



1775 Story Road, Suite 120
San Jose, CA 95122

San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

November 19, 2020

Dear Council Members,

The Tobacco-Free Coalition of Santa Clara County, which consists of more than 20 organizations and individuals, is urging you to move forward with a strong ordinance to protect San Jose residents from drifting secondhand smoke in multi-unit housing (duplexes, apartments, townhomes, and condos).

Secondhand smoke exposure is harmful and potentially deadly. The U.S. Surgeon General has stated that there is no risk-free level of exposure to secondhand smoke. It can contribute to health problems such as asthma, heart disease, lung cancer and stroke. Children, the elderly and the disabled, our most vulnerable citizens, are also the most vulnerable to secondhand smoke.

While many laws have been passed in both in California and in San Jose that protect our residents from exposure to secondhand smoke, the residents of multi-unit housing are not protected from secondhand in their own homes. In fact, the home is now the number one source of secondhand smoke exposure.

Across Santa Clara County nearly 30 percent of residents reported smelling smoke drifting into their home in the past week, and 40 percent of Latinos reported such exposure. Higher exposure rates are also correlated with lower income levels and educational attainment.

Secondhand smoke drifts from other units and from common areas in multi-unit housing. Secondhand smoke can drift in through open windows and doorways, but also through cracks, electrical outlets, ventilation systems and plumbing.

Los Gatos, Palo Alto, Santa Clara, Sunnyvale and Santa Clara County have already passed smokefree housing policies that restrict smoking in multi-unit housing, reducing secondhand smoke exposure.

Our coalition urges you to consider the health of San Jose residents and protect them from dangerous secondhand smoke in their homes.

Sincerely,

Carol Baker, Co-Chair

Vanessa Marvin, Co-Chair

From: [Mary Dowd](#)
To: [Espejo, Gina](#)
Subject: Tobacco Free Multi Unit Housing San Jose
Date: Thursday, December 3, 2020 5:56:17 PM

[External Email]

Dear Gina

I am writing to support the most stringent tobacco ban in multi unit housing possible. That is one with muscle rather than the window dressing generality of the current ban.

It is indeed ironic that currently the United states is facing a unorecedented death rate from respiratory illness, smoking is still tacitly permitted in residentiak housing throughout San Jose. There is absolutely zero enforcement by the City Housing Department at this time .

The City of San Jose does not hold management companies and owners of properties accountable. The managers nat put up #Smoke Free# signs and then write in the lease that there is no guarantee of non smoking. That is not a valid policy especially given the current public health emergency.

Every hotel in San Jose is smoke free the same cannot be said for rental housing. They give far more than lip service to this mandate.

In fact it appears thst in low income housing in particular there is absolutely zero accountability. I live in a building, Markham Plaza 1, which has undergone a multi million dollar rennovation. Nevertheless despite new paint, floors, appliances finishings and top to bottom improvements smoking is still absolutely prevalent throughout the building on each and every floor. In fact the smell of tobacco smoke can be noted in the courtyard outside the building. Moreover there are always literally piles of cigarette butts all over the newly installed landscaping.

This means elderly tenants, some of whom have chronic lung disease, are subject to continuous second hand smoke thereby shortening their lives. The tenant in the apartment next to mine is so confident they will never be made accountable, the vape openly in their apartment on You Tube on a regular basis with their children present. So much for accountability.

The current law does not invite management to uphold the Santa Clara ordinance. Both tenants and management need to be subject to strict fines for permitting this known carcinogen both inside and outside the building. Needless to say the 30 feet maxim is most certainly not adhered to at any time no matter what. In fact visitors to the comolex have to navigate through a sea of chronic smokers in order to even enter the building. That is as they pick their way through the piles of cigarette butts that greet them on a daily basis.

After a pandemic that will undoubtedly take 400,000 lives permitting smoking to invade buildings paid for with public funds is absolutely inexcusable.

Please end the toxic legacy of the tobacco monopoly in low income areas by banning all tobacco products that would include cannabis in residential housing particularly low income housing. Indeed smoking in any form whatsoever is extremely hazardous to the health of the entire community and needs to be outlawed from every residential setting.

Thank you for your consideration.

Mary Dowd

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San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

December 9, 2020

Dear Council Members,

My name is Ira Gupta, and I am a 15-year-old resident of San Jose. I attend Evergreen Valley High School and I am a member of the Peer Advocate Advisory Council (PAAC). I am urging you to consider a strong ordinance to protect San Jose residents from secondhand and thirdhand smoke in multi-unit housing.

