



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Chris Burton

**SUBJECT:** SEE BELOW

**DATE:** September 15, 2021

Approved

Date

9/17/2021

**SUBJECT: AMENDMENT TO CHAPTER 9.44 – REGULATION OF SMOKING OF TITLE 9, HEALTH AND SAFETY, OF THE SAN JOSE MUNICIPAL CODE IN ALIGNMENT WITH CITY COUNCIL POLICY PRIORITY #18: SMOKE-FREE HOUSING**

## **RECOMMENDATION**

Approve an ordinance amending Chapter 9.44, Regulation of Smoking of Title 9, Health and Safety, of the San José Municipal Code (SJMC) to prohibit smoking inside multifamily housing units and reduce the exposure to secondhand smoke in alignment with and completion of City Council Policy Priority #18: Smoke-Free Housing.

## **OUTCOME**

Adoption of the proposed ordinance will amend Title 9, Chapter 9.44 of the SJMC and establish provisions to:

1. Prohibit smoking, including cigarettes, cigars, cigarillos, hookahs and pipes, electronic smoking devices (such as e-cigarettes and vape pens), and cannabis inside multifamily housing units subject to the Residential Occupancy Permit regulations (SJMC Title 17, Chapter 17.20, Part 8 Residential Occupancy Permit) including the interior of each unit, private and shared balconies, patios, and courtyards;
2. Reduce exposure to secondhand smoke; and
3. Complete City Council Policy Priority #18: Smoke-Free Housing.

## **EXECUTIVE SUMMARY**

On October 17, 2017, the City Council voted to add the Smoke-Free Housing Council Policy Priority to the 2017-2018 Council Policy Priority List with a ranking of #22. The Smoke-Free Housing Council Policy Priority was again ranked by City Council as priority #23 in 2019 and #18 in 2020. The Council Policy Priority directed staff to explore a prohibition of smoking in multifamily housing units.

In 2020, Code Enforcement received \$64,266 in Tobacco-free Communities funding and in-kind County Policy Consultant support from the Santa Clara County Public Health Department (SCCPHD) Healthy Cities Program for a term beginning on February 2, 2020 through June 30, 2021. The purpose of the funding was to explore options and policy recommendations regarding a citywide strategy to reduce exposure to secondhand smoke in multifamily housing complexes and to reimburse staff costs and resources expended to carry out the Council Priority #18 Smoke-Free Housing work plan through the end of the 2020-2021 fiscal year. In August 2020, staff began work on the Smoke-Free Housing work plan including research and benchmarking, outreach, and policy development.

Staff presented a status report of the Council Policy Priority #18: Smoke-Free Housing to the Neighborhood Services and Education Committee (NSE) on December 10, 2020 and April 8, 2021 and was directed by NSE to return to Council in 2021 with a proposed ordinance.

Between January and August 2021, staff continued to conduct community and stakeholder outreach and develop the final proposed ordinance and implementation and enforcement plan. Feedback from the stakeholder outreach, including lobbyists, community organizations, property owners, property managers, and tenants, ranged from general support of the proposed ordinance to objections and proposed alternatives, specifically removing cannabis from the list of prohibited substances or allowing vaping of cannabis. Stakeholders also proposed to expand the smoking prohibition to include duplexes and condominiums and expressed concern for potential smoking related evictions.

The proposed ordinance amendment will prohibit smoking, including cigarettes, cigars, cigarillos, hookahs and pipes, electronic smoking devices (such as e-cigarettes and vape pens), and cannabis inside multifamily housing units, private and shared balconies, patios, and courtyards in buildings subject to the Residential Occupancy Permit pursuant to the SJMC with the exception of hotels and motels.

Staff is recommending that the City Council adopt an ordinance amending SJMC Chapter 9.44- Regulation of Smoking of Title 9, Health and Safety to prohibit smoking inside multifamily housing units and reduce the exposure to secondhand smoke in alignment with and in completion of Council Policy Priority #18: Smoke-Free Housing.

