



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671
[www. CityofSacramento.org](http://www.CityofSacramento.org)

CONSENT
April 7, 2009

**Honorable Mayor and
 Members of the City Council**

**Title: Increasing Requirement for Recognizing Landlords and Property Managers
 who Designate Rental Units as Non-Smoking**

Location/Council District: City-wide

Recommendation: Adopt a Resolution increasing the minimum number of non-smoking multi-family units from 25% to 50% for recognizing landlords and property managers who designate existing rental units as non-smoking.

Contact: Max Fernandez, Director of Code Enforcement, (916) 808-7940; Bob Rose, Code Enforcement Manager, (916) 808-5947; Randy Stratton, Code Enforcement Manager, (916)808-6497

Presenters: N/A

Department: Code Enforcement

Division: Business Compliance/Rental Housing Inspection Program

Department ID: 20001211/20001312

Description/Analysis

Issue: Non-smokers residing in rental units and apartment buildings are often exposed to tobacco smoke from other tenants who smoke. In recognizing the health hazards involved with secondhand smoke, the City of Sacramento became one of the first California cities in 2006 to adopt a resolution encouraging property owners and landlords to limit smoking in rental units. Landlords and property owners who designate at least 25% of their units as non-smoking are eligible to receive recognition of a certificate from the City Council. Since the implementation of this resolution, most of the 17 recipients have reported that 100% of their units are designated as non-smoking. In addition, the County of Sacramento has adopted a similar resolution with a 50% requirement.

Policy Considerations: This amendment is presented to the City Council based on the evidence that secondhand smoke is a serious health issue. The resolution is part of the City of Sacramento's continuous effort to enact tobacco control measures and is consistent with the Code Enforcement Department's goal of maintaining and improving the quality of life through fair and equitable enforcement of health, safety and nuisance codes.

Committee Recommendations: None.

Environmental Considerations: This recommendation does not constitute a "project" and therefore is exempt from the California Environmental Quality Act (CEQA) according to Section 15061 (b)(1) and 15378(b)(3) of the CEQA guidelines.

California Environmental Quality Act (CEQA): Under the CEQA guidelines, continuing administrative activities do not constitute a "project" as defined in Section 15378 of the CEQA Guidelines and are therefore exempt from review.

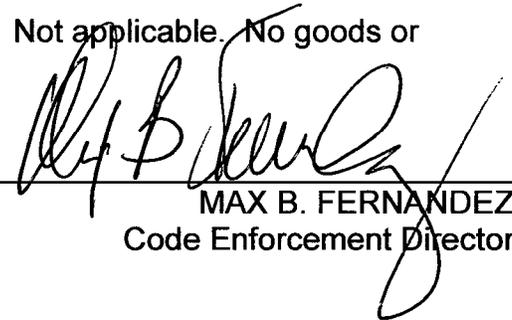
Sustainability Considerations: Not applicable.

Rationale for Recommendations: Increasing the non-smoking requirement for rental units from 25% to 50% emphasizes the City of Sacramento's commitment to limit smoking in multi-family housing through voluntary compliance. The new minimum requirement is also consistent with a similar resolution adopted by the County of Sacramento and the City of Rancho Cordova, whose requirement levels are both 50%.

Financial Considerations: This report has no fiscal implications.

Emerging Small Business Development (ESBD): Not applicable. No goods or services are being purchased.

Respectfully Submitted by:


MAX B. FERNANDEZ
Code Enforcement Director

Recommendation Approved:


RAY KERRIDGE
City Manager

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BACKGROUND

Overview:

In December 2006, the Sacramento City Council passed a resolution encouraging landlords and property owners of multi-unit housing to designate at least 25 percent of existing rental units as non-smoking. Since then, additional evidence of health hazards from secondhand smoke has been concluded and more jurisdictions have adopted anti-smoking regulations.

Recent Smoking Regulations Adopted in California:

The following is a sample of recent legislation limiting smoking in multi-unit housing within California cities:

- Belmont has adopted one of the strictest smoking ordinances in the nation that includes no smoking in public places and apartments and condominiums that share a floor or ceiling with another unit;
- Calabasas requires at least 80% of apartment buildings to be permanently designated as non-smoking units by 2012;
- Glendale banned smoking in common areas of multi-unit rental housing. Landlords are required to provide disclosure to a prospective renter prior to signing a lease, as to the location of possible sources of second-hand smoke;
- Santa Monica regulates smoking in common areas of multi-unit housing.

Statewide, a recent survey from the American Lung Association Center for Tobacco Policy & Organizing¹ illustrates support among Californians for more restrictive multi-unit housing that limits smoking:

- 74% support requiring 50% of apartments to be non-smoking;
- 58% support requiring 75% of apartments to be non-smoking;
- 42% support requiring 100% of apartments to be non-smoking.

In addition, the survey showed that 69% support restrictions on smoking in outdoor common areas of apartments and 70% believe that a person moving into an apartment should be told if the tenant next door smokes.

City of Sacramento Smoking Regulations:

The City of Sacramento has long recognized the health hazards of smoking, including secondhand smoke and has pursued ordinances that regulate smoking:

- Code Section 8.80.140 limits smoking to within 20 feet of any opening to a City building during its usual hours of operation;

¹ A survey of 600 California voters conducted in November 2008

- Code Section 5.138 requires tobacco retailers to obtain a license to sell tobacco-related products within the City limits. As a result, underage sting operations have resulted in a decrease of illegal sales of tobacco products to minors from 27% to 10%. Forty-five retailers have been suspended since the program's implementation in 2004;
- Code Section 12.75.135, adopted in 2007, prohibits smoking in City parks.

