



California Apartment Association

980 Ninth Street, Suite 1430
Sacramento, CA 95814
800.967.4222 ■ caanet.org

December 10, 2014

Erin Morris
Senior Planner
Community Development Department
City of Santa Rosa
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

RE: Draft Ordinance Regulating Smoking in Multi-Unit Housing

Dear Ms. Morris:

The California Apartment Association which represents owners and managers of rental housing across California commends the City of Santa Rosa's efforts to protect citizens from second hand smoke and promote public health.

In reviewing the proposed ordinance to regulate smoking and curtail the effects of second hand smoke, we respectfully request you consider the amendments outlined in this letter before moving forward with a final recommendation to the City Council. CAA is deeply concerned about the proposed ordinance as currently drafted and opposes the City Council moving forward with an ordinance unless the amendments as outlined below are incorporated.

These recommendations address our most significant concerns with the draft dated October 15, 2014. They are designed to protect residents in multi-unit rental housing, offer clarity to rental property owners and managers, and provide a level of consistency with similar ordinances in California.

9-20.080 Landlord compliance with smoking prohibition in multifamily residences

The proposed ordinance appears to place the enforcement burden on rental property owners. Under the proposal, rental property owners will be forced to investigate potential violations. Such a situation appears contrary to State law which is designed to protect a resident's privacy and prevent property owners from over-regulating the rights and behavior of their residents. It is unclear how property owners would determine if a tenant is smoking in their unit, and the term "appropriate steps" is vague at best. Property owners are prohibited from entering a unit except in the case of an emergency or when advanced notice has been provided to the resident.

CAA strongly encourages that this section be revised as follows:

- (A) Every landlord of a multi family residence, as defined in this chapter, shall at a minimum include in every lease or rental agreement executed after the effective date of this section the following:

1. A clause stating that Smoking is prohibited in the Unit;
2. A clause stating that it is a material breach of the lease or agreement to
 - a. Violate any law regulating Smoking while on the premises;
 - b. Smoke in violation of a non-smoking lease term, such as smoking in a non-smoking Unit;
 - c. Smoke in any Multi-Unit Residence Common Area in which Smoking is prohibited
3. A clause stating that all lawful occupants of the Multi-Unit Residence are express third-party beneficiaries of the above required clauses.

(B) A tenant who breaches the Smoking regulations of a lease or knowingly allows another person to do so shall be liable to: (i) the Landlord; and (ii) to any lawful occupant of the Multi-Unit Residence who is exposed to secondhand smoke as a result of that breach. A Landlord shall not be liable to any person or government enforcement agent for a tenant's breach of Smoking regulations if the Landlord has fully complied with subsection (A) above and posted signs as noted in 9-20.130

(C) A unit shall not be subject to the smoking restrictions in this section until fourteen (14) months after the effective date of this chapter, or until the legal occupants on the effective date of this chapter vacate the unit, whichever occurs first.

(D) Failure to enforce any Smoking regulation of a lease or agreement on one or more occasions shall not constitute a waiver of the lease or agreement provisions required by this ordinance and shall not prevent future enforcement of any such Smoking regulation on another occasion.

9-20.130 Posting of signs

CAA suggests minor modifications to 9-20.130(A). The language below makes the signage requirement consistent with other cities and counties across California. It also removes the requirement to include the distance limitations in the signs as this would require rental owners to procure custom signs that are often expensive and CAA is not aware of cities with such a strict requirement. CAA would suggest modifying 9-20.130(A) as follows:

"No smoking" signs with letters of not less than one inch in height, or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted at every enclosed building and unenclosed area where smoking is prohibited by this Chapter or other law and would not be required inside every unit of a multi-unit residence. Such signs shall be maintained by the person or persons with legal control over the common areas. The absence of signs shall not be a defense to a violation of any provision of this Chapter.

9-20.10 Violations, penalties and enforcement

To provide consistency with the enforcement and liability provisions of similar ordinances in California and to assign responsibility for enforcement and penalties to the appropriate parties, it is suggested that this section include clear liability protection for rental property owners and assign enforcement responsibility with law enforcement NOT civilian business owners. Under the suggested provisions below, rental owners would be responsible to inform violators they are aware of but are not responsible to enforce the provisions of this chapter and shall not be responsible for fines and penalties provided they have made a good faith effort to comply with the suggested compliance requirements of this chapter.