## **BACKGROUND**

### **Rules and Open Government Committee – September 20, 2017**

On September 20, 2017, Councilmember Rocha brought forward a memorandum to the Rules and Open Government Committee, dated September 14, 2017, recommending that his proposed Smoke-Free Housing item be considered as part of the October 17, 2017 Council Policy Priority Setting Session. The proposal directed staff “to explore a prohibition on smoking in multifamily housing units”. The Rules and Open Government Committee voted to accept his recommendation and placed the proposed item on priority setting.

### **Council Policy Priority Setting Sessions**

On October 17, 2017, City Council held a Council Policy Priority Setting session to approve new items and rank items for the Council Policy Priority list. The Smoke-Free Housing Council Policy Priority proposal received one vote and was added to the 2017-2018 Council Policy Priority List with a ranking of #22.

On March 5, 2019, City Council held a Council Policy Priority Setting session to remove completed priorities, approve new items, and rank items on the Council Policy Priority list. The Smoke-Free Housing Policy Priority received one vote and was ranked as priority #23.

On February 25, 2020, City Council conducted the 2020-2021 Council Policy Priority Setting Session adding and ranking seven new priority items. The Smoke-Free Council Policy Priority received three votes and moved up from #23 to #18 on the 2020-2021 Council Policy Priority List.

### **Santa Clara County Public Health Department Funding**

The Code Enforcement Division applied for the Healthy Cities Program-Tobacco-free Communities funding on October 26, 2018, to explore options and policy recommendations regarding a citywide strategy to reduce exposure to secondhand smoke in multifamily housing. On November 5, 2018, the City of San José Code Enforcement Division was notified of an award of funding by the SCCPHD's Healthy Cities Program. Code Enforcement was awarded \$64,266 in funding and in-kind County Policy Consultant support for a term beginning on February 2, 2020 through June 30, 2021, to reimburse staff costs and resources expended to carry out the Smoke-Free Housing work plan through the end of the Fiscal Year 2020-2021. The SCCPHD notified staff on September 30, 2020, of the option to extend the grant funding term from June 30, 2021 to mid-September 2021, to offset delays due to the COVID19 pandemic. On June 15, 2021, the grant duration was extended to September 2021.

### **Neighborhood Services and Education Committee**

On December 10, 2020, staff presented the City Council Policy Priority #18: Smoke-Free Housing status report to the NSE Committee including the work plan scope, actions completed, and next steps.<sup>1</sup> The NSE Committee accepted staff's status report and recommended that staff continue to complete the steps outlined in the work plan and return to the NSE Committee in spring 2021 with policy recommendations.

Staff returned to NSE on April 8, 2021<sup>2</sup> and presented a second status report including the final policy recommendations. The NSE Committee accepted the status report and directed staff to

---

<sup>1</sup> [Neighborhood Services and Education Committee Meeting, December 10, 2020, Item d.4](#)

<sup>2</sup> [Neighborhood Services and Education Committee Meeting, April 8, 2021 Item d.4](#)

return to City Council with the proposed ordinance amendment to SJMC Title 9, Chapter 9.44 Regulation of Smoking in 2021.

### **Current Municipal Code Regulations**

The SJMC Title 9, Chapter 9.44, Regulation of Smoking, currently prohibits smoking in publicly accessible and common areas of multifamily housing, including enclosed and unenclosed areas of apartments, condominiums, and mobile home parks which are open to public access or to unrestricted common access by residents. However, the SJMC does not prohibit smoking inside multifamily housing units, such as apartments and condominiums.

## **ANALYSIS**

### **Research and Benchmarking**

Staff conducted research of existing ordinances, policies, and best practices for reducing exposure to secondhand smoke or prohibiting smoking in multifamily housing. Research included benchmarking of several cities within the Bay Area and Santa Clara County to gather information on existing regulations and enforcement of smoking in multifamily housing. Staff found that between November 2019 and July 2020, several jurisdictions within Santa Clara County have adopted Smoke-Free Housing ordinances that prohibit smoking inside the units.

