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# California's Legislative Approach to Smokefree Housing



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*Smokefree Multi-Unit Housing Ancillary Meeting Oct. 23, 2007*

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# Voluntary policies

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## □ Pro's:



- Protects some people
- Builds support and acceptance
- Gains visibility for issue
- Educates landlords and managers that it IS legal to restrict smoking in units
- Little opposition

## □ Con's:

- Facility by facility approach
- Owner or manager can choose NOT to enforce the smoking restrictions
- New owner or manager can discontinue the smokefree policy



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## An ordinance instead

- ❑ **Voluntary policies can only go so far**
  - 43% of Californians are renters<sup>1</sup> (15.7 million people)
- ❑ **Existing laws do not address this problem**
  - State smokefree workplace law
  - Landlord/tenant laws
- ❑ **A local smokefree housing law instead!**
  - Widespread application
  - Designed to specifically solve the problem
  - Long-term policy solution
  - Social norm change

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<sup>1</sup> U.S. Census Data (2000)

# Initial strategy...

- ❑ **Laws to create smokefree common areas, then nonsmoking units later**
  - Good first step
  - Won't affect someone's home
  - Dozens of communities already prohibit smoking in indoor common areas
- ❑ **Public support**
  - 67% of tenants and owners/managers support a law making outdoor common areas non-smoking<sup>1</sup>
- ❑ **Results**
  - 10 local laws restricting smoking in indoor and outdoor common areas<sup>2</sup>



<sup>1</sup>Center for Tobacco Policy and Organizing surveys of renters (2004) and apartment owners and managers (2005)

<sup>2</sup>ANR Foundation Local Tobacco Control Ordinance Database (7/07)

# Rethinking the strategy

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## □ Unintended consequence

- Drove people who smoke back indoors to expose family members and cause smoke to drift between units