- (A) It is unlawful for any person who owns, manages, or otherwise controls the use of any premises subject to the regulation under this chapter to fail to comply with its provisions as noted in this chapter
- (B) It shall be the responsibility of the City Manager or his/her designee to enforce the provisions of this chapter.
- (C) Any owner, manager, operator or employer of any establishment subject to this chapter shall have the responsibility to inform any apparent violator of the requirements of this chapter, whether public or employee, about any smoking restrictions in the establishment, and shall request voluntary compliance.
- (D) Any citizen who desires to register a complaint under this section shall do so by sending a letter to the City Manager.
- (E) Any landlord who has properly posted signs as noted in 9-20.130 and included the required lease terms as stated in 9-20.080 in accordance with this Chapter will be deemed in compliance with this ordinance. A landlord shall not be liable to any person or government agent for a tenant's breach of smoking regulations if the Landlord is deemed in compliance with this ordinance.

Effective Date

To allow adequate time for rental property owners to update lease agreements for new residents, amend common area rules, and post signs, there should be a phase-in period for multi-unit residences of at least 90 days after the Ordinance's passage and adoption.

CAA looks forward to working with you to arrive at a mutually agreeable solution to this issue. With the city's consideration and incorporation of the amendments outlined in this letter our members in Santa Rosa will be much more comfortable with this proposal moving forward in the public policy process.

We are proud of our work in other cities to develop public policy on this issue that balances the needs of the city, rental property owners, and residents. Please do not hesitate to contact me via email at jhoward@caanet.org or by phone at (408) 342-3507 if you have any questions or would like to further discuss the contents of this letter.

Sincerely,



Joshua Howard
Senior Vice President, Local
California Apartment Association

Morris, Erin

From: Kathleen O'Connor <707kath@gmail.com>
Sent: Tuesday, December 09, 2014 4:49 PM
To: Morris, Erin
Subject: Re: City Council Study Session Regarding Smoking Regulations Update - December 16, 2014 at 3:00 PM

Howdy Erin,

I would like to be a part of this process.

There is an ever-growing body of data regarding the harm reduction, small business aspects and quality of life issues regarding personal vaping devices AKA e-cigarettes.

Since I have been following and participating in this area for a couple years now, I understand where the "sticking points" are.

1. Deep concern over nicotine (addiction):

This study shows that even under extreme aerosol exposure to vapour containing USP liquid nicotine like the kind used in retail e-liquid products is not only NOT a cancerous product, but causes little physical change:

<http://www.ncbi.nlm.nih.gov/pubmed/8614291>

2. Discussion on the "renormalization" of smoking; youth and cigarettes v. youth and vaping. The perceptions v. actual. Following the money tells much of the story.

If you haven't looked into the Master Settlement Agreement, I think you may be surprised at just how much money has been given to the State. So far, I have not been able to even make a guessimate of how much has been actually spent on abatement etc. except for what has been given to groups like the Legacy Foundation.

<http://oag.ca.gov/tobacco/msa>

States were to receive over \$206 billion over 25 years:

- Up-front payments - \$12.742 billion.
- Annual Payments, beginning April 15, 2000 - \$183.177 billion through 2025.
- Strategic Contribution Fund, 2008-2017 - \$8.61 billion.
- National Foundation (\$250 million over 10 years).
- Public Education Fund (at least \$1.45 billion 2000-2003).
- State Enforcement Fund (\$50 million, one-time payment).
- National Association of Attorneys General (\$1.5 billion over next 10 years).

3. The critical difference between convenience store and major brand cig-alikes compared to open system personal vaping devices; the difference between devices for e-liquid v. other substances.

Currently, AB1500 is DOA. SB648 has been revised and the groups like BreatheCA, ALA, ACS actually voted AGAINST it at the last session.

Thank you for letting me know about the meeting, I hope I will be available for the drive over Mt St. Helena that day.

On 12/9/2014 10:25 AM, Morris, Erin wrote:

CITY OF SANTA ROSA
CITY COUNCIL STUDY SESSION REGARDING THE PROPOSED UPDATE TO THE
CITY'S SMOKING REGULATIONS

COURTESY NOTICE

The Council of the City of Santa Rosa will hold a Study Session on Tuesday, December 16, 2014 at or after 3:00 PM in the City Council Chamber, City Hall, 100 Santa Rosa Avenue, Santa Rosa. The purpose of the study session is to review the proposed update to the City's smoking regulations including the proposed draft regulations dated October 15, 2014. The Study Session is an opportunity for in-depth discussion by the Council and possible direction to staff. No action will be taken. Changes to the City's smoking regulations (Chapter 9-20 of the City Code) will be formally considered at a future public hearing; notices will be sent when the meeting date is established.

