



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: April 15, 2008

SUBJECT: Resolution Supporting the Establishment of Smoke Free Multi-Family Rental Units

Report in Brief

During the March 18 City Council meeting, the Council received a presentation from the Yolo County Health Department Tobacco Education Program that focused, in part, on the establishment of smoke free multi family rental units. In response to the presentation, the Council directed staff to prepare a resolution supporting the establishment of smoke free multi family rental units and develop an ordinance that regulates smoking in multi family rental complexes financed with City funds. Resolution No. ____ has been prepared for the City Council's consideration and is included as Attachment No. 1. The ordinance is being developed by the City Attorney and will be introduced at the May 6 Council meeting.

Staff recommends that the City Council approve Resolution No. ____ supporting Landlords and Property Managers of Multi Family Housing to designate at least 50% of existing rental units as non-smoking and to provide appropriate locations on the property for smoking as described herein.

Background

During the November 27 Council meeting, Council member Pimentel noted that the new multi-unit residence, Terracina at Spring Lake, is a smoke free apartment complex. The City Council expressed interest in learning more about smoke free multi-unit residences in order to explore the desirability of encouraging more such complexes in Woodland. Specifically, the Council expressed interest in mandating that any multi-unit residence that receives City housing funds be smoke free. While the Council expressed some interest in developing an ordinance that would mandate this effort, it was also determined that a presentation on this issue would be more appropriate prior to providing staff with further direction. In response to the Council's comments, staff scheduled a presentation on this issue from Steven Jensen, Tobacco Education Coordinator for the Yolo County Health Department, for the March 18, 2008 Council meeting.

Mr. Jensen's presentation included a summary of actions that other California cities have implemented to regulate smoking within multi family housing. These actions range from a strict prohibition of smoking in all new and existing apartment/condo units to regulations that are limited to multi family complexes which received a share of a city's housing funds as part of the financing package. The information validated the fact that residents who live in apartment and condo complexes are concerned about the health impacts associated with second hand smoke and support local government's efforts to regulate smoking within multi family housing.

In addition, Cory Koehler, Deputy Director of the Rental Housing Association (RHA) of the Sacramento Valley, presented a letter to the City Council prior to the meeting in support of actions that would encourage smoke free multi family housing. The RHA serves the rental housing industry and understands the health related concerns of many multi family housing residents. One example of an action to encourage more smoke free units is the approval of a resolution by the City Council that supports landlords and property managers who designate a percentage of units within their housing complexes as smoke free. Ms. Koehler also provided a copy of a resolution approved by the Sacramento City Council in December 2006 that designated a minimum level of smoke free units and suggested that a similar resolution in Woodland would be a positive "first step" in encouraging landlords and property managers to take a similar action.

Following the presentation, the City Council directed staff to implement two actions. The first action is to prepare a resolution that will encourage landlords and property managers to designate at least 50% of their multi family rental units as smoke free. The second action directed the City Attorney to develop an ordinance that regulates smoking in multi family rental housing that have received City housing funds as part of their financing package. Staff has prepared Resolution No. _____ for the City Council's consideration during the April 15 meeting. The City Attorney is preparing the ordinance regulating smoking in multi family rental housing that may receive City housing funds for introduction at the May 6 meeting.

Discussion

The City Council's concerns regarding this issue are appropriate for several reasons. Many state and local laws have been enacted in recent years to regulate smoking in common areas such as parks, beaches and public facilities, including stadiums and amphitheatres. California became the first state in the nation approximately two years ago to designate second hand smoke as a "toxic air contaminant". More specifically, recent surveys of apartment renters and owners have identified the need for smoke free units within multi family complexes. One survey showed that 69% of renters and 57% of owners/managers favored some level of smoke free designation. The same survey also cited that only 10% of owners/managers were unwilling to set aside any smoke free units. Finally, the acceptance of Terracina at Spring Lake as a smoke free complex is well documented with the only concern thus far identified by staff and the City Council being the lack of a place on the property to accommodate smokers.

