



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: February 15, 2012

REPORT
NO:

ATTENTION: Honorable Councilmembers and City Attorney Jan Goldsmith

REQUESTED ACTION: Direct the City Attorney's office to provide a legal opinion within 90 days on the submitted draft language addressing secondhand smoke as a nuisance in multi-family properties and to review other municipal ordinances which ban smoking in multi-family properties.

SUMMARY:

On May 13, 2009, the Social Advocates for Youth (SAY) San Diego provided a presentation before PS&NS on non-smoking housing options for San Diego renters. The committee did not take action on the item, but requested a task force be formed with the directive to research similar non-smoking ordinances in other cities and report the results to the Committee. Established as the San Diego Smoke-Free Housing Task Force, the body comprises various stakeholder groups including: the Social Advocates for Youth, San Diego County Apartment Association, California Apartment Association, San Diego Housing Federation, American Lung Association, Tenants Legal Center, Communities Against Substance Abuse, Environmental Health Coalition, the Associate Professor of Epidemiology, Department of Family and Preventive Medicine and individuals representing renters/tenants.

In January of 2010, the Task Force submitted draft language for a proposed non-smoking ordinance to the office of Councilmember Emerald. The Councilmember requested the City Attorney's office review the draft language. On October 24, 2011, the City Attorney's office submitted a Memorandum in response.

The Task Force subsequently reconvened to review the City Attorney's response and made revisions to the proposed draft language. On February 1, 2012, the Task Force voted to approve the draft Secondhand Smoke as Nuisance in Multi-Housing Communities Ordinance. It should be noted that two stakeholders, the San Diego County Apartment Association and the California Apartment Association, expressed opposition to the proposed draft language.

FISCAL CONSIDERATIONS: None at this time

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

PS&NS: On May 13, 2009 -Social Advocates for Youth (SAY) made a presentation on NON-SMOKING HOUSING OPTIONS FOR SAN DIEGO RENTERS

KEY STAKEHOLDERS AND PROJECTED IMPACTS: Tenants and landlords of multi-family properties.

M. Wallace

Originating Department

Attachments(s): Copy of draft language developed by the San Diego Smoke-Free Housing Task Force