The proposal and additional information are on file in Community Development, Room 3, City Hall (100 Santa Rosa Avenue), and available for public inspection. The Department is open from 9:30 a.m. to 2:30 p.m. Monday through Thursday. You may also review the entire proposal on the City's web site at the following location: www.srcity.org/communitydev

Comments and questions may be directed to Erin Morris, Senior Planner, Community Development, City of Santa Rosa, 100 Santa Rosa Avenue, Room 3, Santa Rosa, CA 95404, telephone 707-543-3273 or e-mail: emorris@srcity.org.

Erin Morris | Senior Planner

Community Development | 100 Santa Rosa Avenue, Room 3 | Santa Rosa, CA 95404
Tel. (707) 543-3273 | Fax (707) 543-3218 | emorris@srcity.org



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Kathleen O'Connor
707.280.8570
<http://LakeOfVape.com>



Digital Ciggz
2750 Mendocino Avenue
Santa Rosa, CA 95403
(707) 843-3047

CITY OF SANTA ROSA
P.O. BOX 1678
SANTA ROSA, CA 95402

DEC 08 2014

DEPARTMENT OF
COMMUNITY DEVELOPMENT

November 20, 2014

Via PERSONAL DELIVERY

Santa Rosa City Council
Councilman John Sawyer
Councilman Tom Schwedhelm
Councilwoman Erin Carlstrom
Councilwoman Julie Combs
Councilman Ernesto Olivares
Councilman Chris Coursey
Councilman Gary Wysocky

&

Ms. Erin Morris, Senior Planner
City of Santa Rosa
Community Development Dept.
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

Re: City of Santa Rosa Smoking Regulations Update to Chapter 9-20

To The Distinguished Members of the Santa Rosa City Council:

I, Jeff Scheimer, am deeply concerned by the City Council's proposal to lump vapor products in with the definition of traditional combustible tobacco cigarettes, among other proposals. The proposal is based on zero scientific data, spurious and grossly-incomplete studies, and manufactured fear for the unknown effects of my electronic cigarette. Here is what I do know:

I was a miserable tobacco cigarette smoker for 20 years. I have successfully quit smoking cigarettes and have been a far-healthier and happier "vaper" for 8 (mos/yrs. Quitting smoking tobacco was one of the most difficult accomplishments of my adult life and after attempting cold-turkey, using the nicotine gum/patches, and/or medications, and *failing* – I have found tremendous success with my e-cig. When I started vaping, I began by using 24 mg strength of nicotine (a typical tobacco cigarette contains 24mg). I have proudly weaned myself down to 16 mg strength nicotine by using my e-cig. My health has increased miraculously. And most importantly, my loved ones applaud my quitting cigarettes and enjoy my company so much more now that I'm not exhaling deadly toxins into their air.

I respectfully urge you to strongly consider the success I have enjoyed – as well as the other 10,000+ residents of Santa Rosa – with my electronic cigarette, and the supporting scientific and medical evidence when arriving at your final decision to regulate these products.

Very Truly Yours,



Digital Ciggz
2750 Mendocino Avenue
Santa Rosa, CA 95403
(707) 843-3047

CITY OF SANTA ROSA
P.O. BOX 1678
SANTA ROSA, CA 95402

DEC 08 2014

DEPARTMENT OF
COMMUNITY DEVELOPMENT

November 20, 2014

Via PERSONAL DELIVERY

Santa Rosa City Council
Councilman John Sawyer
Councilman Tom Schwedhelm
Councilwoman Erin Carlstrom
Councilwoman Julie Combs
Councilman Ernesto Olivares
Councilman Chris Coursey
Councilman Gary Wysocky

&

Ms. Erin Morris, Senior Planner
City of Santa Rosa
Community Development Dept.
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

Re: City of Santa Rosa Smoking Regulations Update to Chapter 9-20

To The Distinguished Members of the Santa Rosa City Council:

