



Agenda Item

14-1070

Agenda Date: 1/30/2015

2015 COUNCIL STUDY ISSUE

NUMBER

DPS 15-01

TITLE Prohibit Smoking Inside All Units and in Common Areas of Multi-Family Residences

BACKGROUND

Lead Department: Public Safety

Support Department(s): Office of the City Attorney

Sponsor(s):

Councilmembers: Whittum, Martin-Milius

History:

1 year ago: N/A

2 years ago: N/A

SCOPE OF THE STUDY

What are the key elements of the study?

Several members of the public have expressed concerns about the negative effects of secondhand smoke exposure in and around multi-family housing units. For residents of multi-family housing units, secondhand smoke can be a major health and quality of life concern because it can migrate from other units and common areas and travel through doorways, cracks in walls, electrical lines, plumbing, and ventilation systems.

This study would consider prohibiting smoking inside all units and in common areas of multi-family housing developments including, but not limited to, duplexes, apartments, condominiums, and townhouses. The study would also consider allowing designated unenclosed smoking areas that are a specified distance from operable doors, windows, and other openings where smoking is prohibited.

What precipitated this study?

The study was precipitated by a resident living in a multi-family housing unit who stated that he is negatively impacted by neighbors who are smoking in close proximity to his unit. He suggested the study issue because he believes that the issue is prevalent in multi-family housing units city-wide. Staff has received several other similar requests from the public over the last five years.

Planned Completion Year: 2015

FISCAL IMPACT

Cost to Conduct Study

Level of staff effort required (opportunity cost): Major

Amount of funding above current budget required: \$75,000

Funding Source: Will seek grant funding. If grant funding is unavailable, will seek a budget supplement.

Explanation of Cost:

Due to continued staff vacancies in the Department of Public Safety, the process could potentially require the assistance of a consultant experienced in conducting smoking-related studies. Other, nearby, municipalities have employed consultants to conduct similar types of studies. There would, however, be staff costs associated with managing the study, supervising the public outreach efforts, and presenting the final Report to Council.

The research and public outreach components would be significant. The research aspect would include examining similar bans in other municipalities and evaluating the associated results. Public outreach would be conducted in the form of community meetings and surveys with building managers, property owners, residents, homeowners' associations, apartment associations, and other important stakeholders.

Cost to Implement Study Results

Unknown. Study would include assessment of potential costs.

Explanation of Cost: Dependent upon adopted policies, costs would include outreach to the public and stakeholders to inform them of study results and Council's action. If adopted as proposed, to prohibit smoking inside all units and within common areas, there would be a significant cost to implement new policies due to notifying the public, notifying stakeholders of their responsibilities (i.e. signage requirements), developing and implementing enforcement policies, and establishing a program component for receiving and addressing complaints.

EXPECTED PARTICIPATION IN THE PROCESS

Council-approved work plan: No

Council Study Session: No

Reviewed by Boards/Commissions: No

STAFF RECOMMENDATION

Position: Support

Explanation: The negative health effects of secondhand smoke are scientifically proven and commonly known and accepted. Survey results would determine the public's readiness to be the first city within Santa Clara County and one of only a few municipalities within the state to adopt a ban on smoking inside multi-family housing units.

If Council ranks this study, it is recommended that it be combined with Council Study Issue OCA 14-03 (b) Expand Smoking Regulations to Prohibit Smoking near Doorways and Outdoor Areas of Retail and Commercial Businesses. OCA 14-03 (b) was continued to 2015 due to the expanded scope, a

lack of existing funding, and staff vacancies in DPS.

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Reviewed by: Frank Grgurina, Director, Department of Public Safety

Reviewed by: Joan A. Borger, City Attorney

Reviewed By: Robert A. Walker, Assistant City Manager

Approved By: Deanna J. Santana, City Manager