



SMOKE-FREE MULTI-UNIT HOUSING

Community & Economic Development Department
Code Enforcement Division

City Council
April 26, 2022

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BACKGROUND

What is a smoke-free multi-unit housing policy?

1. Local laws that regulate smoking in residential units with shared walls

Who adopted a smoke-free multi-unit housing code?

1. According to Riverside University Health System, more than 100 cities in California.
2. Local cities include, Jurupa Valley, Loma Linda, Temecula, Irvine, Dana Point, Culver City, Laguna Beach, Pasadena, etc.

Why adopt a smoke-free multi-housing policy?

1. Secondhand smoke is toxic and travels between residential units
2. Chemicals found in smoke are present in air, carpet, drapes, toys, and furniture for months.
3. RUHS reports 93% of multi-unit housing residents are non-smokers.
4. 84% of residents prefer a smoke free complex.



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BACKGROUND

What does Riverside currently do about smoking?

1. RMC 6.23 prohibits smoking in public places and states:

"It is unlawful for any person to smoke or to dispose of any lighted match or cigarette, cigar ashes or any flaming or glowing substance in any public place including any place within the city, public or private, that is open to the general public regardless of any fee or age requirement, including for example, city buildings, facilities, parks and community centers, bars, restaurants, stores, stadiums, service areas such as gas stations or ATM lines, playgrounds, taxi, bus or public transit stops."



2. Riverside does not currently regulate smoking in multi-unit housing.



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DISCUSSION

Safety, Wellness, and Youth Committee Meetings and Outcomes

1. May 19, 2021 - Committee unanimously supported concept of a Smoke-free Multi-unit Housing Ordinance and directed staff to bring back a draft ordinance.
2. Oct 20, 2021 – Committee directed staff to address additional questions and return to Committee
3. Feb 16, 2022 – Committee unanimously supported proposed ordinance and directed staff to bring ordinance to City Council for consideration.



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DISCUSSION

Proposed ordinance would:

- 1) Apply to all tobacco products, e-cigs and marijuana
- 2) Apply to non-owner-occupied multi-family housing except condos/townhomes/homes in single family zoned areas/hotels/motels
- 3) Require "No Smoking" signs be posted throughout property
- 4) Require new and renegotiated leases to include no smoking requirements
- 5) Allow for creation of designated smoking areas 25' from play areas
- 6) Create framework for landlords to enforce through private civil action



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DISCUSSION

Authority to pass such laws

- 1) Police powers granted by Article XI, section 7 of the California Constitution
- 2) Based on public health, safety, morals or general welfare
- 3) Ca Health and Safety Code 11362.3 (a)(2) prohibits smoking MJ wherever regular tobacco is prohibited



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DISCUSSION

Enforcement

RMC 1,17 authorizes the City to utilize administrative code enforcement remedies for all violations of the municipal code

- 1) Notices of Violations (warnings)
- 2) Administrative Citations (\$100/\$200/\$500)
- 3) Administrative Civil Penalties (up to \$1000/day)

The proposed chapter further expands enforcement authority by empowering private landlords and owners to bring a civil action against any person violating the provisions of this Chapter.



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DISCUSSION

Outreach regarding this item has included:

1. Public Discussion at three Committee meetings.
2. Engagement with advocate groups and public health experts as well as involved citizens.
3. Outreach to 14 local agencies regarding their ordinances.
4. Engagement with the Chamber of Commerce who also conducted independent outreach with the community.
5. Coordination with City Council Members regarding their constituent's feedback and perspectives.



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STRATEGIC PLAN ALIGNMENT

Envision Riverside 2025 Strategic Plan Priorities



#2 Community Well-being

Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability &
Resiliency



Equity



Innovation



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COMMITTEE RECOMMENDATIONS

Following discussion by the Safety, Wellness, and Youth Committee, it was moved by Member Plascencia and seconded by Chair Perry to:

1. Receive and file a report on smoke-free multi-unit housing policies; and
2. Recommend that the City Council adopt the proposed ordinance to regulate smoke-free multi-unit housing in the City of Riverside.

The motion carried unanimously.



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RECOMMENDATIONS

That the City Council:

Approve and adopt an ordinance, Riverside Municipal Code Chapter 6.27 – Smoke-Free Multi-Unit Housing, to regulate smoking in multi-unit housing throughout the City.



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