Secondhand smoke exposure affects our most vulnerable citizens, such as children, the elderly, and the disabled. When I was younger, I lived in multi-unit housing in Glendale, California, and I know firsthand the dangers of secondhand smoke. When we used to do laundry, there would always be someone sitting nearby and smoking. Because we left our clothes out to dry in the sun, there were most likely small smoke particles on our clothes, which then got brought into the house and spread to the furniture. This was dangerous not only to me, a young child, but also to everyone who came to our house. Because secondhand and thirdhand smoke harmed people in Glendale, I know it harms people in San Jose as well, and I want to help bring an end to this harmfulness.

The home is the number one source of secondhand smoke exposure. Each year, approximately 28 million people are exposed to secondhand smoke in their homes or apartments. In Santa Clara County, nearly 30 percent of residents reported smelling smoke drifting into their homes in the past week.

Secondhand smoke drifts in through open windows and doorways, cracks, electrical outlets, ventilation systems, and even plumbing. Opening windows and turning on fans does not always get rid of secondhand smoke because the smoke particles stay on furniture and objects around the home, causing more damage for current and even future residents.

Secondhand smoke not only affects people at home, but it can also affect teens at school. From my experience, secondhand smoke is almost always in school bathrooms due to student's vaping. This means that even if nobody in a student's family smokes, smoke particles can still be brought home and spread, which causes a cycle of harm.

I urge you to consider protecting the health of San Jose residents from secondhand smoke in their homes.

Sincerely,
Ira Gupta, 15, PAAC Member

**Breathe California
of the Bay Area,
Golden Gate, and
Central Coast**

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A member of the
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Alliance



December 9, 2020

The Honorables Sylvia Arenas, Chair, Magdalena Carrasco, Vice Chair
and Council Members Maya Esparza, Pam Foley, Sergio Jimenez,
Neighborhood Services and Education Committee (NSE), San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

Via e-mail: gina.espejo@sanjoseca.gov

RE: Support for San Jose's Proposed Ordinance to Strengthen its Secondhand
Smoke Protections for Buildings with Multiple Dwellings Units

Dear Councilmembers/ Neighborhood Services Committee Members:

I am writing to offer Breathe California's enthusiastic support for an ordinance to
provide greater protection from secondhand smoke for San Jose's residents who
live in multi-unit housing.

Breathe California, founded in San Jose in 1911, is dedicated to working to
eliminate the negative health impacts caused by tobacco smoke.

In addition to the scientific research detailing the hazards of secondhand smoke and
the US Surgeon General's declaration that there is no safe level of secondhand
smoke, our agency has almost 30 years of experience staffing our Secondhand
Smoke Helpline that proves that neighbor's smoking is currently the most pressing
secondhand smoke problem.

When the actual ordinance is drafted, we especially urge you to include no smoking
on private balconies and patios, as this is the chief complaint we hear through the
Helpline. We also note that marijuana smoking is a special problem, and specific
enforcement must be included in the language of the ordinance.

Surely breathing should not be a hazard nor a struggle in one's own home, from
inside nor outside.

We will be pleased to both assist in educating the community about this important
measure that will protect San Jose residents from the deadly hazard of secondhand
smoke and to serve as a resource for citizen's cessation efforts.

Thanks for Your Support of Public Health,

Margo Sidener, MS, CHES
Chief Executive Officer

Espejo, Gina

To: Saba Siddiqui
Subject: RE: Written Public Comment re: CC 20-216 City Council Policy Priority #18: Smoke-Free Housing

From: Saba Siddiqui <[REDACTED]>
Sent: Wednesday, December 9, 2020 11:30 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: Written Public Comment re: CC 20-216 City Council Policy Priority #18: Smoke-Free Housing

San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

December 10th, 2020

Dear Council Members,

I urge you to move forward with a strong ordinance to protect San Jose residents from drifting secondhand smoke in multi-unit housing (duplexes, apartments, townhomes, and condos).

Secondhand smoke exposure is harmful and potentially deadly. The U.S. Surgeon General has stated that there is no risk-free level of exposure to secondhand smoke. It can contribute to health problems such as asthma, heart disease, lung cancer and stroke. Children, the elderly and the disabled, our most vulnerable citizens, are also the most vulnerable to secondhand smoke.