Santa Clara County and eight cities within the County have adopted laws requiring multiple family housing to be 100% smoke-free. These cities include Cupertino, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, Santa Clara, and Sunnyvale. These cities have included cannabis in their Smoke-Free Housing policies.

### **Stakeholder Outreach and Community Engagement**

Between August 6, 2020 and August 19, 2021, staff conducted outreach and engagement with a variety of key stakeholders and the public, including meetings, a community survey, webinars, mailings, and web postings to inform them about the proposed Smoke-Free Housing ordinance and receive input. Staff also consulted local jurisdictions to gain insights about implementation strategies, impacts on residents, and outcomes of their Smoke-Free Housing policies. Staff met with First Community Housing to learn about their Smoke-Free Housing Policy implemented at their affordable housing developments, and staff met with several community organizations and local agencies recommended by the Office of Racial Equity. The following summarizes the result of staff's outreach and engagement.

#### *Community Survey on Smoke-Free Housing*

A community survey was conducted by the County and the Code Enforcement Division to receive feedback on the proposed Smoke-Free Housing ordinance. The survey was posted from August 6, 2020 through October 31, 2020, on the Santa Clara County Public Health website and

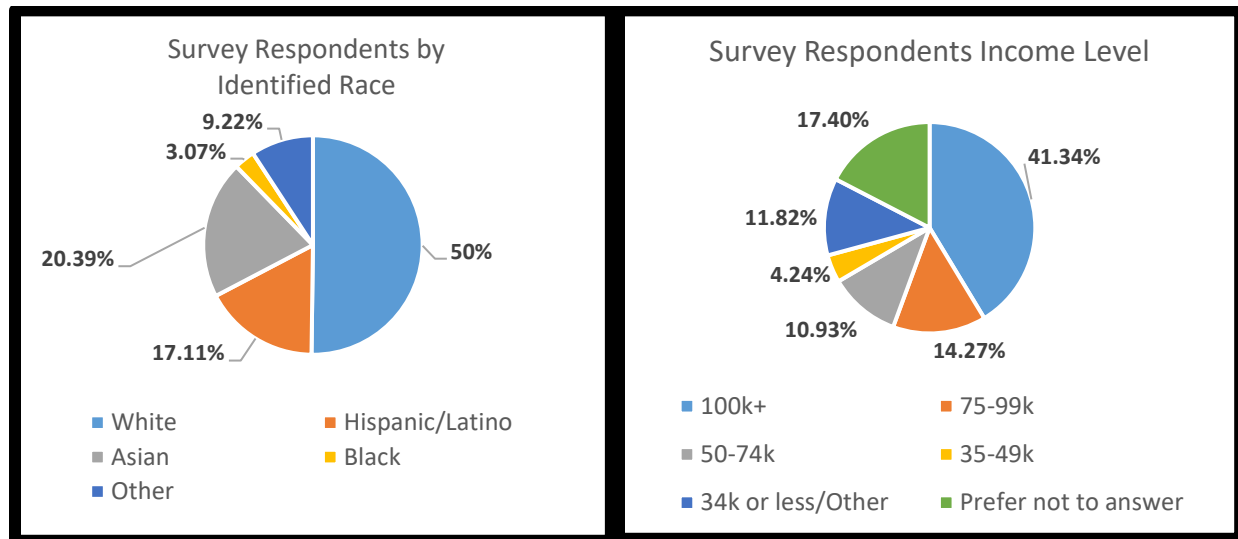
the Code Enforcement Division website and was published on various social media platforms, including My Next Door app and Planning, Building, and Code Enforcement’s Facebook page. The survey was also included in the October 2020 Code Connection Newsletter that was mailed to 6,700 multi-family property owners.

A total of 1,442 people responded to the online survey. The results of the survey indicated that:

- 69% agreed that smoking should be prohibited inside apartments, duplexes, condominiums, and townhouses and that they had been exposed to secondhand smoke within the last 30 days.
- 65% had been exposed to secondhand smoke that drifted from the outside into their units through windows, balconies and doors.
- 26% reported that smoke drifted from another unit (through the walls or ventilation system).
- 34% reported that their housing complexes already had a policy in effect to prohibit smoking.