I, Brandi Scheimer, am deeply concerned by the City Council's proposal to lump vapor products in with the definition of traditional combustible tobacco cigarettes, among other proposals. The proposal is based on zero scientific data, spurious and grossly-incomplete studies, and manufactured fear for the unknown effects of my electronic cigarette. Here is what I do know:

I was a miserable tobacco cigarette smoker for 20 years. I have successfully quit smoking cigarettes and have been a far-healthier and happier "vaper" for 8 mos/yrs. Quitting smoking tobacco was one of the most difficult accomplishments of my adult life and after attempting cold-turkey, using the nicotine gum/patches, and/or medications, and *failing* -- I have found tremendous success with my e-cig. When I started vaping, I began by using 24 mg strength of nicotine (a typical tobacco cigarette contains 24mg). I have proudly weaned myself down to 6 mg strength nicotine by using my e-cig. My health has increased miraculously. And most importantly, my loved ones applaud my quitting cigarettes and enjoy my company so much more now that I'm not exhaling deadly toxins into their air.

I respectfully urge you to strongly consider the success I have enjoyed -- as well as the other 10,000+ residents of Santa Rosa -- with my electronic cigarette, and the supporting scientific and medical evidence when arriving at your final decision to regulate these products.

Very Truly Yours,

Brandi Scheimer



Digital Ciggz
2750 Mendocino Avenue
Santa Rosa, CA 95403
(707) 843-3047

CITY OF SANTA ROSA
100 SANTA ROSA AVE., STE 5
SANTA ROSA, CA 95404

DEC 08 2014

DEPARTMENT OF
COMMUNITY DEVELOPMENT
PLANNING DIVISION

September 23, 2014

Via PERSONAL DELIVERY

Santa Rosa City Council
Mayor Scott P. Bartley
Vice Mayor Robin Swinth
Councilwoman Erin Carlstrom
Councilwoman Julie Combs
Councilman Ernesto Olivares
Councilman Jake Ours
Councilman Gary Wysocky

&

Ms. Erin Morris, Senior Planner
City of Santa Rosa
Community Development Dept.
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404

Re: City of Santa Rosa Smoking Regulations Update to Chapter 9-20

To The Distinguished Members of the Santa Rosa City Council:

I, Shawn Coleman-Smith, am deeply concerned by the City Council's proposal to lump vapor products in with the definition of traditional combustible tobacco cigarettes, among other proposals. The proposal is based on zero scientific data, spurious and grossly-incomplete studies, and manufactured fear for the unknown effects of my electronic cigarette. Here is what I do know:

I was a miserable tobacco cigarette smoker for 20 years. I have successfully quit smoking cigarettes and have been a far-healthier and happier "vaper" for 7/8 mos/yrs. Quitting smoking tobacco was one of the most difficult accomplishments of my adult life and after attempting cold-turkey, using the nicotine gum/patches, and/or medications, and *failing* – I have found tremendous success with my e-cig. When I started vaping, I began by using 24 mg strength of nicotine (a typical tobacco cigarette contains 24mg). I have proudly weaned myself down to 12 mg strength nicotine by using my e-cig. My health has increased miraculously. And most importantly, my loved ones applaud my quitting cigarettes and enjoy my company so much more now that I'm not exhaling deadly toxins into their air.

I respectfully urge you to strongly consider the success I have enjoyed – as well as the other 10,000+ residents of Santa Rosa – with my electronic cigarette, and the supporting scientific and medical evidence when arriving at your final decision to regulate these products.

Very Truly Yours,

Shawn Coleman-Smith

Morris, Erin

From: Nancy Pullen <NPullen@caanet.org>
Sent: Monday, December 08, 2014 4:19 PM
To: Morris, Erin
Cc: Joshua Howard
Subject: RE: Santa Rosa Proposed Smoking Ordinance Revisions
Attachments: SR Smoking Ordinance Comments.pdf

Erin,

I've attached the comments from our North Coast Rental Housing Association board member regarding the ordinance. I expect that you will receive additional feedback from Joshua Howard at California Apartment Association. Josh is the Senior VP of Local Government Affairs for CAA.

I'll see what I can locate regarding language we would recommend to address the "appropriate steps" concern.

Best regards,

Nancy Pullen
CAA/NCRHA
925.746.7131 x3635

Hello Nancy,

Following are comments regarding the current draft of the Santa Rosa smoking ordinance.

