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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 2018-07
Date: 10/26/20

I. Summary

On March 13, 2018, the Contra Costa Board of Supervisors adopted Smoke-free Multi Unit Residences Ordinance 2018-07 which increased secondhand smoke protections for persons and families living within multiunit housing. Ordinance 2018-07 began implementation for new and renewing leases on July 1, 2018, whereas for continuing leases and owner-occupied units, implementation would start on July 1, 2019. This is a brief report specific to the continued implementation of the broader Smoke-free Secondhand Protections (Division 445-4) and the modified strategies being utilized to continue activities through the challenges presented by the COVID-19 pandemic.

II. Secondhand Smoke Ordinance Background

Contra Costa County is recognized as a national leader in local tobacco control policies. Over the past decade, the County's secondhand smoke protections have been updated and strengthened by the Contra Costa Board of Supervisors with additional policies adopted in October 2009, October 2010, April 2013, June 2014, July 2017, and March 2018. Specifically, amendments to Secondhand Smoke policy (Division 445-4) have included expanding secondhand smoke protections to make all County-owned properties 100% smoke-free, the addition of electronic smoking devices as part of the definition for "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 Ordinance 2018-07, since the October 2019 Report to Board of Supervisors

The Public Health Department's Tobacco Prevention Program (TPP) continues implementation activities of Smoke-free Multi Unit Residences Ordinance 2018-07. Although some of these activities have been modified as a result of COVID-19, TPP Staff are responding to secondhand smoke complaints received through both the TPP online portal and complaint line, conducting site-visits for signage observations to ensure compliance while adhering to the COVID-19 guidelines, and providing virtual education to community members about smoke-free multiunit housing tobacco control policies.

TPP Staff made its last report to the Family and Human Services Committee in October 2019. In late November through December of 2019, TPP Staff conducted site visits to determine if tenants, landlords, and property managers were complying with Ordinance 2018-07. Forty-eight multi-unit residences located in El Sobrante and Bay Point were visited by TPP Staff. During the site visits, TPP Staff conducted inspections for signage indicating that the properties were smoke-free, the presence (or lack thereof) of ashtrays, the presence of cigarette waste, and a review of lease addendums with tobacco control laws described for each tenant were also conducted. Each visit was documented through a written summary of