Of the total respondents, 63.62% identified as female, 50.21% identified as white, and 41.31% reported earnings of 100k or more annually (see Table 1).

Table 1: Smoking in Multi-Unit Housing Survey Respondents by Identified Race and Income Level



Data from City of San Jose Multi-Unit Housing (MUH) Survey – Dashboard

### *Local Jurisdictions*

Staff consulted the City of Berkeley and the City of Sunnyvale to gather insights and guidance regarding their instituted Smoke-Free Housing policies. The City of Berkeley, which implemented a Smoke-Free Housing Policy in 2014, advised staff to use clear and direct policy language and conveyed the importance of conducting on-going education efforts. Berkeley staff also provided an overview of their enforcement process including a provision that the complaining party filing the smoking complaint must be a resident of the same complex. Lastly, Berkeley provided staff with a sample letter that was issued to the property owners and sample language that could be incorporated into the leases executed with the residents. The City of Sunnyvale provided staff with copies of their outreach letter issued to the property owners and/or managers and a timeline of their outreach efforts. Specific recommendations, such as the requirement that the complaining party must reside in the same complex to initiate a complaint and suggestions, such as the outreach letter language used by the City of Sunnyvale, will be incorporated into San Jose's implementation and enforcement strategy.

### *First Community Housing*

Staff met with First Community Housing, which owns and manages 1,400 affordable housing units and has a Smoke-Free Housing Policy. First Community Housing shared that they have had a Smoke-Free Housing Policy in place at their properties for over ten years with much success. Their representative expressed that implementation of their Smoke-Free Housing Policy has been positively received by residents. The representative also emphasized the importance of applying smoke-free housing policies to a building or complex universally and not piecemeal as it creates challenges and becomes difficult to monitor and manage each smoking versus nonsmoking unit of the building. Although considered a lease violation, First Community Housing did not have data on smoking related evictions.

### *Smoke-Free Housing Advocates*

Staff met with the Tobacco Free Coalition of Santa Clara County to hear comments, concerns, and feedback. The group shared concerns about not including smoking prohibitions for condos and duplexes and felt that the provision should be universally applied.

### *Cannabis Industry Representatives*

Staff met with Cannabis Industry representatives and lobbyist including Silicon Valley Cannabis Alliance, California Cannabis Industry Association, Americans for Safe Access, Legal Cannabis for Consumer Safety, CAL NORML, CannaSafe Testing Lab, Cannabis Lobbyist, and other Cannabis Industry Representatives and heard their concerns about the inclusion of cannabis in the proposed ordinance. The lobbyist and representatives expressed that the proposed ordinance would be a violation of California's Compassionate Use Act for residents that use cannabis for medical purposes. The representatives also conveyed that vapes are safer than combustion of cannabis and that the proposed ordinance would target people of color and impact lower income residents or otherwise disadvantaged communities who cannot afford home ownership, and that

prohibiting the smoking of cannabis in multifamily units would increase public intoxication. The attendees expressed that unlike tobacco products, cannabis cannot be smoked outdoors and thus prohibition would create disparity among cannabis users. Proposed policy alternatives raised by the representatives included:

1. Explore allowing cannabis in outdoor designated smoking areas
2. Revise ordinance to allow vaping of cannabis
3. Enact policies to allow smoke lounges in the community as a permitted use

### *Smoke-Free Multiple Housing Webinars*

Staff conducted three Smoke-Free Housing webinars held on May 19, 2021, July 21, 2021, and August 18, 2021, for property owners, property managers, and tenants to give an overview of the proposed ordinance amendment and implementation and enforcement strategy and to provide an opportunity to express concerns and provide feedback. Staff also presented the proposed ordinance in Spanish to the Santee Neighborhood Organization on April 15, 2021.

