



CITY OF BEVERLY HILLS
POLICY AND MANAGEMENT

MEMORANDUM

TO: Health & Safety Commission

FROM: Kevin Kearney, Senior Management Analyst

DATE: December 19, 2016

SUBJECT: A Summary of Outreach Results and Community Feedback on a Policy Regulating Smoking in Multi-Unit Housing

ATTACHMENTS: 1. Staff Report, October 25, 2016

INTRODUCTION

During the August 16, 2016 Study Session, the City Council decided to pursue a policy regulating smoking for multi-unit housing. The Council tasked the Health and Safety Commission with the project and to report back with their findings and recommendations to the Council at a subsequent meeting. On September 26, 2016 and October 24, 2016, the Health and Safety Commission was presented with initial information on the framework for such a policy. As a result of the September meeting, two separate community input events were scheduled for November and December.

This report summarizes the outreach results to the Commission. This includes outreach efforts, survey results, feedback during community meetings and a summary of phone calls and emails that Staff received. Additionally, this report reiterates the main questions the Commission should answer when crafting such a policy. The Commission may decide to answer these questions during the meeting, which would contribute to creating a recommended draft ordinance, or the Commission may request additional information.

DISCUSSION

As identified during the Health and Safety Commission meeting on September 6, 2016, one of the critical areas of developing a policy regulating smoking in multi-unit housing is public outreach. This phase in the policy development process would be to gather information from residents and other stakeholders. Every community is different in the way smoking is viewed by its residents, and the expectations of those residents may vary regarding both the freedom to smoke versus the extent of their desire to be protected from second-hand smoking. Thus, the Commission felt that the policy should consist of an in-depth understanding of the community's desires.

During the September 26, 2016 and October 24, 2016 meetings, the Commission decided to conduct two separate community outreach meetings to gain community feedback. These meetings were scheduled for the following dates/times:

- November 28, 2016 at 6:00pm
Beverly Hills City Hall – Room 280A
455 N. Rexford Drive, Beverly Hills, CA 90210
- December 13, 2016 at 3:00pm
Beverly Hills City Hall – Council Chambers
455 N. Rexford Drive, Beverly Hills, CA 90210

A website was created to share the progression of the policy with the public. The community meetings were recorded and posted on the website, for those unable to attend the events. The website additionally contained an opinion survey to facilitate the understanding of the residents' desires to smoke freely versus their preferences for the right to be protected from second-hand smoke. Surveys were also available in paper format to those in attendance at the community input meetings.

To further increase awareness of this policy discussion, the City sent out postcard mailers, advertised in the local newspapers and posted information on Facebook and Twitter. Postcard mailers were sent out to all multi-unit housing tenants and landlords to raise awareness of the community meetings, outreach website and survey. Ads were also displayed in the City's three major local newspapers: the Beverly Press, the Beverly Hills Weekly and the Courier.

This report summarizes the outreach results to the Commission. This includes feedback during community meetings, survey results and a summary of phone calls that Staff received.

Community Meeting Results

The Commission scheduled two separate community meetings as part of the outreach effort to better understand the communities' desires. Of these two meetings, the November 28th meeting was scheduled in the evening and the December 13th meeting was scheduled during the day. During these meetings, Staff presented an overview of the policy's framework and provided an summary of the questions the Commission should answer when crafting a policy regulating smoking in multi-unit housing. After Staff's presentation, the Commission opened public comment.

The Commission read into public comment three (3) emails that Staff received - one (1) was against smoking regulations in common areas and in apartments/condominiums, one (1) was for full regulation, and one (1) was for regulations in apartments but not in condominiums. Of those thirteen (13) that spoke at the meetings, all were in favor of some type of policy. The below is a summary of the main topics from public comment:

- *All types of smoking to be regulated:* public comment on this topic seemed to favor regulation of traditional tobacco smoke, e-cigarettes and marijuana smoke.
- *Regulation of smoking inside apartment and condominium units:* of those that spoke at the meetings, all were in favor of regulation inside units of both apartments and condominiums.
- *Regulation of smoking outside the units:* there seemed to be support for regulation of smoking outside the units. The main arguments for this position is that individuals can light a cigarette outside, yet smoke can still drift inside the unit.