City of Sacramento Rental Housing Inspection Program:

Property owners and landlords will be provided information about this program through the newly adopted Rental Housing Inspection Program.

RESOLUTION NO.

Adopted by the Sacramento City Council

Resolution Increasing the Minimum Number of Non-Smoking Multi-Family Units from 25% to 50% for Recognizing Landlords and Property Managers that Designate Existing Rental Units as Non-Smoking

BACKGROUND

- A. The City of Sacramento adopted a Resolution on December 5, 2006 encouraging landlords and property owners of multi-unit housing to designate at least 25% of existing rental units as non-smoking; and
- B. Nearly all of the recognized landlords and property owners receiving recognition have provided 100% smoke-free units; and
- C. The City of Sacramento has been a leader in protecting its citizens by enacting measures for tobacco control; and
- D. Tobacco use and exposure to secondhand smoke impose great social and economic costs; and
- E. Most Californians do not smoke and a majority favor limitations on smoking in multi-unit residences; and
- F. Restrictions on indoor smoking motivate smokers to quit and help former smokers remain smoke-free.

BASED ON THE FACTS AS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City of Sacramento encourages landlords and property managers of multi-unit rental housing to protect the health of residents by raising the minimum designation of at least 25% to 50% of existing units as non-smoking, including private patios and balconies.
- Section 2. The City of Sacramento supports landlords and property managers who create entirely smoke-free buildings within a multi-unit housing complex.
- Section 3. The City of Sacramento will publicly recognize those landlords and property managers who choose to designate at least 50% of existing units as non-smoking, or who create entirely smoke-free buildings within a multi-unit housing complex.



Rental Housing Association of Sacramento Valley
201 Lathrop Way, Suite C • Sacramento, CA 95815
(916) 920-1120 • Fax (916) 929-0655 • www.rha.org

March 20, 2009

Kevin Johnson
Mayor
City of Sacramento
915 "I" Street
Sacramento, CA 95814

RE: Resolution on Smoke Free Multi Family Housing

Dear Mayor Johnson:

On Tuesday April 7, the Sacramento City Council will consider a resolution encouraging owners of multifamily rental housing to designate at least 50 percent of existing rental units as non-smoking. The Rental Housing Association of Sacramento Valley (RHA), which represents owners and managers of nearly 83,000 residential rental housing units in the region, including Sacramento, supports the resolution.

RHA believes that owners and managers should be free to set smoking policies based on market forces in a given area and that local government should assist in the dissemination of information to owners and managers about the issue.

For the past several years, RHA and a coalition of local organizations in the County of Sacramento have embarked on an education campaign to inform the industry on the benefits of smoke free housing policies. The coalition, which includes California's Clean Air Project (CCAP), County of Sacramento Tobacco Education Program and Sacramento Taking Action Against Nicotine Dependence (STAND), works in partnership with RHA. Already, we mailed information to over 15,000 rental owners in the City and County of Sacramento about the benefits of smoke free rental housing. Also, we are developing an online smoke-free housing list and resource center. In addition, RHA will create an online training course on how to implement smoke free policies for rental owners and property managers later this year.

We look forward to continuing our work with the City of Sacramento on this issue. If you have any questions about this letter, please contact me at (916) 920-1120 ext. 206 or cory@rha.org.

Sincerely,

A handwritten signature in black ink that reads 'Cory Koehler'.

Cory Koehler
Deputy Director





Our vision is to transform Sacramento County into
a smoke-free society in the 21st century.

February 18, 2009

The Honorable Kevin McCarty
Sacramento City Council
915 "I" Street
Sacramento, California 95814

Re: Smoke-free Multi-unit Housing

Carolyn Martin,
Chairperson
California Tobacco
Control Alliance

Leslie Snoke,
Vice Chairperson
BREATHE California of
Sacramento Emigrant Trails

STAFF:
Yvonne Rodrigues
Chronic Disease Program
Program Coordinator

Megan Trautman, MPH
Chronic Disease Program
Health Educator

Sacramento County – DHHS
Chronic Disease Program
9719 Lincoln Village Drive
Suite 300 A
Sacramento, CA 95827
(916) 875-5869

Dear Kevin:

The Sacramento County Tobacco Control Coalition commends you for authoring the Resolution to increase the minimum percentage of smoke-free units from 25% to 50% in order to qualify for city recognition. I believe it is scheduled to be heard on March 24.

I have enclosed a November 2008 public opinion poll indicating that 74% of Californians support requiring 50% of all apartments to be nonsmoking, and includes other findings showing very strong support for policies that protect people from secondhand smoke exposure. It's interesting that almost all applications for City recognition are actually 100% non-smoking complexes.

We have continued our close and effective partnership with the Rental Housing Association Sacramento Valley. It has resulted in many educational opportunities for apartment house owners/managers. Soon they will add a list of smoke-free apartments to the RHA website which will be very beneficial to renters. Rancho Cordova recently passed a Resolution, and County Health will be co-operating in a mass mailing about going smoke-free to owners/managers as has occurred in both the City and County.

Thank you for your leadership in this important public health initiative.

Sincerely yours,


Carolyn B. Martin, Chairperson
(916) 489-5293 Marcb76@aol.com

cc: David Paul