

# Millbrae City Council

Tuesday, June 25, 2019

## Multi-Unit Residential Housing and Outdoor Smoking Regulations



# Background

- Proposition 99 in 1988, California Tobacco Tax and Health Protection Act
- 1989 County established Tobacco Prevention Program (TPP)
- 2014-2017 Program Goals of TPP
  - Reduce exposure to secondhand smoke by implementing smoke-free multiunit housing policies

# Background

- Proposition 56 in 2016, California Healthcare, Research and Prevention Tobacco Tax Act which increased the excise taxes on tobacco products, including e-cigarettes, by \$2.
  - \$150,000 in FY 2016-2017 to \$784,000 in FY 2017-2018
  - To educate and assist local communities

# Background

- 2017-2018 San Mateo County Grand Jury issued a report, "Smoke-Free Multiunit Housing: NO IFS, ANDS, OR BUTTS."
- Recommended cities that have not adopted an ordinance prohibiting smoking in multi-unit developments, consider restricting smoking in multi-unit housing, due to the negative and harmful impacts associated with second hand smoke

# Background

GRAND JURY-July 26, 2018

- The City of Millbrae currently does not have an ordinance prohibiting smoking in multi-unit residential developments.
- As part of the City Council Fiscal Year 2019-2020 goal setting process, the City Council adopted as one of their goals, preparation and adoption of an ordinance regulating smoking in multifamily dwelling units.
- Municipalities within San Mateo County have adopted smoking ordinances include: Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, San Mateo, South San Francisco, San Carlos, and the County for unincorporated areas.

# Proposed Ordinance

- 5.95.25 PROHIBITION OF SMOKING IN MULTI- UNIT RESIDENCES.
  - Provisions A through F
  - A. Prohibit smoking inside multi-family units, as defined
    - Leases signed prior to August 1, 2019 exempt until July 31, 2020 (or termination of lease)
  - B. Prohibited in any enclosed or unenclosed common area, as defined
  - C. Prohibited within 40 feet of any unit or common area
  - D. Prohibited within 40 feet of any service area of any unit or common area

# Proposed Ordinance

- 5.95.25 PROHIBITION OF SMOKING IN MULTI- UNIT RESIDENCES.
  - E. Notice of prohibition to new leaseholders and violation is breach of the lease
  - F. Exemption for smoking of medical marijuana
    - City has received input urging smoking of medical marijuana to be treated as smoking generally and therefore subject to the newly proposed ordinance
  - Exemptions of the Ordinance for single family homes and owner occupied duplexes and triplexes.

# Council Action

- Waive the Reading Beyond the Title and Introduce Ordinance Amending Chapter 5.95 "Smoking Control" of Title 5 of the Millbrae Municipal Code to Prohibit Smoking in Multi-Unit Residential Housing and Provide for Regulating Outdoor Smoking in the Vicinity of Such Units and Outdoor Spaces.