Overall, the participants were supportive of the proposed ordinance but did have questions and concerns regarding enforcement. Some of the concerns expressed by the attendees included a desire for a more expedited enforcement process rather than a gradual, phased approach. Others thought the enforcement plan was not robust enough to deter smoking. Some attendees requested guidance be provided on adding language and modifying their leases to include the Smoke-Free Housing Ordinance regulations. Santee residents were generally overall supportive of the proposed ordinance.

Information gathered by the SCCPHD showed that landlords are increasingly choosing to adopt smoking restrictions in properties they own or manage for a number of reasons, including to reduce cleaning costs from a unit with a smoker; to lower the fire risk and related insurance costs, and in response to tenant demand.

### **Racial and Health Equity Analysis**

In January 2021, staff met with the Office of Racial Equity and, upon their recommendations, conducted outreach with the following local agencies: Path (People Assisting the Homeless), Adobe Services, The Law Foundation, the Indian Health Center, and the Oakland Roots Clinic. Staff engaged with each agency to inform them of the proposed Smoke-Free Housing Ordinance and solicit feedback. In general, the primary concern from the agencies was the potential negative impact on the hard-to-house population. Agencies also expressed concern of possible evictions and did not support the issuance of fines or citations. The Law Foundation recommended a gradual approach for enforcement. Staff emphasized that the intent of the ordinance is to reduce secondhand smoke exposure to all residents and not to require individuals to stop smoking. Staff also discussed disparities and racial equity related components with the SCCPHD for consideration in developing this policy. Preliminary analysis conducted by the County of Santa Clara of median income levels along with general demographics and other geographical information, such as the number of retailers within given zip codes, indicated lower

income residents within Council Districts 3, 5, and 7 may be disproportionately impacted by second-hand smoke issues within multifamily housing.

### **Proposed Ordinance Amendment**

The proposed ordinance amendment to SJMC Title 9, Chapter 9.44- Regulation of Smoking to prohibit smoking in multifamily housing and implement City Council Policy Priority #18 includes, but is not limited to:

1. Prohibiting the following in multifamily housing of three units or more, including private and shared balconies, patios, and courtyards:
  - a. Smoking including cigarettes, cigars, cigarillos, hookahs and pipes
  - b. Electronic smoking devices, such as e-cigarettes and vape pens
  - c. Cannabis
2. Requiring smoking prohibitions as part of the rental lease agreement
3. Exempting hotels and motels that meet state and local law requirements
4. Establishing guidelines for enforcement

The proposed ordinance would apply to all multifamily housing properties that are required to maintain a Residential Occupancy Permit and be enrolled in the Multiple Housing Program. The proposed ordinance would not apply to duplexes or condominiums at this time. Pursuant to the SJMC, properties that are required to obtain a Residential Occupancy Permit as part of the Multiple Housing Program, include properties with three units or more, such as single-room occupancy units (SROs), triplexes, apartments, hotels, motels, sororities, and fraternities. Hotels and motels, however, would be exempt from the proposed Smoke-Free ordinance regulations. There are currently 6,747 buildings and 101,039 units (including hotels and motels) enrolled in the Multiple Housing Program.

### **Implementation and Enforcement Strategy**

Should the City Council adopt the ordinance amendment, staff will work to complete the ordinance implementation strategy to educate stakeholders and the public of the requirement of the ordinance and timeline for compliance. (see Table B).

#### *Implementation Plan- Phased Approach*

Using a phased approach to implement the Smoke-Free Housing ordinance would allow the City ample time to notify and educate residents, property owners, and property managers of the new requirements before enforcement begins. The City will conduct additional outreach through mailings, informational brochures and online meetings, and would respond to questions and concerns. The phased approach would include:

**Phase 1: New Multiple Family Buildings (Construction):** The first phase, beginning in November 1, 2021, will focus on new multiple family housing buildings of three units or more that receive a Certificate of Occupancy by January 1, 2022. Staff will work with



the property owners and managers to enroll them in the Multiple Housing Program, educate them about the new ordinance, and ensure that smoking prohibitions are included in the leases prior to tenant occupancy.