- *Potentially not allowing for an outside designated smoking area:* most of public comment did not specifically address allowing for an outside designated smoking area. However, there were a number of comments about entirely prohibiting smoking outside units. The argument is that smoke could travel anywhere from 20ft-50ft and could potentially enter a unit through a window or air intake vent.
- *Potentially having landlords include smoking regulations in a lease:* although this was not a major topic of discussion, there was some public comment about including regulations in lease agreements. The thought was that including language would ensure that landlords and tenants were both aware of the regulations. Additionally, it provided for additional regulation of the policy since landlords may be able to enforce the smoking provisions through a lease agreement.
- *Mechanisms of enforcement:* the mechanisms of enforcement was a major topic of discussion during public comment, and this primarily stemmed around two issues – strength of the policy and the option to report violations anonymously:
 - *Having a ‘stronger’ enforcement policy:* many of those who spoke about the enforcement part of the policy desired it to have a meaningful enforcement aspect, and this was typically insinuated to mean City enforcement. Comments about private enforcement typically surrounded issues like straining the landlord/tenant or tenant/tenant relationships and the sensitivity of not being able to report violations anonymously.
 - *Options to report violations anonymously:* one of the running themes throughout both community input meetings is the desire to report smoking violations anonymously. As reported during the meetings, anonymous reporting is especially important when there is fear of retaliation from the violating party. Support of anonymous reporting is typically associated with City enforcement, as private enforcement requires the reporting party to bring the violator to civil court.
- *Providing Informational Assistance on Smoking Addiction:* there had been comments about the possibility of providing informational assistance on smoking addiction during outreach after the policy is adopted. Recognizing that smoking can be a difficult addiction to overcome, there had been ideas about the City providing information to the community after the policy is adopted on how to receive help for a smoking addiction.

Survey Results

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, seventy one (71) surveys were completed. Of this number, sixty (63) were online submission and eight (8) were paper submission. Of the completed surveys, the following is a breakdown of the respondents demographics:

- 58% Apartment Renters
- 28% Apartment and Condominium Landlords
- 3% Condominium/Townhome Renters
- 0% Single-Family Home Residents
- 11% Other

In analyzing the submissions, less than half of the respondents (45%) reported that their buildings does not have any smoking regulations, with just a few (13%) not knowing if there are any regulations. Even though there may or may not be established regulations, a majority of respondents (92%) don't allow smoking in their residence anyways.

Having second hand smoke drifting into others' units seems to be an issue, as three-quarters of respondents (69%) reported that they have had second-hand smoke drift into their unit during the last year. Respondents reported smoke drifting from both outdoors (68%) and from other units (59%). In response to experiencing second-hand smoke, a majority of respondents (46%) believed that complaining to the landlord or management company would help the situation. Meanwhile, some (33%) believe that others have a right to smoke in their unit, while others (24%) just did not feel comfortable complaining about the situation.

In discussing potential outdoor regulations, a majority of respondents (76%) support a policy that would prohibit smoking in indoor common areas of residential buildings, such as lobbies, hallways, and laundry rooms. Additionally, a majority (72%) support prohibiting smoking in outdoor common areas of building such as pools, walkways, and stairways. Similarly, a majority (65%) would also support a policy that prohibits smoking on balconies and patios. Should there be regulations affecting outdoor areas, it should be noted that a majority of respondents (70%) do support designated a smoking area in the complex.

When addressing prohibitions inside units, a majority of respondents (65%) support a smoking ban in all rental apartments. Additionally, a majority (58%) also support a prohibition in all condominium units. Knowing that regulations in condominiums can be a sensitive issue due to ownership rights, it is important to understanding that a majority of respondents that own condominiums (70%) preferred a completely non-smoking building. The majority (77%) of those that did not support regulations in condominium units were either apartment renters or apartment landlords. Meaning, respondents were more likely to support regulations in condominiums if the individual was a condominium owner and less likely to support a regulation if the respondent was an apartment renter or landlord.

A majority of respondents (57%) believe that all types of smoke should be regulated, such as traditional tobacco products, electronic cigarettes and marijuana. Meanwhile, a majority (82%) support applying the new regulations to both new and existing units. Regarding the use of language in a rental agreement, a majority of respondents (79%) believe that if a tenant has signed an agreement not to smoke in a unit, then it would be okay to require the tenant to move out if they violate the agreement.

Summary of Telephone Calls

As part of the outreach efforts, Staff made themselves available and continues to make themselves available to the public to answer any questions about the development of the policy. Staff's contact information (telephone & email) was listed on the postcards mailed to all the City's multi-family unit tenants and landlord, on all newspaper ads and on the City's website.

The following are statistics are from the telephone calls Staff received:

- Of the seven (7) phone calls received –
 - five (5) were multi-family tenants, one (1) building manager and one (1) single family homeowner.
- Six (6) of the total (7) callers supported some sort of regulation in multi-unit housing. Only the homeowner was against a policy.
- Five (5) of the (7) phone calls were fielded in November, the remaining (2) were received in October.

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 (ATTACHMENT #1). 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. The Commission may also request additional information.

RECOMMENDATION

It is recommended that the Commission review this report and provide feedback to Staff, so that Staff may further assist the Commission with crafting a recommended policy and ordinance to the City Council.

The Commission may decide to answer the policy framework questions, which would contribute to creating a draft ordinance, or the Commission may request additional information. If additional information is requested, the Commission should decide which areas need additional clarification.

Depending on the direction the Commission takes during this meeting, a draft ordinance may be presented at the next Commission meeting on January 23, 2016 or Staff may bring back additional information on the policy, depending on the Commission's requests.