The ordinance as drafted requires property owners and managers to enforce the ordinance. In addition, it subjects owners and managers to criminal charges for the acts of third parties. Further, it is vague as to the "appropriate steps" that owners and managers should take to comply with the ordinance.

The ordinance applies to owners and managers. This would include property management companies and individual on-site managers. (9-20.030 Definition of "landlord.")

Landlords including owners, property management companies and on-site managers are enforcers of the ordinance. (9-20.808(B).) They are required to take "appropriate steps to ensure tenant compliance with this chapter." The term "appropriate steps" is vague and needs to be defined in the ordinance. As drafted, the vague language is particularly problematic in situations where one tenant accuses another of smoking and the suspected smoker denies smoking. A tenant is entitled to 24 hour notice of entry into a unit which is plenty of time to air the unit out before a manager can enter and give the unit a "sniff test." How are the owners and managers to determine which tenant is telling the truth.

Further, this opens the door to disgruntled tenants filing civil suits against the owners and individual managers for either failing to take "appropriate steps" or, in the alternative, for taking "appropriate steps" against an accused tenant who denies he or she is smoking in the unit.

In addition, Section 9-20.150 subjects owners and managers to criminal charges for failing to take "appropriate steps." Subpart (A) makes it unlawful for the owners and managers to "fail to comply with" the provisions of this chapter. Subpart (C) provides that any person who violates any provision of this chapter SHALL be guilty of an infraction. Subpart (D) provides that any person who violates any provision of this article more than three times in one year SHALL be deemed guilty of a misdemeanor. Subpart (E) states that each day a violation continues is a separate violation. Therefore, any owner or manager who fails to "take appropriate steps" or, worse, takes some steps that are determined not to meet the vague standard of "appropriate steps," for more than three days SHALL be guilty of a misdemeanor. A property owner or manager should not be subject to criminal charges for the acts of a third party.

The criminal charges would also apply to any owner or manager who fails to include the required language in their leases or rental agreements. On day four of such failure, the owner or manager SHALL "be deemed guilty of a misdemeanor."

This ordinance needs to put enforcement of the ordinance on law enforcement officers who have police powers not available to owners and managers. It also needs to define exactly what "appropriate steps" should be taken by the owners and managers. In addition, it needs to exempt owners and managers from criminal charges.

-Linda Ryan
NCRHA
Board Member
(707) 568-7700

The above is not legal advice and should not be relied upon as legal advice. You should consult with an attorney of your choice for individualized advice regarding your own unique situation. No attorney-client relationship is formed between Linda Ryan and you by receipt of and/or viewing the above e-mail communication.

Breathe Easy Sonoma County: smoke-free apartment living for everyone

Jay Macedo, Tobacco Prevention Coordinator

Summary

As an established leader in protecting against exposure to secondhand smoke (SHS), California has witnessed a sea change in people's unwillingness to breathe SHS. While state laws have contributed to decreased smoking rates, with fewer places to smoke, the home is now the place that poses the greatest risk of exposure to SHS. Fortunately, as information on the harmful effects of SHS become well known—SHS travels through walls and shared ventilations systems in multi-unit housing (MUH) at harmful levels—the general public is becoming more incensed about SHS exposure in and around the home. In response, three Sonoma County cities and the Sonoma County have shown leadership by passing smoke-free MUH ordinances, and several more are queued up to join them.

Challenge

SHS exposure causes serious disease and death, with an estimated 443,000 people who die prematurely from smoking or exposure to secondhand smoke nationally. With approximately 20% of Sonoma County's residents living in MUH situations, policies regulating SHS in these environments can go a long way in protecting people from unwanted and harmful exposure. Furthermore, given Sonoma County's high cost of housing and short supply of affordable housing, the burden of SHS exposure disproportionately falls on the young, elderly and low income families, which often have young children, so these policies protect our most vulnerable residents.

Solution

In order to support the passing, implementation and compliance of smoke-free (SF) MUH policies, County staff and the Coalition for a Tobacco-Free Sonoma County played an integral role. An advisory body of SF MUH stakeholders (e.g., government, policymakers, housing associations, legal assistance, fire department, owners/operators, city planners, tenants) was formed to provide support and education, such as policy implementation trainings, technical assistance to policymakers and staff, and an educational materials resource website. Finally, the advisory body conducted pre/post-policy observations of MUH properties and then provided onsite resources, training and technical assistance to operators and tenants.



