified massage therapists (or certified sole proprietorships) to obtain a license, permit or other authorization as long as that license, permit or other authorization is required of any other individual or business providing professional services. Having this authority returned will allow local governments to prevent businesses operating under the auspices of massage therapy from engaging in prostitution and human trafficking.

As you are aware, SB 731 (enacted in 2008, Oropeza) has frustrated and complicated the efforts of cities to fairly and legally regulate massage establishments through land use and permitting, which have historically and effectively been used by cities to regulate businesses, including massage establishments. SB 731, further amended by AB 619 in 2011, took away the ability of local jurisdictions to apply any regulation to massage establishments unless the regulation was uniformly applied to all other professional services like doctors, lawyers, dentists, accountants, real estate agents, contractors and building inspectors, just to name a few. As such, massage establishments have been the subject of almost no regulations, which was not the intent of this legislation. The result is that these businesses now operate in the vacuum left by the lack of oversight from both cities and state.

Since 2009, the number of massage establishments in the City of South Pasadena, with a population of 26,000 and an area of 3.4 square miles, has increased from 7 to 19, and at least

6 of these are suspected of illicit activity. Like many cities, we are dealing with unchecked proliferation of massage establishments, a substantial number of which are fronts for prostitution and human trafficking. Businesses adjacent to illicit massage parlors suffer from the blight created and lose customers who stay away because of them. Residents feel increasingly anxious and apprehensive with these massage establishments near schools and in their business districts. The City Council, in an effort to expeditiously address the public health and safety risks posed by these establishments and restore the quality of life and neighborhoods in South Pasadena, recently approved a moratorium on the establishment or expansion of massage businesses in the City.

AB 1147 has been drafted to address the problems raised by SB 731. This new measure would remove broad restrictions on local government's land use authority so that cities and counties could more effectively zone and regulate massage establishments, and shut them down where there is illegal activity or a threat to health and safety. Combined with restored local government fee authority, higher professional standards, and tougher requirements for certified establishments, AB 1147 would finally give cities the tools necessary to regulate massage establishments and close down those that engage in prostitution or human trafficking.

For these reasons, the City of South Pasadena supports AB 1147.

We do, however, request some clarification of the language in proposed Section 4612(b)(1). This subdivision currently reads that a city may enact an ordinance to require a massage business to “[o]btain a license, permit, or other authorization if the license, permit, or other authorization is required of *any other* individual or business providing other professional services as defined in subdivision (a) of Section 13401 of the Corporations Code.” (Italics added.) The concern with the wording of this section is that it is likely to be interpreted to mean that unless at least one other professional business within the city is required to obtain a similar permit, then massage establishments cannot be required to obtain such a permit. This is potentially problematic because cities adopt regulatory permitting schemes that apply to massage establishments based on the specific secondary effects that are unique to massage establishments. Therefore, it is quite possible, especially in a city the size of South Pasadena, that no other professional business as defined in the Corporations Code is required to obtain any type of special business or use permit.

What cities need is the ability to regulate businesses as they do right now: based on the business's specific requirements and its specific secondary effects. While the City of South Pasadena understands and appreciates that the massage community wants to be regarded as professional and legitimate, this cannot be achieved by restricting local government's ability to shut down the illegitimate parlors by arbitrarily limiting a city's regulatory authority based on a statutory distinction that is unrelated to the problems created by these illicit establishments.

On behalf of the City of South Pasadena, I thank you for your efforts in moving this bill forward. Please feel free to contact me if you have further questions or would like clarification of any of the above.

Sincerely,

A handwritten signature in cursive script that reads "Marina Khubesian, M.D.".

Marina Khubesian, M.D.  
Mayor

cc: The Honorable Judy Chu, Congresswoman, 27<sup>th</sup> Congressional District  
The Honorable Carol Liu, Senator, 25<sup>th</sup> District  
The Honorable Chris Holden, Assemblymember, 41<sup>st</sup> District  
Jennifer Quan, Regional Public Affairs Manager (via email)  
Meg Desmond, League of California Cities (via email)