While many laws have been passed in both in California and in San Jose that protect our residents from exposure to secondhand smoke, the residents of multi-unit housing are not protected from secondhand in their own homes. In fact, the home is now the number one source of secondhand smoke exposure.

Across Santa Clara County nearly 30 percent of residents reported smelling smoke drifting into their home in the past week, and 40 percent of Latinos reported such exposure. Higher exposure rates are also correlated with lower income levels and educational attainment.

Secondhand smoke drifts from other units and from common areas in multi-unit housing. Secondhand smoke can drift in through open windows and doorways, but also through cracks, electrical outlets, ventilation systems and plumbing.

Los Gatos, Palo Alto, Santa Clara, Sunnyvale and Santa Clara County have already passed smoke free housing policies that restrict smoking in multi-unit housing, reducing secondhand smoke exposure.

Our coalition urges you to consider the health of San Jose residents and protect them from dangerous secondhand smoke in their homes.

Sincerely,
Saba Siddiqui

San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

December 10, 2020

**RE: City of San Jose, Neighborhood Services & Education (NSE) Committee Meeting;
Thursday, December 10, 2020 @ 1:30PM**

Dear Respected Council Members,

I urge you to move forward with a robust ordinance to protect our precious San Jose residents from drifting secondhand smoke in all multi-unit housing (e.g., duplexes, apartments, townhomes, and condos).

Several scientific studies have established that secondhand smoke exposure is harmful and deadly. In fact, the U.S. Surgeon General has unequivocally stated that there is no risk-free level of exposure to secondhand smoke. It contributes to health problems such as asthma, heart disease, lung cancer and stroke. Children, pregnant women, those with respiratory issues, the elderly and the disabled, our most vulnerable citizens, are also the most vulnerable to secondhand smoke.

While many laws have been passed in both in California and in San Jose that protect our residents from exposure to secondhand smoke, the residents of multi-unit housing are not protected from secondhand smoke in their own homes. In fact, the home is now the number one source of secondhand smoke exposure.

Secondhand smoke drifts from other units (e.g., balconies, patios, garages) and from common areas in multi-unit housing. Secondhand smoke drifts in through open windows and doorways, but also through cracks, electrical outlets, ventilation systems and plumbing. The only solution to protecting our citizens, especially our youth, elderly and disabled populations, from secondhand smoke exposure is to make our communities completely smoke-free.

As you may know, Los Gatos, Palo Alto, Santa Clara, Sunnyvale and Santa Clara County, among others, have already passed smoke free housing policies that restrict smoking in multi-unit housing, reducing secondhand smoke exposure. We should do the same for the City of San Jose.

I urge you to carefully consider the health of San Jose residents and protect them from dangerous and toxic secondhand smoke in their homes. Not a day goes by where we smell smoke in our homes and see hundreds of toxic cigarette butts littered all over our community. We trust you will make the right decision for our health and safety and ban smoking entirely in and around multi-unit housing communities. Our lives depend on it.

Sincerely,

Haris Khan

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of the Bay Area,
Golden Gate, and
Central Coast**

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December 9, 2020

The Honorables Sylvia Arenas, Chair, Magdalena Carrasco, Vice Chair
and Council Members Maya Esparza, Pam Foley, Sergio Jimenez,
Neighborhood Services and Education Committee (NSE), San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

Via e-mail: gina.espejo@sanjoseca.gov

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In addition to the scientific research detailing the hazards of secondhand smoke and
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We will be pleased to both assist in educating the community about this important
measure that will protect San Jose residents from the deadly hazard of secondhand
smoke and to serve as a resource for citizen's cessation efforts.

Thanks for Your Support of Public Health,

Margo Sidener, MS, CHES
Chief Executive Officer

Espejo, Gina

To: Clara McClure
Subject: RE: BAN SMOKING in MULTI-UNIT HOUSING

From: Clara McClure [REDACTED]
Sent: Tuesday, December 8, 2020 9:38 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: BAN SMOKING in MULTI-UNIT HOUSING

[External Email]

Gina,

Hi, I hope this email finds you well. I am a resident and a homeowner of a townhouse in San Jose. I am also a board member of over 320 units in east San Jose. My husband and I urge the government to BAN SMOKING in multi-unit housing as secondhand smoke from cigarette smoke, vaping, marijuana is very harmful to human's health.