Your Involvement is Key

Do you or a loved one reside in a multi-unit housing property without a 100% smoke-free policy in place? For more information on smoke-free policies and what you can do, visit www.sonomacounty.org/breatheeasy.

Do you want to be involved in advancing smoke-free protections for Sonoma County residents? Join the Coalition for a Tobacco-Free Sonoma County and call (707) 565-6680 for more information.

Results

The advisory group has thus far completed pre-observational surveys of the MUH properties to see how many have fully implemented and are in compliance with the smoke-free policies. Based on the results of the pre-policy observations, the advisory group provided onsite resources, training and technical assistance to operators and tenants. Post-policy observations will be conducted in August, 2014. During one of the observations at Cypress Ridge Apartments, a Burbank Affordable Housing site, the resident manager, Danielle Nunez, shared her experiences implementing smoke-free protections at her site. "Many of our tenants support a smoke-free Burbank Housing community so their families can enjoy being outside of their apartments, it brings neighbors together when they can enjoy being outside free of smoke."

Contact

Jay Macedo

Sonoma County Department of Health Services
490 Mendocino Ave, Suite 101
Santa Rosa, CA 95401
707-565-6680 phone
<http://www.sonoma-county.org/breatheeasy/>

"All people, regardless of age, ability level, economic situation or any other factor, have the right to live in a safe home, free of secondhand smoke. No one should have to sacrifice their health to live in the home they want or can afford ..."

- Supervisor Shirlee Zane, Third District

Sustainable Success

With support, education, and technical assistance, owners/operators can provide a cleaner, safer, and healthier environment for their residents. The norms are shifting and people are beginning to see that breathing clean air is a right, not a privilege, especially in the sanctuary of their own home. And, this thinking is what we need to maintain momentum in order for other cities to adopt SF MUH policies.



Made Possible By

This initiative aligns with Health Action, Sonoma County's collaborative effort to improve the health and health equity of all residents, and is funded by the Center for Disease Control and Prevention's (CDC) Community Transformation Grant (CTG) to improve the health of small communities across the nation.

Morris, Erin

From: Griffin, Terri
Sent: Wednesday, December 03, 2014 7:34 AM
To: Morris, Erin
Cc: Griffin, Terri
Subject: FW: Smoking in Multi-Family Apartment Complexes

Hi Erin,

This was received by the Council last night.

Terri

Terri A. Griffin | City Clerk

City Clerk's Office | 100 Santa Rosa Avenue, Room 10 | Santa Rosa, CA 95404
Tel. (707) 543-3015 | Fax (707) 543-3030 | CityClerk@srcity.org



From: Pamela McGhee [mailto:pamelaimcgee@gmail.com]
Sent: Tuesday, December 02, 2014 7:10 PM
To: _CityCouncilListPublic
Subject: Smoking in Multi-Family Apartment Complexes

Dear Sirs/Mss:

I have been highly sensitive to second hand smoke (SHS) all of my life. There were many places that I couldn't go in my younger years because smoking was allowed in public places, businesses, and people's homes. I either couldn't go at all or I had to leave as soon as I detected smoke. Many times we went into restaurants where patrons were smoking and we would have to leave hungry because I started getting sick because of the smoke.

These days, I'm glad to say, I am able to go into most any business without being threatened and endangered by the SHS in the building. But the last bastion of smoking is also the most personal and individual place; where we live. I now live in an apartment complex that opened here in Santa Rosa seven years ago. I live at the Terracina at Santa Rosa smoke-free apartment complex at 471 West College Ave. All tenants are required to sign a lease addendum that they will not smoke in their units or on the property. It has been so much more pleasant and secure-feeling knowing that the apartments were new, with no old smoke smells, and that it was advertised as smoke-free. It has been wonderful to be smoke-free, I won't run into people smoking in the breezeways, in the car ports, or on the property. I can move freely without extra caution where ever I need to be on the property.

I want to be sure that all of you Santa Rosa City Council Members know that there are so many citizens living in this community that need your protection against second hand smoke, especially in the multi-family apartment complexes.

