CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: Health & Safety Commission
FROM: Kevin Kearney, Senior Management Analyst
DATE: January 23, 2017
SUBJECT: Discussion on Smoking Regulations for a Multi-Unit Housing Policy

ATTACHMENTS: 1. Smoke free Housing Ordinance Checklist 2. Multi Unit Housing Policy Matrix

INTRODUCTION

During the December 19, 2016 Commission meeting, Staff summarized the outreach results. This included outreach efforts, survey results, feedback during community meetings and a summary of phone calls and emails that Staff received. At the conclusion of the presentation, the Commission requested that Staff again summarize the survey results to list actual response numbers, instead of percentages.

This report summarizes the survey results and reiterates the main questions the Commission should answer when crafting a policy regulating smoking in multi-unit housing. It is recommended that the Commission review this report, and use this meeting to ask any questions or request additional information. A representative from the City Attorney’s Office will be present to field any legal inquiries. As this meeting will be used to ensure the Commission has a chance to ask questions, it is recommended that the Commission be prepared to answer the main policy questions at the February 27, 2017 meeting.

DISCUSSION

As a result of the September 26, 2016 Commission meeting, a survey was created to solicit community input. The survey is linked on the city’s website and paper surveys were distributed during both community input meetings. Although residents, landlords and stakeholders had the ability to address the Commission through speaking during public comment at a meeting, the survey provided respondents a way to convey their thoughts to the Commission while maintaining anonymity.

In total, 78 surveys were completed. Of this number, 70 were online submissions and 8 were paper submissions. Of the completed surveys, the following is a breakdown of the respondents demographics:

- 44 Apartment Renters
- 11 Apartment Landlords
- 11 Condominium/Townhome Landlords
- 3 Condominium/Townhome Renters
- 1 Single-Family Home Residents
When asking the respondent about their building’s smoking rules, a total of 78 responded to the question accordingly:

- 34 Have no rules about smoking
- 33 Have rules about smoking
- 9 Did not know
- 2 Declined to answer or did not live in multi-family housing

When asking respondents if in the last year they have experienced second hand smoke drift into their apartment or condo, 76 responded accordingly:

- 53 Have experienced second hand smoke within the last year
- 21 Have not experienced second hand smoke within the last year
- 2 Do not know or do not live in multi-family housing

When asking respondents if second hand smoke have drifted into their unit from another apartment/condo, 76 responded accordingly:

- 44 Yes, second hand smoke has drifted into their unit from another apartment/condo
- 25 No, second hand smoke has not drifted into their unit from another apartment/condo
- 7 Either do not know or do not live in multi-unit housing

When asking respondents if the second hand smoke have drifted into their apartment/condo from outdoors, 76 responded accordingly:

- 51 Yes, second hand smoke has drifted into their unit from outdoors
- 20 No, second hand smoke has not drifted into their units from outdoors
- 5 Either do not know, decline to answer or do not live in multi-family housing

In response to experiencing second hand smoke, the below is a breakdown of why a respondent did not complain to the building management. 49 responded accordingly and had the ability to mark more than one answer:

- 23 The respondent did not think it would help to complain about the smoke
- 16 The respondent believed others have the right to smoke
- 12 The respondent did not feel comfortable complaining
- 9 The smoking did not bother the respondent
- 5 The respondent did not want to risk getting in trouble
- 2 The responded did not live in multi-family housing

When asking respondents about their support for a policy that regulates smoking in indoor common areas, outdoor common areas, or inside units, 78 responded accordingly and had the ability to more than one answer:

- 59 Supported regulation in indoor common areas (e.g. laundry room, hallways, lobbies)
- 56 Supported regulation in outdoor common areas (e.g. pool, walkways, stairways)
- 52 Supported regulation in all rental apartment units
- 51 Supported regulation in balconies and patios
- 48 Supported regulation in all condominium units
- 15 Supported only some of the units should be regulated
- 11 Believed there should not be regulation in any multi-family rental housing
Believed smoking should not be regulated in condos/townhome housing

When asking about supporting a designated smoking area in the complex if smoking were regulated in multi-family housing, 77 responded accordingly:

- 54 Did not favor a designated area
- 18 Favored a designated area
- 5 Either did not know or declined to answer

In asking what types of products should be regulated, 78 responded accordingly:

- 1 Only electronic smoking devices should be regulated
- 1 Only marijuana should be regulated
- 4 Only traditional tobacco products and marijuana (either medicinally or recreationally) should be regulated
- 6 Only traditional tobacco products and electronic smoking devices should be regulated
- 9 Only traditional tobacco products should be regulated (cigarettes/cigars)
- 10 Smoking products should not be regulated in multi-family housing
- 47 Believed all three (traditional, electronic, marijuana) should be regulated

When asking respondents if smoking regulations should apply to either new or existing units, 78 responded accordingly:

- 64 Both new and existing units
- 3 New units only
- 11 Neither new or existing units

When asking respondents if it is okay to require tenants to move out if they repeatedly violate a signed agreement not to smoke in the units, 78 responded accordingly:

- 61 Said it was okay to require repeated violators to move out
- 10 Said it was not okay to require repeated violators to move out
- 7 Either declined to answer or said they did not know

**Smoking Policy Framework**

During the September 26, 2016 and October 24, 2016 meetings, Staff presented a number of questions to the Commission that should be answered when crafting a multi-unit housing policy. These major questions presented to the Commission where the following:

1. Will the policy cover apartments, condominiums, or both?
2. How many dwelling units fall under the policy?
3. Will the policy regulate smoking of traditional products (such as cigarettes and cigars), electronic smoking devices (e-cigarettes) and/or marijuana smoke?
4. How will the policy treat new units versus existing units, and will there be a phase in period?
5. Will the policy completely prohibit smoking inside the units and/or outside areas within the complex?
6. Will property managers and owners be able to designate smoking areas?
7. Will the policy require landlords to post signage about the policy in conspicuous locations?
8. Will the policy require landlords to include the smoking regulations in a lease and will the policy require the landlords to alert tenants to the new changes?
9. Who will be given permission to enforce the policy?
10. What will be the penalties of enforcement?

During the September 26, 2016 meeting, the Commission desired to solicit community input before reaching decisions on crafting a policy. Now that the community input meetings have concluded, the Commission may desire to move in a direction to start drafting a recommended ordinance, which includes answering the major questions presented above. To assist the Commission with answering these questions, Staff has created a checklist (ATTACHMENT 1) to initiate discussion on the topics/questions that should be addressed. The Commission may also request additional information.

RECOMMENDATION
It is recommended that the Commission review this report, and use the January meeting to ask any questions or request additional information. It is recommended that the Commission be prepared to answer the policy framework questions at the February 27, 2017 meeting.

A representative from the City Attorney’s Office will be present to answer any legal questions, and Staff has created a checklist (ATTACHMENT #1) to guide the Commission though the various decisions that should be addressed when drafting a recommended ordinance. This checklist may be used to guide the Commission in the decision making process during the February meeting.