



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: 10/07/19

### **I. Summary**

The Smoke-free Multi Unit Residences ordinance 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. A brief report specific to implementation of the new Smoke-free Multi-Unit Residences ordinance is presented, including information on the continued implementation of the broader Smoke-free Secondhand Protections Ordinance.

### **II. Secondhand Smoke Ordinance Background**

The Board continues to respond to community needs by strengthening the County's secondhand smoke protections in October 2009, October 2010, April 2013, June 2014, July 2017, and March 2018. Additional policies have been adopted to address community complaints regarding drifting smoke within multiunit housing within county limits. 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.

### **III. Implementation of Smoke-free Multi-Unit Housing Residences since the October 2018 report to Board of Supervisors**

The Smokefree Multi-Unit Residences ordinance is implemented through the Public Health Department's Tobacco Prevention Program (TPP).

The Public Health staff worked with the Business License Office to include information about the newly adopted smoke-free multi-unit residence ordinance in the annual mailing to all business owners. In May 2019, the Business License Office mailed annual business renewal reminder letters and the County's Secondhand Smoke Protections brochure to all owners of multi-unit residences of 4 or more dwelling units who currently have a Contra Costa business license. The mailing directed owners to the TPP Secondhand Smoke website to highlight the laws and provide resources to landlords, including signage and template language to add to their lease agreements. Since the County's secondhand smoke protections defines multi-unit housing as a dwelling with 2 or more units, Public Health staff also sent notification letters to all multi-unit housing owners who own 2 or more units. The mailing directed owners to the TPP Secondhand Smoke website to highlight the newly adopted laws, resources they can use, and an electronic form that verifies their compliance to the ordinance. This compliance form allows Public Health staff to streamline the correspondence with landlords 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.



Of the 5,028 educational letters sent to multiunit housing landlords and managers, we received 487 responses to the policy verification survey. The data was collected through an online form and exported into an Excel spreadsheet for analysis. Almost all of the respondents (97%) reported being compliant with the following component: disclosing the policy for handling smoking complaints in effect at the multi-unit housing residence and providing a copy of that policy to each tenant along with every new lease or rental agreement for the occupancy of a unit in a multi-unit housing residence. Of the 15 respondents (3%) who reported not being in compliance, most of them explained that they owned units that they lived in or said that this policy should be the responsibility of the Home Owners Association (HOA).

Public Health staff created an online link for the public to report secondhand smoke complaints and request information. This link is available on the TPP Secondhand Smoke website to facilitate a more streamlined complaint process, and standardize information received through complaints, such as the location within the unincorporated areas of the County and the type of smoke reported (e.g., cannabis, vape, or combustible tobacco).

Lastly, Public Health staff conducted outreach and education efforts to the community that included 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.

#### **IV. Enforcement of Smoke-free Multi-Unit Housing Residences**

With a focus on providing education to residents, landlords, owners, property managers and operates, Public Health staff prioritizes compliance over punishment for violations. However, in the instances where enforcement is needed, Public Health staff has established a uniformed process for the smoke-free multi-unit residence ordinance. The following steps have been developed by Public Health staff in partnership with Contra Costa County Counsel.

1. Staff will document secondhand smoke complaint and verify jurisdiction within the unincorporated areas of county limits.
2. Staff will communicate with property owners via phone and informal email letter to landlord/tenant in violation making them aware of the complaint and what is needed to be compliant.
3. Staff will grant a 30-day period to the property owner to make arrangements in order to be in compliance.
4. Staff will conduct visits to review and determine if issues concerning signage, lease addendum, or other complaints on smoking within the property have been addressed and the property is in compliant.
5. Should there be times if the issue persists without prior communication for delay, staff will administer formal notice of violation letter in the mail.
6. Should there be continued non-compliance; the staff will issue formal infraction citation(s) with invoice with associated fine amount until the property remedies smoking violations.
7. Staff will determine if violations are addressed and property is in compliance.

#### **V. Next Steps for Compliance**

Public Health staff with members of the Tobacco Prevention Coalition will be conducting "no smoking" signage observations in November 2019. The observations will be for the most common size multi-unit residence buildings in two of the largest low-income communities within the unincorporated Contra Costa County, Bay Point and El Sobrante. Public Health staff will determine and the compliance through



observations of smoke-free signage and presence (or lack thereof) of ashtrays within several buildings. Each property observed will be documented with photo documentation, survey results, letters to landlords, tenants, and compliance violations.

Public Health staff will continue to implement an educational approach to address any 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.

## **V. Technical Assistance to Contra Costa Cities**

Public Health Staff 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 Martinez. Staff continues to provide resources and information to public who file complaints, as well as forward the complaint to the appropriate contact in those cities when possible.

Staff continue to respond to requests from Contra Costa cities and have provided technical assistance to the cities of San Pablo, Hercules, Clayton, Concord, Antioch, and Pittsburg which have considered similar smoke-free multi-unit housing policies for their jurisdictions based on the model provided by the County.

In April 2019, Tobacco Prevention Program disseminated a Request for Proposal for community-based organizations to work with communities in Pittsburg, Antioch to educate the community about smoke-free multi-unit housing. Two agencies have been identified: Bay Area Community Resources and Community Health for Asians and execution of their projects will begin in Fall of 2019.

## **VI. 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.