As an example, to show how the SHS can seep into any crack, break, or opening in attics in old buildings, and through the heating/air conditioning ducts even in new buildings, I am now having to struggle with someone in

my building that is smoking, and the smoke is coming into my apartment and making me sick. I have notified the community manager and the property management company. I keep a journal of the times that I smell fresh, strong SHS coming into my apartment. It is very nerve-wracking, stressful, and sickening even during the early morning hours.

Even though we have 99 units on this property there is only a daytime manager, from 9:00 to 5:00 PM. The only thing the management will do if they can't find the smoker themselves is to release a "reminder" that Terracina is a smoke-free community. They often can't come to smell the smoke when I detect it, or their smelling powers aren't as sensitive as mine. Also they don't have anyone to come and smell the smoke themselves at "off" hours or days, and their "security" service, NorCal Courtesy Services won't get involved. So even though I am quite sure I know the smoke is coming from my upstairs neighbor's apartment, the management won't do anything more. So I suffer every day and every night from second hand smoke coming into my apartment through ducting or some other avenue.

I tell you this because as you study the laws and ordinances on banning cigarette smoking that other cities have instituted, please give serious thought as to what kind of legal support you can give to landowners and property managers that will give them the right to make searches of apartments where it is likely that smoke will be. Perhaps additional language in the lease addendum where the tenant gives the property managers the right to categorize the presence of second hand smoke as an emergency situation that will allow the landowners/property managers to search and inspect apartments as soon as second hand smoke is reported to them.

I have been most happy to speak to the towns of Windsor and Cotati when they were considering their ordinances that they have passed that ban cigarette smoking in multi-family complexes within their city limits. I am sure that you know that Sonoma County has recently enacted a no smoking law in the areas where they hold jurisdiction, as well. I have heard that there is a CA state member who is soon to introduce a state ban against smoking in multi-family apartments. So you are certainly within the time frame with all your surrounding local governments.

When you consider your ordinance against SHS please keep in mind what tools you can give to landowners, property managers, and individual tenants who have someone close by who refuses to pay regard to the simple banning of smoking. For some people laws are only as good as the "teeth" they are given to be enforced.

Thank you

Pamela McGhee
471 West College Ave. #110
Santa Rosa, CA 95401
707-525-8613

Morris, Erin

From: Pam Granger <Pam.Granger@lung.org>
Sent: Monday, December 01, 2014 8:13 PM
To: _CityCouncilListPublic
Cc: Morris, Erin
Subject: FW: E-Cigarette Brochure from CTCP
Attachments: E_Cigs_Brochure_English 102914.pdf; E_Cigs_Brochure_Spanish 102914.pdf

Dear Mayor Bartley and Santa Rosa City Council Members,

I am hoping that you all were able to spend some quality time with family and friends over this past few days.

As you know, there is a study session coming up on Dec. 16 regarding an update to the Santa Rosa tobacco control policy. I'm confident the discussion will include the merits of regulating electronic cigarettes and other e-products, sometimes referred to as electronic nicotine devices (ENDS), as tobacco products. I thought you would be interested in the brochure that was just released by the California tobacco Control Program (CTCP) titled ***Protect Your Family From E-Cigarettes, The Facts You Need to Know***. (Attached and linked below)

CTCP supports regulating electronic cigarettes as tobacco products which reinforces the current draft language.

I look forward to seeing you soon,

Pam

Pam Granger | Senior Advocacy Manager - North Coast
American Lung Association in California
(707) 775-6045 office

The California Tobacco Control Program (CTCP) is pleased to announce the release of a **new educational brochure addressing electronic cigarettes** (e-cigarettes), titled ***Protect Your Family From E-Cigarettes, The Facts You Need to Know***. This brochure is targeted to parents, as well as public health/health care professionals working with parents and youth. **It is low literacy and was tested in several WIC clinics**. It is available in English and Spanish and can be found on the CDPH/CTCP website under the Environmental Exposure section:

English: http://www.cdph.ca.gov/programs/tobacco/Documents/Resources/Fact%20Sheets/E_Cigs_Brochure_English%20102914.pdf

Spanish: http://www.cdph.ca.gov/programs/tobacco/Documents/Resources/Fact%20Sheets/E_Cigs_Brochure_Spanish%20102914.pdf

Please share with appropriate partners.

