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To: Family and Human Services Committee, Contra Costa Board of Supervisors
From: Daniel Peddycord, RN, MPA/HA, Director, Public Health
Re: Annual Report on Implementation of Secondhand Smoke Protections Ordinance
Date: 10/22/18



Summary

At the November 13, 2017 Family and Human Services Committee meeting, Public Health presented its annual report on the implementation of the County's Secondhand Smoke ordinance with a recommendation that the Committee consider a proposed ordinance to strengthen the current smoking protections to prohibit smoking inside dwelling units of multi-unit housing, including condos and townhomes. The Committee accepted the report and recommendations, requested that language be added to extend smoking restrictions to guest rooms of hotels and motels, and directed staff to forward to the Board of Supervisors for discussion and approval.

The ordinance, titled Smoke-free Multi Unit Residences, was adopted by the Board of Supervisors on March 13, 2018 with implementation to begin for new and renewing leases on July 1, 2018, and for continuing leases and owner-occupied units on July 1, 2019. The following report is specific to implementation of the new Smoke-free Multi-Unit Residences ordinance, including information on the continued implementation of the broader Smoke-free Secondhand Protections Ordinance.

Secondhand Smoke Ordinance Background

The Board of Supervisors adopted a comprehensive Secondhand Smoke Protections Ordinance in 2006. This decision came on the heels of the California Air Resources Board report designating secondhand smoke as a toxic air contaminant based on a review of the research linking secondhand smoke with numerous adverse health effects. The vast majority of Contra Costans do not smoke, with data showing that 13.4% of residents in the County do smoke. The Board strengthened the County's secondhand smoke protections in October 2009, October 2010, April 2013, June 2014, July 2017, and March 2018 in response to community complaints regarding drifting smoke and the need for additional policies to protect public health. These amendments to the county code included expanding secondhand smoke protections to make all County-owned properties 100% smoke-free, inclusion of electronic smoking devices in the definition of "secondhand smoke", and 100% smoke-free multi-unit housing including condos, townhomes, and guest rooms of hotels and motels.

The majority of the 161 secondhand smoke complaints received by the Public Health Department's Tobacco Prevention Program over the last three years continue to be from multi-family housing residents regarding unit-to-unit and outside-to-unit drifting smoke. For residents of the unincorporated county, staff follows up with landlords and property owners regarding compliance with the County's current laws.

Implementation of Smoke-free Multi-Unit Housing Residences since March 2018 Adoption

The Smokefree Multi-Unit Residences ordinance is implemented through the Public Health Department's Tobacco Prevention Program (TPP). Per recommendation from the California Apartment Association and as approved by the Board of Supervisors, this ordinance has a phased implementation.

Effective July 1, 2018, dwelling units with new and renewing leases were required to be smoke-free. Units with continued leases and owner occupied units are required to be entirely smoke-free as of July 1, 2019.

Notice of the newly adopted smoke-free multi-unit residence ordinance was included in the annual County Business License Office mailing in May 2018. All owners of multi-unit residences of 4 or more dwelling units must obtain a Contra Costa business license, and are recipients of the annual mailing from the County Business License Office. The mailing directed owners to the TPP Secondhand Smoke website, which was updated in June 2018 to highlight the new laws and provide resources to landlords, including signage. TPP staff wrote an article about the new laws which was included in the June 2018 newsletter sent out to members of the California Apartment Association. The County's Secondhand Smoke Protections brochure is being updated and will soon be accessible on the TPP Secondhand Smoke website. TPP staff have created a new online link for the public to report secondhand smoke complaints and request information. Once pilot tested, this link will be available on the TPP Secondhand Smoke website to facilitate a more streamlined complaint process, and standardize information received through complaints, such as the type of smoke reported (e.g., cannabis, vape, or combustible tobacco).

In preparation for the final July 1, 2019 compliance date when all multi-unit housing units, including owner-occupied are required to be 100% smoke-free, TPP staff will conduct outreach and education efforts to the community that will include a social media campaign to raise awareness about the health risks of secondhand smoke, the policies in place to protect residents, and how to make a complaint about drifting smoke in multi-unit residences. Through targeted presentations, mailings, and the TPP website, multi-unit housing owners/managers will have access to more resources to maintain compliance with smoke-free laws, including sample tenant notification letters, and sample warning letters for tenants in violation of smoke-free laws. A verification process will be conducted to ensure that all multi-unit owners and property managers have received information about the new laws and implemented new requirements such as updating all leases to include required smoke-free language and meeting required signage posting requirements.

An educational approach will be employed to address non-compliance, including working with owners/managers to assure that requirements of owners/managers under the ordinance are met, and providing technical assistance. If the owner/manager has implemented the required lease terms and signage, staff will also correspond with the tenant to educate the tenant on the law. TPP has utilized a similar approach for addressing violations of other multi-unit residence smoking restrictions under the County's ordinance, such as no smoking in common areas or near doors and windows of these buildings.

Implementation of the Smoke-free County Properties Provision and other Secondhand Smoke Protections Ordinance Provisions over the Past Year

Smoke-Free County Campuses Provision:

Tobacco Prevention Program staff continues to accept complaints about non-compliance with the County's smoke-free County Campuses law, and works with staff to address these complaints. "Smoke-free Contra Costa" signage continues to be distributed for posting to the County Building Safety Coordinators upon request. Tobacco Prevention Program staff continue to maintain the Contra Costa Smoke-Free Campus web pages on the Health Services website (www.smokefreecc.org). This includes information on the ordinance and the "Frequently Asked Questions" document for the public.

Other Ordinance Provisions and Addressing Complaints:

The Tobacco Prevention Program continues to educate the public and businesses on provisions of the ordinance through community presentations, responding to complaints and inquiries, and incorporating

materials into County business license materials. Additionally, the Tobacco Prevention Program responds to drifting smoke complaints from residents throughout the County. Outside of the Unincorporated County, the majority of secondhand smoke complaints received are from Concord, Walnut Creek, and Richmond. Staff provide resources and information to public who file complaints, as well as forward the complaint to the appropriate contact in those cities when possible.

Recommendations

Staff recommends that the Family and Human Services Committee accept the report and direct staff to continue to provide updates on implementation of the ordinance as part of staff's annual report on the County's Secondhand Smoke Protections Ordinance.