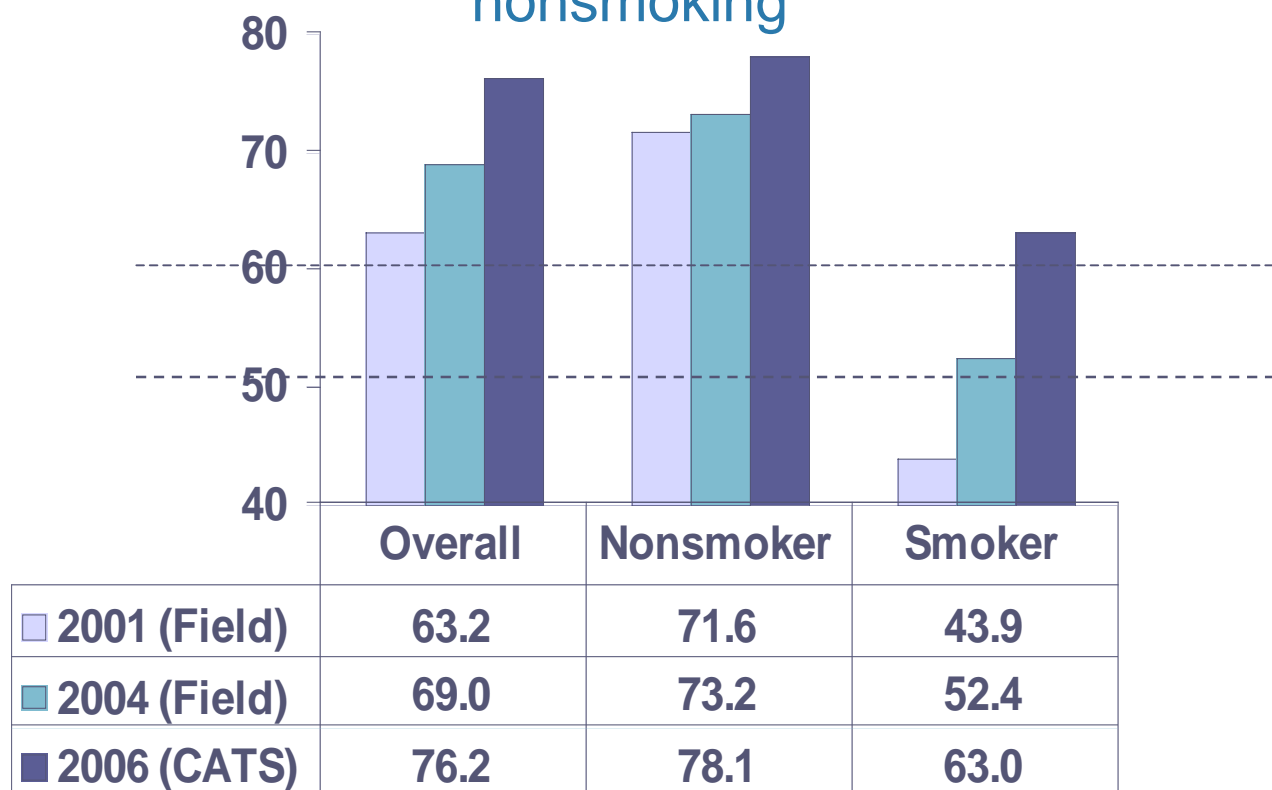
## ALSO

## □ Didn't factor in public acceptance of smokefree units

- Majority of landlords and tenants support laws requiring apartment buildings to create nonsmoking sections
  - 57% of apartment owners & managers<sup>1</sup>
  - 69% of CA renters<sup>2</sup>
  - 60% of Latino Renters<sup>3</sup>

# Changing attitudes about smokefree multi-unit housing\*

Apartment complexes should make at least 50% of rental units nonsmoking



\*Note: This table consists of data compiled from different surveys with varied survey methodologies.  
Prepared by: California Department of Public Health, Tobacco Control Section, July 2007

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# Revised approach

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- **NEW policy priority...UNITS!**
  - Go for what we want
  - Ask for a high percentage of nonsmoking units (start at 100% and then decrease)
  - Include as part of the package
    - Smokefree common areas
    - Disclosure of location of smoking and nonsmoking units
  - Variety of enforcement options
    - Local government
    - Nonsmoking tenants
    - Landlords

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# Smokefree housing law

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## □ Pro's:

- Widespread application – can potentially include all multi-family housing
- Provides various enforcement options
- Long-term policy solution
- Social norm change

## □ Con's:

- There is likely to be significant and strong opposition
- There is likely to be significant and strong opposition







# Results

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## □ City of Belmont

- No smoking in 100% of multi-unit housing that share common floors and/or ceilings (apts. and condos)
  - 14 month phase in for current occupants who smoke
  - Smokefree common areas, designated outdoor smoking area
- New no-smoking lease terms required
  - Tenants can enforce no smoking lease terms

**San Francisco**

ARTICLE  
**Chronicle**

**Belmont: Anti-smokers'  
heaven or 'evil place'?**

Wednesday, October 10, 2007

**Los Angeles Times**

EDITORIAL

**Lighten up on smoking bans  
Anti-smoking measures cross the line  
when they invade our living rooms.**

January 30, 2007

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# Results (cont.)

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## □ City of Oakland

- **Proposed but not adopted:** No smoking in 100% of new multi-unit housing (apts. and condos)
- Smokefree common areas, designated outdoor smoking area (apts. and condos)
- Disclosure (apts. and condos)
  - Whether smoking allowed in unit
  - Which units are smoking (apts.)
  - What is the smoking policy

Oakland  
Tribune

Letter to the Editor

**Secondhand Smoke Ordinance:  
Nanny-state Law**

Sept. 10, 2007

Oakland  
Tribune

Letter to the Editor

**Council ignores violence to  
focus on smoking**

Sept. 10, 2007

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# Results (cont.)