Maria A. L. Jocson, MD, MPH, FAAP
Maternal, Child and Adolescent Health Division
California Department of Public Health
1615 Capitol Avenue, MS 8306, P.O. Box 997420
Sacramento, CA 95899-7420
(916) 650-0378, Fax (916) 650-0304
Maria.Jocson@cdph.ca.gov



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HOW DO I PROTECT MY FAMILY AND FRIENDS?

Nicotine is a poison. Never leave e-cigarettes or e-liquids where children can get them. Immediately call the California Poison Control System at 1-800-222-1222 if any e-liquid is swallowed, gets on the skin or in the eyes.

Never allow the use of e-cigarettes in your home. They pollute the air and are harmful to you and your family.

Pregnant and breastfeeding women, children and teens should never use e-cigarettes or be exposed to the aerosol due to the harm nicotine may cause to brain development.

Support policies that do not allow e-cigarettes to be used indoors and where children are present.

If you use e-cigarettes or other tobacco products, call for free help with quitting: 1-800-NO BUTTS (1-800-662-8887).

For more information, visit

www.cdph.ca.gov/programs/tobacco



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PROTECT YOUR FAMILY FROM E-CIGARETTES

The Facts You Need to Know



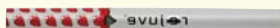
THE FACTS YOU NEED TO KNOW

WHAT ARE E-CIGARETTES?

E-cigarettes are devices that use a battery to heat a liquid nicotine solution ("e-liquid"). The heated e-liquid creates an aerosol that is breathed into the lungs.

E-cigarettes go by other names such as e-cigs, e-hookahs, hookah pens, vapes, vape pens or mods. They come in many shapes and sizes. Some can only be used once, while others can be refilled. Others have a tank which may hold large amounts of e-liquid containing nicotine, flavorings, and other chemicals.

E-cigarettes are also used to smoke illegal substances like marijuana and hash oil.



WHY ARE THEY DANGEROUS?

E-cigarettes contain nicotine and chemicals that can cause cancer, birth defects or other health problems.

E-cigarettes and e-liquids come in fruit and candy flavors that appeal to children who may taste or drink the e-liquid.

E-liquids are poisonous if swallowed, and are harmful if the liquid gets on skin or in the eyes. The e-cigarette batteries are also poisonous if swallowed.



AREN'T THEY SAFER THAN TOBACCO CIGARETTES?

E-cigarettes contain harmful chemicals, but not as many as regular cigarettes.

E-cigarettes produce an aerosol, not water vapor. The aerosol is a mixture of chemicals and small particles that can hurt the lungs just like cigarette smoke.

E-cigarettes are just as addictive as regular cigarettes.

People can become addicted to nicotine from using e-cigarettes and then may start using regular cigarettes.



DO E-CIGARETTES HELP SMOKERS QUIT?

Studies show that e-cigarettes do not help people quit smoking cigarettes. Instead, many people end up using both products.

Over-the-counter and prescription medicines are widely available and very effective at helping people quit smoking cigarettes.



ARE THEY SAFE TO SMOKE INDOORS?

No. E-cigarettes pollute the air with tiny particles that get trapped in the lungs. Just like regular cigarettes, the pollution from e-cigarettes may hurt others.



Morris, Erin

From: Evan Conklin <evanconklin@gmail.com>
Sent: Tuesday, November 25, 2014 9:44 AM
To: Morris, Erin
Subject: Proposed Smoking Regulations Update

Hello Erin Morris,

My wife and I just moved to Santa Rosa and we're excited to hear the smoking regulations are being expanded to cover more areas. We found a lovely townhouse on the East side of Santa Rosa, near Maria Carrillo High School. Our rental agreement stipulates that the facility and its property are completely non-smoking, however it's written in a way that doesn't give it much 'teeth.' It would appear that in section 9-20.070 of the public draft, the smoking ban won't take effect with existing multifamily residences until February 2016. However, it seems like the ban will take effect in common areas as soon as it is implemented.

When do you expect the effective date to be? Will it be shortly after the Dec 16th review session or is there a specific date that's been scheduled?

Also, I'm curious about the scope of the ban on smoking in 'common areas.' The public code clearly states that people are allowed to continue to smoke within their residence until February 2016. However, does that extend into the backyard or a patio of that same residence? They are still in their 'residence' while being outside, but the smoke can impact individuals in adjoining residences and possibly in common areas.

Is there a way for us to suggest the code be revised to include all outdoor areas?

Thanks for your attention to this matter.

Sincerely,

The Conklins