**Phase 2: Existing Multiple Family Housing Buildings:** The second phase, beginning in January 1, 2022, will focus on buildings already enrolled in the Multiple Housing Program. Hotels or motels that meet state and local law requirements would be exempt. Property owners would be required to provide notice to all existing tenants of the new ordinance requirements by March 1, 2022 and execute the amended or new lease agreements with the new smoking prohibitions for each tenant(s). The amended or new lease agreements will be required to be in place by June 30, 2022.

Throughout each phase, staff will conduct outreach and education to tenants and property owners and managers providing awareness of the effects of second-hand smoke, as well as providing information on classes, seminars, or treatments at cessation centers for individuals who want to quit smoking. Referrals to the Law Foundation will be made for individuals who may be impacted due to non-compliance with the smoking restrictions. Materials such as a sample lease amendment, “no smoking” signs, and informational brochures in English, Spanish, and Vietnamese will be made available to multifamily housing properties. In coordination with PBCE’s Communications Team, a Smoke-Free Housing webpage will be developed as part of Code Enforcement’s website to provide ongoing online resources and information for stakeholders and the public. Enforcement of the smoking provisions would begin July 1, 2022 for all multiple family buildings.

Table B: Proposed Ordinance Implementation and Enforcement Strategy

Timeline	Activity
October 2021 to December 2021	Create and distribute Smoke-Free Housing Brochure. Update Code Enforcement Division website to include: <ul style="list-style-type: none"> <li>• Frequently Asked Questions (FAQ) document to educate Stakeholders.</li> <li>• Sample language to be incorporated into lease amendments or new leases.</li> </ul>
November 1, 2021 to June 30, 2022	Implementation of Phase 1: New Multiple-family Buildings (Construction).
January 1, 2022 to June 30, 2022	Implementation of Phase 2: Existing Multiple Family Housing Buildings
Ongoing	Continue to update website, promote cessations centers, voluntary compliance. Provide continued education during proactive Multiple Housing Tier Routine Inspections.

### *Enforcement of Smoke-Free Housing Ordinance*

Smoke-Free housing enforcement would primarily be complaint-driven and self-enforcing or in partnership with multiple family property owners and managers. When a complaint is received, the initial outreach would take place between the property owner or property manager and the tenant(s) as a violation of the lease. In alignment with the proposed ordinance amendment, the complaining party must reside within the property. After three complaints within a 12-month period, the complaint would be escalated and referred to Code Enforcement by the property owner or property manager for follow-up and enforcement. The Code Enforcement Division would then proceed with the following enforcement process:

- 1) Warning Notice: Once the City receives a referral from the property owner or property manager that a multi-family tenant has repeated violations of the smoking ordinance, staff will issue a notice to the tenant in violation. The tenant of the unit would be responsible for occupants, including visitors, who smoke in the unit. The notice would include information about the ordinance and compliance requirements and the health impacts of exposure to secondhand smoke. The notice would also include smoking cessation resources available to residents.
- 2) Citation: If within twelve months of the issuance of the notice, at least two residents in two separate units of the multi-family property file a complaint with the City, the tenant would be issued an administrative citation.

In general, communities that have adopted smoke-free multifamily housing ordinances have not been overwhelmed by complaints following the initial phases. Per staff research and benchmarking, the adoption of smoke-free housing ordinances typically generated a high volume of complaints in the initial implementation phase but declined gradually in the months and years that followed. Staff anticipates the Smoke-free Housing ordinance will become self-enforcing over time as seen with prior smoking laws such as outdoor smoking and smoking in restaurants prohibitions. Code Enforcement would focus its enforcement efforts on leveraging opportunities for education and outreach while conducting proactive Multiple Housing Program annual routine inspections and complaint inspections.

