

Smoke-Free Housing Ordinance

City Council Policy Priority# 18

Item 7.2

September 28, 2021

Presenter: Rachel Roberts, Deputy Director, PBCE



Background



Smoke-Free Housing Ranked as Council Policy Priority #18 in 2020



Received Santa Clara County Public Health Department (SCCPHD) Grant Funding to implement a smoke-free housing policy



Santa Clara County and 8 Cities in the County have implemented smoke-free housing policies prohibiting smoking (including cannabis) inside multifamily units



SJMC currently prohibits smoking in common areas of multifamily buildings

Background



In Santa Clara County, 1 in 8 deaths each year due to smoking-related disease such as cancer, heart disease, and respiratory diseases



There is no safe level of exposure to secondhand smoke (CDC).



Secondhand smoke is a greater concern during COVID-19.



Comprehensive smoke-free policies are the only way to fully protect nonsmokers (US Surgeon General)

Smoke-free Housing Ordinance Goals

Implement
Council Policy
Priority #18
Smoke-free
Housing

Reduce
exposure to
second-hand
smoke for all
with focus on
vulnerable
populations

Align with
County/local
initiatives for
smoke-free
housing

Provide support
to property
owners,
managers,
tenants, and
key
stakeholders

Smoke-free Housing Work Plan



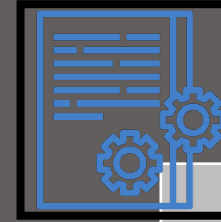
Research and Benchmarking

- City of Sunnyvale
- City of Berkeley
- Other Local Jurisdictions/County
- State Law
- First Community Housing



Community Engagement

- Online Survey in English, Spanish, and Vietnamese
- 3 Stakeholder Zoom Webinars
- Interest Group Meetings
- Racial and Health Equity Discussions
- Code Enforcement Website/Information



Policy Development

- City Council Priority Goals and NSE direction
- Stakeholder and Community Feedback
- Collaboration with Santa Clara County Public Health Department (SCCPHD)
- Align with local jurisdictions policies
- Coordinate with CAO

Stakeholder and Community Feedback

Inclusion of Cannabis

Cannabis should be exempt

Vaping of cannabis should be allowed

Smoke lounges and designated cannabis smoking areas should be explored

Policy may have disproportionate impact to people of color, vulnerable populations

Other Policy Feedback

69% Surveyed supported the proposed policy

Importance of gradual enforcement and ongoing education

Smoking related eviction concerns

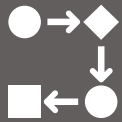
Condos and duplexes should be included

Proposed Smoke-Free Housing Ordinance



- Language proposed in alignment with other public agencies and existing SJMC
- Prohibits smoking inside multifamily properties of 3 units or more (excluding condos)
- Includes cigarettes, cigars, cigarillos, hookahs and pipes; electronic smoking devices, such as e-cigarettes and vape pens; and cannabis
- Exemption for hotels/motels
- Include smoking prohibitions as part of the rental lease agreement
- Provides variety of enforcement tools that allow flexibility

Proposed Implementation Plan and Enforcement Strategy



Phased Implementation- *November 1, 2021-June 30, 2022*



Education and Resources



Lease Requirements Prohibiting Smoking



Self- and Complaint- Driven Enforcement

- *Enforcement begins July 1, 2022*
- *Goal is to foster compliance through education and outreach*

Proposed Implementation Plan: Ongoing



- Continued outreach and education to foster compliance
- Smoke-free Housing Brochure in English, Spanish, and Vietnamese
- Code Enforcement Webpage Information and Various Collateral
- Proactive outreach during MH Routine Inspections
- Increased awareness of SCCPHD Cessation and Voluntary Mediation Services

Staff Recommendation

Approve an ordinance amending Chapter 9.44, Regulation of Smoking of Title 9 Health and Safety of the SJMC to prohibit smoking inside multifamily housing of three units or more, reducing the exposure to second hand smoke, in alignment with and in completion of City Council Policy Priority #18, Smoke-free Housing.