

Smoke-Free Housing: City Council Policy Priority #18

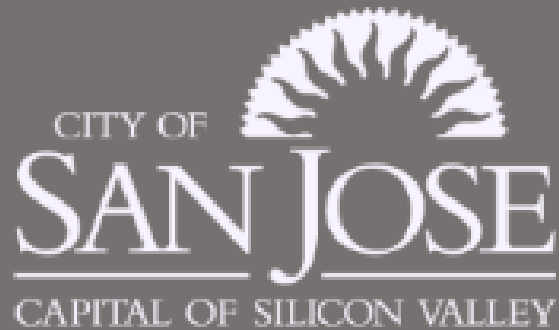
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*Planning, Building and
Code Enforcement*

Overview



- Background
- Current Law
- Proposed Ordinance
- Implementation – Phased Approach
- Proposed Enforcement
- Questions

Background

- Tobacco use is the number one preventable cause of death and disease in California
- In Santa Clara County, 1 in 8 deaths each year is due to smoking-related disease, such as cancer, heart disease, and respiratory diseases



Background

- 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)

Background

- San José is exploring a law to require multiple family housing with *three or more units* to be smoke-free
- Council Policy Priority #18
- Part of Santa Clara County Healthy Cities program
- Grant and technical assistance received from county



Multiple Family Housing

Secondhand smoke can travel within multi-unit housing:

- Through doorways
- Cracks in walls
- Electrical lines
- Ventilation systems
- Plumbing



Community Survey

- 1,442 Respondents
 - 69% agreed smoking should be prohibited inside apartments, duplexes, condominiums, and townhouses
 - 69% had been exposed to secondhand smoke in their home in the past 30 days
 - 34% of respondents' housing complexes already had a policy in effect to prohibit smoking

Smoking

- Cigarettes, cigars, cigarillos, hookah and pipes
- Electronic smoking devices, such as e-cigarettes or vape pens
- Cannabis/Marijuana



Current Law

- Smoking is prohibited in *publicly accessible and common areas* of multi-family housing
 - Enclosed and unenclosed areas of apartments, condominiums, and mobile home parks
 - Examples: walkways, parking lots, laundry
- Smoking is not prohibited inside multi-family housing units, such as apartments and condominiums



Smoke-free Multi-Unit Housing Laws in Santa Clara County

- County of Santa Clara
- Los Gatos
- Monte Sereno
- Palo Alto
- Santa Clara
- Sunnyvale
- Mountain View
- Milpitas



Racial Health & Equity Analysis



- PATH (People Assisting the Homeless-
- Abode Services
- The Law Foundation
- Indian Health Center
- Oakland Roots Clinic

Proposed Ordinance

- Prohibit smoking in multiple-housing properties:
 - Three or more units, such as apartments, triplexes, SROs
 - Includes private and shared balconies, patios, courtyards
- Does not apply to:
 - Condominiums
 - Hotels and motels
 - Duplexes
- 6,747 buildings and 101,039 units (including hotels and motels)

Proposed Ordinance

- Require smoking prohibitions as part of the rental lease agreement
- Option for designated smoking areas if:
 - Unenclosed
 - At least 30 feet from windows, doorways into an enclosed area (e.g., an apartment)
 - Has a clearly marked perimeter
 - Has signs indicating designated smoking area

Implementation: Phased Approach

Phase 1: New Construction

- Seek to prohibit smoking by January 1, 2022
- Smoking requirements as part of lease

Phase 2: Existing Multiple Family Housing

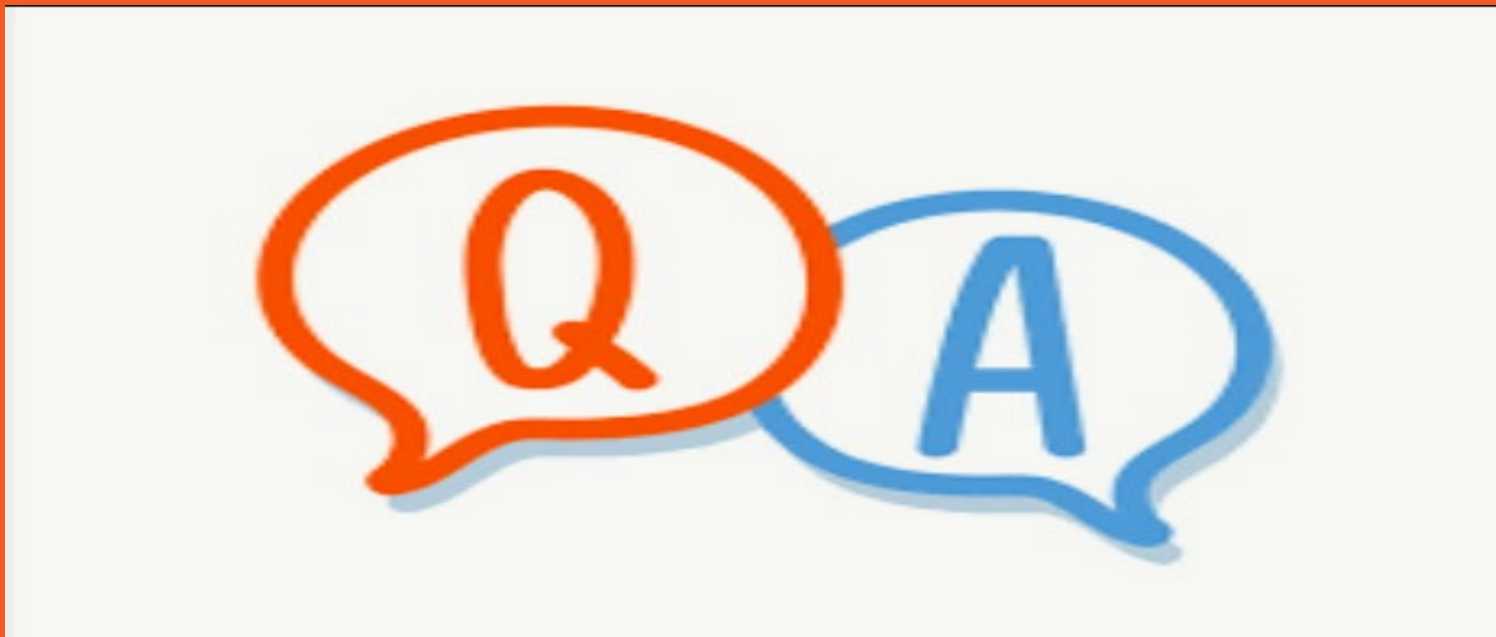
- Property owners notify tenants by January 1, 2022
- Executed or amended leases by July 1, 2022

Proposed Implementation

1. Outreach and Education
2. Smoke-free Housing Code Enforcement web page
3. Information on cessation services
4. Mediation encouraged
5. Materials available: lease amendment verbiage, “No Smoking” signs, brochures in English, Spanish, and Vietnamese

Proposed Implementation

- Based on complaints
- Must live in the property
- First step: work with landlord
- Education encouraged
- After 3 complaints in 12 months, code enforcement can:
 - Issue a warning
 - Issue a citation for additional complaints in a six-month period



Email:
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<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/code-enforcement/multiple-housing-inspection-program/smoke-free-san-jos>