



North Fair Oaks Community Council
San Mateo County Coordinated
Departmental Response



Date: May 14, 2014
NFOCC Meeting Date: May 22, 2014
Special Notice / Hearing: None
Vote Required: Majority

To: Members, North Fair Oaks Community Council

From: Health System, Family Health Services

Subject: Smokefree Multi-Unit Housing Ordinance

RECOMMENDATION:

Council to make recommendation for the Board of Supervisors to approve a smokefree multi-unit housing ordinance.

BACKGROUND:

The San Mateo County Tobacco Prevention Program has recommended that the County consider adopting an ordinance prohibiting smoking in multi-unit residences located in the unincorporated area of the County as well as multi-unit residences owned or leased by San Mateo County, wherever located. Santa Clara County adopted a similar ordinance in 2010, as have the cities of Belmont and Daly City in San Mateo County.

This ordinance is being proposed (1) to protect the public health, safety, and welfare of lawful occupants of multi-unit residences by discouraging the inherently dangerous behavior of smoking around non-tobacco users; (2) to decrease exposure of the public to secondhand smoke in and around their homes; (3) to protect children from inhaling secondhand smoke and from choking or ingesting butts or other toxic tobacco litter where children live and play; and (4) to strike a reasonable balance between the need of persons who smoke and the need of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air has priority.

DISCUSSION:

The proposed ordinance is modeled primarily on that adopted by Santa Clara County. The following are the key provisions of the proposed ordinance:

- It prohibits smoking in all units (including decks, patios, etc.) within multi-unit residences in the unincorporated areas of the County, as well as in all common areas of multi-unit residences except designated smoking areas, and in any

unenclosed area located within 30 feet of an operable doorway, window, opening, or other vent into a non-smoking area.

- It applies to multi-unit residences owned or leased by San Mateo County, wherever located.
- It applies to properties with two or more units (with one or more shared ceilings, floors, walls or ventilation systems), including condominium complexes, townhouse complexes, and apartment complexes.
- It does not apply to hotels and motels, residential care and assisted living facilities, detached, single family homes, or detached, single family homes with detached or attached in-law or second units.
- It allows landlords to establish designated smoking areas. Any designated smoking area would require a clearly marked perimeter identified by conspicuous signs, and it would have to be at least 30 feet in any direction from any operable door, window, opening or vent into an enclosed nonsmoking area, and any unenclosed areas primarily used by children or for physical activity (including playgrounds, swimming pools and school campuses).
- It requires "no smoking" signs at every building and unenclosed area where smoking is prohibited pursuant to this ordinance or any other law.
- It provides that every lease or other rental agreement for a unit in a multi-unit residence that is entered into, renewed, or continued month-to-month after the effective date of the ordinance must contain lease terms that (1) make it a material breach of the agreement to smoke on the affected property in violation of the ordinance or any other law; (2) clearly describe all areas where smoking is allowed or prohibited on the property; and (3) allow all other tenants of the multi-unit residence to enforce the smoking provisions of the agreement.
- It prohibits the smoking of electronic devices such as e-cigarettes.
- It exempts the smoking of medical marijuana.
- It would be enforced by the County Health System.
- It would go into effect 30 days after the ordinance's final approval, but smoking would not be prohibited in existing units of multi-unit residences until 14 months after the ordinance's final approval.

FISCAL IMPACT:

None