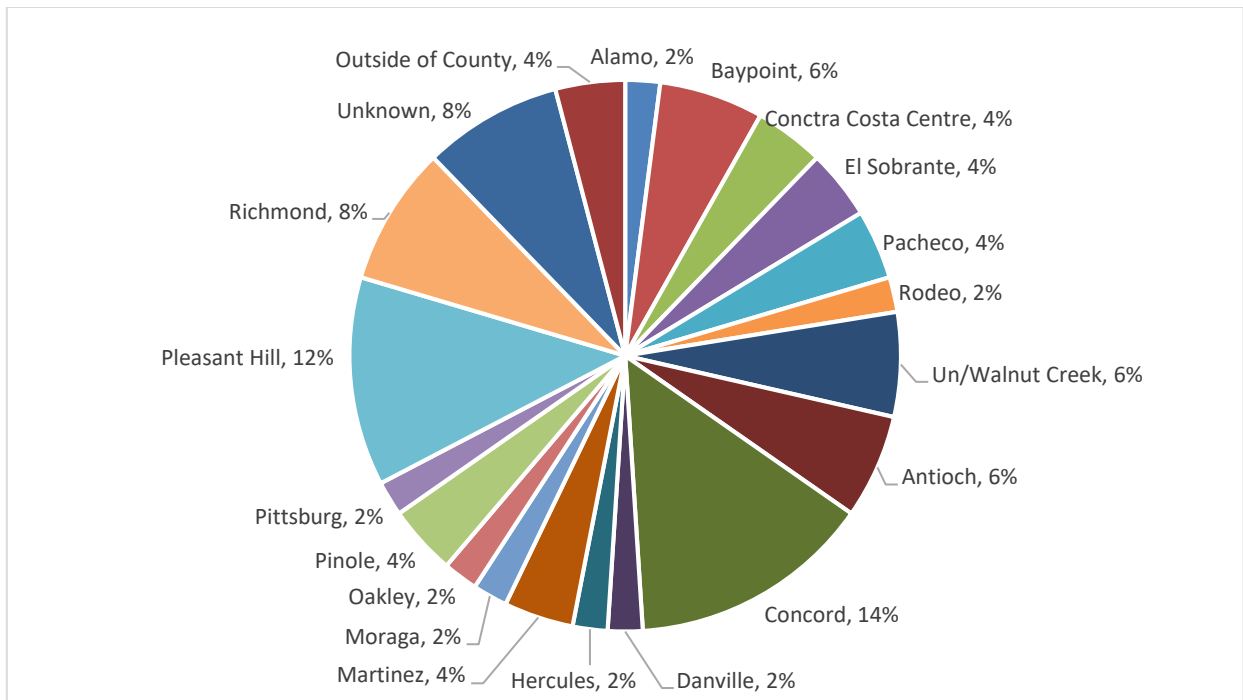


observations, photos, and the number of compliance violation warning letters to landlords and tenants issued was also addressed during the visit. The site visits revealed that only 6% of the properties that were visited were in total compliance with the ordinance. Despite previous outreach efforts, most of the properties did not have the required “no smoking” signs posted on their properties, and only a small number had tobacco waste in areas where smoking was allowed. TPP Staff concluded that a primary factor that contributed to the lack of enforcement was related to the absence of an on-site property manager or landlord on the properties.

Since March 2020, as residents complied with the Contra Costa County Health Officer Orders to shelter in place and limit activities outside of their homes, there has been a significant increase in secondhand smoke complaints. From November 2019 to date, TPP has received a total of 49 secondhand smoke complaints from residents and landlords within the unincorporated areas and cities throughout the County. (see Graph I below). Comparatively, this is twice the number of secondhand smoke complaints (24) received since the last report made to this committee in October 2019.

Prior to COVID-19, TPP Staff responded quickly to complaints, assessed, and completed the case within an average of 3-5 days. More recently, responses have been delayed as TPP Staff have been reassigned as Disaster Service Workers for COVID-19. The response rate is currently 7-10 days. TPP Staff focuses on completing complaints within the jurisdiction of the unincorporated County areas, while also connecting local city departments to complaints outside of the County’s jurisdiction. All complaints are given resources and receive a follow-up call or email to ensure the health and safety of residents living in multiunit housing is not compromised due to a lack of adherence to secondhand smoke tobacco control policies.

Graph I: Percentage breakdown of number of complaints within 2019-2020



In reviewing the 49 complaints, over half (51%) were secondhand smoke violations within apartment complexes, 32% were in owner-occupied units such as townhomes and condominiums, and less than 5%



came from other multi-unit housing types such as mobile homes parks, duplexes, etc. Seventy-four percent of the complaints were regarding combustible cigarette smoke, while 26% pertained to second-hand smoke from the use of cannabis and electronic cigarettes devices. TPP Staff also received requests for clarification of the ordinance and technical assistance by landlords and property managers seeking to comply with the ordinance.

IV. Next Steps for Compliance

The results of the site visits provided insight into the effectiveness of the previous outreach and education efforts in the implementation and enforcement activities of the smoke-free multiunit housing tobacco control policy. Based on the site visits, TPP Staff have determined that additional outreach efforts are needed to increase awareness regarding the ordinance. In order to inform and educate landlords, property managers, and tenants, TPP Staff will launch a multi-phased educational outreach strategy in the Fall of 2020 and continue throughout the Summer of 2021. Details of the strategy are as follows:

- TPP Staff have created an informational fact sheet for Ordinance 2018-07 that will not only be mailed to owners, landlords, and property managers, but will also be used in presentations to HOAs, community-based organizations, and County departments who serve tenants that live in multiunit housing.
- A postcard mailer that provides an overview of Ordinance 2018-07 will be disseminated to multi-unit property residents in the unincorporated Contra Costa County. In addition to the overview, this postcard will provide actions that tenants can take to comply with tobacco control policies while living in multiunit dwellings.
- Finally, an educational media campaign will be launched early 2021 utilizing organic social media posts and paid media in public spaces. Informational messages and resources will be posted on the Tobacco Prevention Coalition's Facebook and Instagram, as well as placed on billboards, bus stops, and on buses in the East and West Contra Costa County.

TPP Staff will continue to respond to requests for technical assistance from landlords, property owners and managers. However, due the COVID-19 pandemic, TPP Staff have shifted from in-person educational activities to online and virtual platforms. In addition, TPP Staff will also conduct compliance surveys both online and by phone with landlords, property owners/managers, and residents to the properties that have been visited in the past for continued compliance issues. Post-COVID-19, TPP Staff will resume auditing and inspecting properties at random to confirm compliance with the smoke-free multiunit housing tobacco control policies.

Recently the issue of secondhand smoke in mobile parks has been brought to the forefront as the frequency of complaints from persons residing in mobile home parks have increased. The proximity of mobile dwelling units to one to another can allow secondhand smoke to drift into other nearby units which may intensified the number of complaints. Since the adoption of Concord's smoke-free multiunit housing policy in January 2020, which included protections for those living in mobile home parks, some residents have expressed a desire to be protected under the County's smoke-free multiunit housing tobacco control policy for the unincorporated areas.