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- **City of Calabasas** (Proposed—next hearing 11/14)
  - No smoking in 100% of new multi-unit housing (apts. and condos)
  - No smoking in 100% of existing apts., but exempts current tenants who smoke
  - Smokefree common areas, designated outdoor smoking area (apts. and condos)
  - No-smoking lease terms
  - Disclosure of smoking units (apts. and condos)

LA Daily  
News

ARTICLE

**Smokers face more restrictions**

Oct. 4, 2007

cbs2

TV STORY

**Calabasas may snuff out  
smoking in private homes**

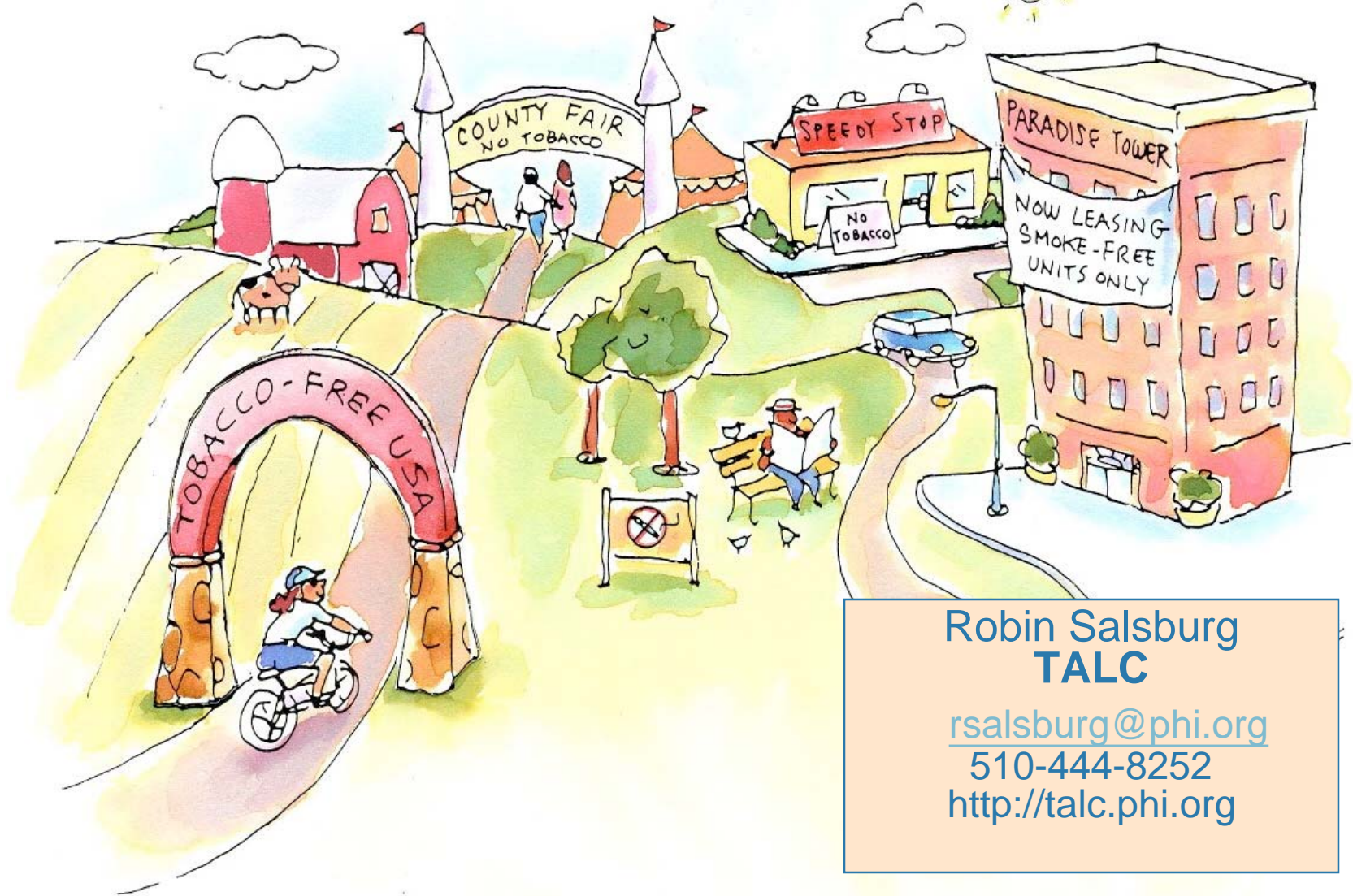
Oct. 4, 2007

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# Discussion: What do you think?

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