If the City Council approves the attached resolution, Woodland will become the first city in Yolo County and one of the few in California to adopt a policy statement addressing smoking in multi

family rental residences. The resolution expresses support for landlords and property managers to designate a minimum of 50% of their units as smoke free. The resolution is not intended to discourage the designation of a higher percentage of units as smoke free; that decision is left up to the owners and managers. However, the resolution does encourage owners and managers to address the well documented concerns of residents by designating a minimum level of smoke free units within their multi family rental complexes.

In addition, the resolution encourages owners and managers to designate a location within their property for smokers to utilize. This item is intended to address the concerns of property owners who live near Terracina at Spring Lake and have noticed smokers who sometimes leave debris on or near their homes. The designation of an outdoor location for smoking will address this issue without an unintended impact to neighbors.

It is important to note that the proposed resolution is non-binding. This action provides the City Council with an opportunity to issue a policy statement that encourages the designation of smoke free units in multi family residential rental housing. The City Council will have an additional opportunity to consider a binding policy action regarding smoke free multi family rental housing when the ordinance requiring smoke free units for residences developed with City housing funds is introduced on May 6.

Fiscal Impact

There is no fiscal impact associated with the City Council's approval of the attached resolution. The resolution is non-binding and the City would not be in a position to enforce any action associated with the percentage of smoke free units.

Public Contact

Posting of the City Council agenda. A copy of the agenda and report was provided to Yolo County Tobacco Education Coordinator Steven Jensen and Cory Koehler of the Rental Housing Association of the Sacramento Valley.

Alternative Courses of Action

1. Approve Resolution No. ____ supporting Landlords and Property Managers of Multi Family Housing to designate a minimum of 50% of existing rental units as non-smoking and to provide appropriate locations on the property for smoking as described herein.
2. Direct staff to modify the resolution.
3. Cease further consideration of a resolution to designate a percentage of Multi Family Housing rental units as smoke free.

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Multi Family Rental Units

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Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

Mark G. Deven
City Manager

Attachment No. 1: Resolution No. _____

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
ENCOURAGING LANDLORDS AND PROPERTY MANAGERS
OF MULTI-UNIT HOUSING TO DESIGNATE AT LEAST 50% OF
EXISTING RENTAL UNITS AS NON-SMOKING AND TO PROVIDE
APPROPRIATE LOCATIONS ON THE PROPERTY FOR SMOKING**

WHEREAS, the City of Woodland has been a leader in protecting its citizens by enacting measures for tobacco control; and

WHEREAS, the California Air Resources Board declared Secondhand Smoke a Toxic Air Contaminant in 2006; and

WHEREAS, tobacco use and exposure to secondhand smoke impose great social and economic costs; and

WHEREAS, most Californians do not smoke and a majority favor limitations on smoking in multi-unit residences; and

WHEREAS, State law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke; and

WHEREAS, restrictions on indoor smoking motivate smokers to quit and help former smokers remain smoke-free; and

WHEREAS, designation of an outdoor location for smoking on the property would prevent unwelcome smoking-related activity on neighboring properties.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City of Woodland encourages landlords and property managers of multi-unit rental housing to protect the health of residents by designating at least 50% of existing units as non-smoking, including private patios and balconies, and to provide appropriate locations on the property for smoking.

SECTION 2. The City of Woodland supports landlords and property managers who create entirely smoke-free buildings within a multi-unit housing complex.

SECTION 3. The City of Woodland will publicly recognize those landlords and property managers who choose to designate at least 50% of existing units as non-smoking, or who create entirely smoke-free buildings within a multi-unit housing complex, and who provide appropriate locations on the property for smoking.

PASSED AND ADOPTED this 15th day of April, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Flory, Mayor

ATTEST:

Sue Vannucci, City Clerk

APPROVED AS TO FORM:

Ann M. Siprelle, City Attorney