V. Technical Assistance to Contra Costa Cities

As of October 2020, fourteen (14) cities have adopted smoke-free multiunit housing tobacco control policies into their jurisdictions utilizing the County’s model ordinance. TPP Staff provided technical assistance to these local jurisdictions to incorporate components of the model ordinance including the following:

- Multi-unit residences as defined as 2 or more units
- Restrictions on smoking areas that include private enclosed or unenclosed gathering areas (balconies/patios)
- Restrictions of smoking in all indoor and outdoor common areas
- Inclusion of secondhand smoke from electronic smoking devices and cannabis smoke within the definition
- Requirement of a “no smoking” clause in the lease
- Requirement of “no smoking” signage to be posted in several common areas of multiunit properties.

Half of the cities that have adopted a smoke-free multiunit housing tobacco control policy have all components of the model ordinance. TPP Staff continues to work with the other half to consider more protections to strengthen their modified versions of the ordinance (see Table I below). TPP Staff also seeks to educate the jurisdictions with no tobacco control policy to consider and explore the health benefits of a smoke-free multiunit housing policy for protecting their residents living in multiunit dwellings.

In early 2020, the City of San Pablo (Jan 2020) and City of Concord (Feb 2020) were added to the list of cities that have adopted a smoke-free multiunit housing tobacco control policy. This was a major accomplishment for the City of San Pablo as their secondhand smoking laws had not been updated since 1984.

Table I: City jurisdictions in each District with smoke-free multiunit housing policy

District	City	Smoke-free Policy
District 1	El Cerrito	Comprehensive policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 2+ units • All indoor and outdoor common areas
	Richmond	Comprehensive policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 2+ units • All indoor and outdoor common areas
	San Pablo	Smoke-free policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 2+ units with the exception of owner-occupied unites (townhomes and condominiums); Existing units must be in compliance by July 1, 2021 • All indoor and outdoor common areas
	Pinole	Smoke-free policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 2+ units built after May 5, 2010 • Indoor/outdoor common areas
District 2	Orinda	No policy
	Lafayette	Smoke-free policy; smoking is prohibited in: <ul style="list-style-type: none"> • MUH properties with 3+ units



		<ul style="list-style-type: none"> • Only applies to units built after effective date and units rented/leased to new tenants after effective date • All indoor and outdoor common areas • Does NOT include vape smoke
	Moraga	No policy
	Danville	Comprehensive policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 3+ units, including enclosed and unenclosed private gathering areas (I.e. balconies/patios) • All indoor and outdoor common areas
	San Ramon	Non-comprehensive policy; smoking prohibited on MUH balconies and patios
District 3	Antioch	No smoke-free policy
	Oakley	Comprehensive smoke-free policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MU properties with 2+ units build after April 2014 • All indoor and outdoor common areas
	Brentwood	No smoke-free policy
District 4	Clayton	Comprehensive policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 2+ units • All indoor and outdoor common areas
	Concord	Comprehensive policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 2+ units, including enclosed and unenclosed private gathering areas (I.e. balconies/patios) • All indoor and outdoor common areas • Within 25ft of doorways, windows and vents • Mobile home parks
	Pleasant Hill	Smoke-free policy; smoking prohibited in: <ul style="list-style-type: none"> • MUH properties with 4+ units; does NOT include Condominiums; Properties built prior to Jan. 2010 must have 50% of units designated smoke-free • All indoor and outdoor common areas
	Walnut Creek	Comprehensive smoke-free policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 2+ units • All indoor and outdoor common areas
	Hercules	Smoke-free policy; smoking prohibited in: <ul style="list-style-type: none"> • 100% of MUH properties with 10+ • Indoor/outdoor common areas
District 5	Martinez	Smoking prohibited in: <ul style="list-style-type: none"> • All private outdoor spaces of MUH with 4+ units
	Pittsburg	No policy

V. Next Steps for Technical Assistance to Contra Costa Cities

TPP Staff will continue to provide technical assistance to the areas with high numbers of smoke-free multiunit housing needs, which are specifically in the East County cities of Antioch and Pittsburg. TPP Staff continues to partner with local community organizations to conduct needs assessment, data collection, and virtual community engagement to increase awareness of tobacco control policies for



families living in multiunit dwellings. However, TPP Staff anticipates delays in the adoption of smoke-free multiunit housing policies in Antioch and Pittsburg due to challenges resulting from the COVID-19 pandemic.

VI. Recommendations

TPP Staff recommends that the Family and Human Services Committee direct the Public Health Division to study the impacts of second-hand smoke exposure in-close proximity housing, such as mobile home parks, and return to the Committee with recommendation for enhances protections within 6 months.

TPP 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.