### **CONCLUSION**

The proposed ordinance amendment to SJMC Title 9, Chapter 9.44 Regulation of Smoking will prohibit smoking inside multifamily housing units except for condominiums, duplexes, and hotels/motels. Staff received support from smoke-free advocates as well as opposition from the Cannabis Industry regarding the proposed ordinance amendment. Supporters of the proposed ordinance desired more strict ordinance requirements including adding condominiums and duplexes to the ordinance. Opponents argued the proposed ordinance will have a substantial, disproportionate impact to cannabis users including people of color, low-income residents, and other disadvantaged communities. Pending ordinance adoption, staff will continue to complete the Priority #18: Smoke-Free Housing work plan, including the Implementation and

HONORABLE MAYOR AND CITY COUNCIL

September 15, 2021

**Subject: Amendment to SJMC Chapter 9.44, Regulation of Smoking in Alignment with City Council Policy Priority #18: Smoke-Free Housing**

Page 11

Enforcement Strategy. The proposed ordinance is in alignment with and will implement the goals of City Council Policy Priority #18.

### **EVALUATION AND FOLLOW UP**

Pending adoption of the ordinance amendment, staff will carry out the Implementation and Enforcement Strategy (outlined in Table B above) and continue to engage with stakeholders, non-profits and the public to provide outreach, education and support through the transition and implementation of the new ordinance. Staff will incorporate the requirements of the ordinance while conducting the proactive Multiple Housing Program Routine Inspections ensuring properties are meeting requirements. Staff will also continue to coordinate with the Santa Clara County Public Health Department to promote education, provide resources, and inform the community about cessation centers.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

Staff conducted outreach and engagement with a variety of community organizations and key stakeholders, such as multifamily property owners and managers, tobacco-free advocates, cannabis advocates and industry representatives, and the general public, including three Smoke-Free Webinars, between January and August 2021. This memorandum and draft ordinance will be posted on the City's website for the September 28, 2021 City Council Meeting Agenda.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office. Staff also consulted the Office of Racial Equity, the SCCPHD and County policy consultant.

### **COMMISSION RECOMMENDATION/INPUT**

Staff provided a status reports of City Council Policy Priority #18 and the related work plan to the NSE Committee on December 10, 2020 and April 8, 2021. The NSE Committee accepted the report and directed staff to return to City Council with the proposed ordinance in 2021.

HONORABLE MAYOR AND CITY COUNCIL

September 15, 2021

**Subject: Amendment to SJMC Chapter 9.44, Regulation of Smoking in Alignment with City Council Policy**

**Priority #18: Smoke-Free Housing**

Page 12

### **FISCAL/POLICY ALIGNMENT**

This action is consistent with the City's 2021-2022 Operating Budget City Service Areas Delivery Policy Framework for City Council Priorities (item #18).

### **COST SUMMARY/IMPLICATIONS**

Staff will utilize the remaining Santa Clara County Public Health Department grant funding through the contract term ending September 2021. Staff will also assess and develop budget and fee proposals as appropriate for additional resources needed to support policy recommendations as part of the annual budget process for fiscal year 2022-2023.

### **CEQA**

Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Information Memos that involve no approvals of any City action.

/s/

CHRIS BURTON, Director

Planning, Building, and Code Enforcement

For questions, please contact Rachel Roberts, Deputy Director, at [rachel.roberts@sanjoseca.gov](mailto:rachel.roberts@sanjoseca.gov).