We bought a townhouse half million dollars 3 years ago, as this is the only house we can afford in San Jose. However, there are several tenants/residences on both sides of our unit regularly smoke cigarettes, marijuana and vape that made us very very sick. We have nose slightly bleeding, stuffy and running nose, nose and throat inflammation, coughing, itching and rash skin, chest pain, loss of energy, loss of concentration at work, foggy mind, and cramps in our bodies. We ended up leaving our own townhouse that we bought and spent more than \$14,000 to stay in hotel and temporary rental of non smoking apartment. Due to these issues, we ended up leaving our own home and now we are renting somewhere else.

Reports of evidence that show that harmful substances of secondhand smoke from cigarettes, vaping, marijuana can cause cancer and a lot of different kinds of disease. We removed our carpet and found out and even have pictures of proof that these share walls between units have a quarter size of a dollar wide on the wall gap. So, it means when somebody next door smokes cigarettes, marijuana or vaping, all the secondhand toxic smoke will penetrate into the unit next door. Also, the smell and secondhand of marijuana smoke goes very far, that it will stay inside the unit for hours.

Also, I am also a board member of the association of this community, I am dealing with a lot of complaints from other homeowners or residents that they have been very sick from secondhand cigarette smoke and secondhand marijuana smoke that penetrated into their units from their neighbors. This causes a lot of health issues nowadays to non smoking residence and it is not fair for them. People have the right to breath clean air without any disturbance by others to create harmful secondhand smoke of any kind. Also, nuisance is illegal in San Jose. Marijuana is a very big issues and it is illegal in Federal basis.

Please adopt a new law, city and code ordinance to BAN SMOKING of ANY KIND (including cigarette, vaping, marijuana, cocaine) in ALL MULT-UNIT HOUSING in SAN JOSE. We all deserve to live a healthier life with clean air.

Warm Regards,
Clara McClure
[REDACTED]

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Espejo, Gina

To: T Bell
Subject: RE: 12/10/20 Neighborhood Ser. & Ed. Comm. Mtng. - Public Comment

From: T Bell [REDACTED]
Sent: Thursday, December 10, 2020 10:36 AM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: 12/10/20 Neighborhood Ser. & Ed. Comm. Mtng. - Public Comment

[External Email]

The World Health Organization reports that smoke reduces lung capacity, impairs lung function, increases the risk of respiratory infections and severity of respiratory diseases and depresses immune system function, making it harder to fight coronaviruses and other respiratory diseases.

Yesterday, Santa Clara County reported a total of 43,001 cases—the largest number in the Bay Area and eight highest rate in the state. Hospitals are nearing ICU capacity as COVID-19 cases continue to surge.

Persons exposed to smoke incur a higher risk of developing severe COVID-19 outcomes and death. COVID-19 primarily attacks the respiratory system. The type of pneumonia often associated with COVID-19 causes scarring of the lungs, diminished lung capacity and long-term breathing problems. Many who recover from COVID-19 are left with crippling long-term health effects.

This public health crisis demands decisive and immediate action. I strongly urge the Committee to enact emergency measures, hasten the timeline to act, and impose a no smoking rule for **ALL** multi-unit dwellings in San Jose.

San Jose City's refusal to abide by and enforce the existing no outdoor smoking ordinance passed in 2012, together with the "creative license" City staffers take to reinterpret the law, avoid accountability and send residents down dead ends when attempting to advocate for their personal well being and the health of their neighborhood is disgraceful.

For instance, *vv. 24759.9.44.030 - General prohibition, Section B* states: "Public and common areas of multi-family residential areas: All enclosed areas of apartments, condominiums and mobile home parks which are open to public access or to unrestricted common access by the residents of such places." No distinction is made between apartments and condominiums—both of which are indeed multi-family dwellings. Yet, both Council Member Jimenez's Chief of Staff and Code Enforcement Inspectors claim condominiums are classified as "single family dwellings".

Given San Jose's housing crisis, the City's long-term plan to increase housing density with multi-family dwellings and the fact that nearly half the multi-family dwelling stock consists of condominiums, the effort to exclude multi-family dwellers in condos is inequitable and discriminatory. Condominium dwellers face the same smoke-related health risks as apartment, duplex, and mobile home dwellers and deserve the same protections and legal remedies.

Finally, Code Enforcement staff claims the no smoking ordinance is "not enforced for residential properties" and that Breathe California is responsible for enforcement. This is ludicrous. Can the Committee please outline the protocol for enforcing the no smoking law?