

Neighborhood Services & Education Committee

April 8, 2021

Status Report on City Council Policy Priority#18: Smoke-Free Housing

Presenters: Rachel Roberts, Deputy Director, PBCE
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*Planning, Building and
Code Enforcement*

Work Plan Items Completed

Outreach, Research and Benchmarking

- First Community Housing
- City of Berkeley adopted smoke free Housing laws in 2014
- City of Sunnyvale provided a sample outreach letter and implementation timeline

Racial and Health Equity Analysis

- Law Foundation
- Path
- Roots Clinic
- Indian Health Center
- Abode Services

Proposed Smoke-free Ordinance

- Prohibit smoking inside Multiple Housing properties of 3 units or more, including private and shared balconies, patios and porches
 - Includes cigarettes, cigars, cigarillos, hookahs and pipes; electronic smoking devices, such as e-cigarettes and vape pens; and marijuana
 - Would not apply to condominiums
 - Exemption for hotels/motels that meet state and local law requirements
- Lease Requirement to include smoking prohibitions as part of the rental lease agreement; and
- Guidelines for enforcement

Proposed Smoke-free Ordinance

Implementation Strategy

- Phased Approach
- Lease Requirements
- Education and Resources
- Self- and Complaint- Driven Enforcement

Proposed Implementation Plan

Phase 1

- Approximately July 2021 to September 2021
- New construction only
- Focus on prohibiting smoking inside individual units by January 1, 2022
- Lease smoking requirements

Proposed Implementation Plan

Phase 2

- Approximately September 2021 to December 2021
- Existing Multiple Family Housing
- January 1, 2022, Property owners to provide notice to all existing tenants
- July 1, 2022, Executed leases or lease amendments for all existing stock

Proposed Implementation Plan

Education & Outreach

- Property Owner/Manager and tenant outreach and education
- Smoke-Free Housing Code Enforcement Webpage
- Increased awareness of cessation services
- Voluntary mediation services encouraged
- Materials: sample lease amendment, “No Smoking” signs, and informational brochures in English, Spanish, and Vietnamese

Proposed Enforcement Strategy

- Complaint based/Self-enforcing
- Complaining party must reside within the property
- Initial engagement from property owner/manager as a lease violation
- After 3 complaints within a 12 month period, the complaint can be escalated to Code Enforcement
 - Code Enforcement will issue a warning notice
 - Citation issued if additional complaints are received within a six month period

Next Steps

- Complete work plan items:
 - Continue Stakeholder and Community Outreach
 - Implementation Plan
 - Enforcement Strategy
- Take to Council for action June 2021





Discussion