Attachment A: City Council Policy Priority #18: Smoke-Free Housing Work Plan

**Attachment A**

**Updated: City Council Policy Priority #18: Smoke-Free Housing Work Plan**

**January – July 2022**

**Updated 9/15/21- CC date 9/28/21**

	Objectives	Actions	Timeframe	Status
1.	Outreach Conduct Supplemental Stakeholder and Community Outreach and Evaluation, as appropriate	<ul style="list-style-type: none"> <li>• Evaluate Potential Impacts of Smoke Free Ordinance including GARE/ Racial Equity Lens</li> <li>• Direct outreach to key stakeholders on potential Draft Ordinance</li> </ul>	January 2020	Completed
2.	Research	<ul style="list-style-type: none"> <li>• Research Best Management Practices for smoke-free ordinance implementation and enforcement</li> <li>• Benchmark local jurisdictions with smoke free ordinances – City of Sunnyvale, Santa Clara, and City of Berkeley</li> </ul>	January - February 2020	Completed
3.	Develop Staff Policy Recommendations (Draft Ordinance, if applicable) and implementation plan	<ul style="list-style-type: none"> <li>• Develop Smoke-free Housing Policy Recommendation in partnership with County of Santa Clara Staff and Policy Consultant</li> <li>• Determine resources, mitigation services, enforcement</li> </ul>	February – March 2021	Completed
4.	Return to NSE Committee	<ul style="list-style-type: none"> <li>• Return to NSE Committee with final policy recommendations including proposed draft ordinance, and implementation and enforcement plan.</li> <li>• Advised NSE of June 2021 target to return to Council with Ordinance</li> </ul>	April 8, 2021	Completed

5.	Webpage and collateral	<p>Staff to develop content</p> <ul style="list-style-type: none"> <li>• Create Code Webpage Content – Smoke Free Housing Policy Resources</li> <li>• Post <ul style="list-style-type: none"> <li>-Webinar Power Point Presentation</li> <li>-Post Zoom Webinar details</li> <li>-Frequently Asked Questions (FAQs)</li> <li>-Final Draft Ordinance</li> </ul> </li> </ul>	July- September 2021	Completed
6.	Community/Stakeholders Additional Outreach	<p>Staff to:</p> <ul style="list-style-type: none"> <li>• Conduct Santee Community Meeting presentation in Spanish, April 15, 2021</li> <li>• Conduct Webinar for Stakeholders, May 19, 2021, July 21, 2021, and August 18, 2021</li> <li>• Promote webinar on social media channels, web, constant contact, etc.</li> </ul>	July-September 2021	Completed
7.	Bring Policy Recommendations and Draft Ordinance to City Council for Consideration and Formal Adoption	<p>Present to City Council:</p> <ul style="list-style-type: none"> <li>• Staff policy recommendations including proposed draft ordinance, and enforcement and implementation plan with NSE feedback incorporated.</li> </ul>	September 28, 2021	Pending
8.	Post Ordinance Outreach/Collateral	<ul style="list-style-type: none"> <li>• Smoke-free Housing Brochure</li> <li>• Update webpage with new Ordinance info, outreach materials, FAQs</li> <li>• Distribute Sample Lease Language</li> </ul>	October-December 2021	Pending

9.	Carry Out Implementation Plan Phase 1: New Multiple-family Buildings (Construction)	The first phase, beginning in November 1, 2021, will focus on new multiple family housing buildings of three units or more that receive a Certificate of Occupancy by January 1, 2022. Staff will work with the property owners and managers to enroll them in the Multiple Housing Program, educate them about the new ordinance, and ensure that smoking prohibitions are included in the leases prior to tenant occupancy.	November 1, 2021- June 30, 2022	Pending
10.	Carry Out Implementation Plan Phase 2: Existing Multiple Family Housing Buildings	The second phase, beginning in January 1, 2022 will focus on buildings already enrolled in the Multiple Housing Program. Hotels or motels that meet state and local law requirements would be exempt. Property owners would be required to provide notice to all existing tenants of the new ordinance requirements by March 1, 2022 and execute amended or new lease agreements with the new smoking prohibitions for each tenant(s). The amended or new lease agreements will be required to be in place by June 30, 2022.	January 1, 2022- June 30, 2022	Pending
11.	On-going/Enforcement begins	<ul style="list-style-type: none"> <li>• Outreach and Education. Provide continued education during proactive Routine Inspections.</li> <li>• Complaint based inspection and enforcement</li> <li>• Self-enforcing. Partnership with property owners and managers. Promote voluntary compliance</li> <li>• Increased awareness of cessation services</li> <li>• Continue to update website</li> </ul>	July 1, 2022- On-going	Pending