



SMOKE-FREE MULTIUNIT HOUSING: NO IFS, ANDS, OR BUTTS

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ISSUE

Do ordinances in jurisdictions banning smoking in multiunit housing properties protect San Mateo County residents from exposure to secondhand smoke?

SUMMARY

In the United States alone, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages over the last 50 years.¹ While California has enacted a statewide ban on smoking in enclosed workplaces,^{2, 3} the majority of secondhand smoke exposure occurs in the home. Marijuana smoke, another source of secondhand smoke, is also toxic and contains many of the same chemicals and carcinogens as tobacco smoke.⁴ Residents of multiunit properties, where smoke in one unit can pass into adjacent ones, are at significant risk of exposure to secondhand smoke.⁵ In San Mateo County (the County), there are currently almost 114,000 multiunit households,⁶ and the number is expected to grow as jurisdictions work to address increasing housing demands.⁷

In 2007, the City of Belmont passed the nation's first ordinance prohibiting smoking in multiunit housing.⁸ Since then, eight additional cities in San Mateo County, as well as the County itself (with respect to its unincorporated areas) have passed similar multiunit housing smoking ordinances.⁹

¹ *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*. Rockville, MD. 2014. U.S. Public Health Service website, accessed June 7, 2018. <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf>

² "AB-13 Fact Sheet - California Workplace Smoking Restrictions. October 1997." State of California. Department of Industrial Relations website, accessed June 7, 2018. https://www.dir.ca.gov/dosh/dosh_publications/smoking.html

³ "AB-7 Smoking in the Workplace. (2015-2016)" California Legislative Information website, accessed June 7, 2018. http://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=201520162AB7

⁴ "Marijuana and Tobacco Use, Marijuana: The Basics," California Department of Public Health website, accessed June 7, 2018.

⁵ King et al., "Secondhand Smoke Transfer in Multiunit Housing," *Nicotine & Tobacco Research*. November 2010. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3436457/pdf/ntq162.pdf>

⁶ Officials in San Mateo county jurisdictions: email messages to the Grand Jury. (See Appendix B.)

⁷ "Key Housing Trends in San Mateo County: A report by 21 Elements 2014," 21 Elements website, accessed June 7, 2018. <<http://www.21elements.com/Housing-Needs-and-Demographics/View-category.html>>

⁸ Chen, Serena. American Lung Association in California and Bay Area Smokefree Housing Project. *Belmont Case Study: Belmont, CA Secondhand Smoke/Multi-Unit Housing Ordinance*. <https://www.myctb.org/wst/healthylawrence/livewell/TobaccoFreeLiving/American%20Lung%20Association%20Advocates%20Toolbox/Module-3/Belmont-Case-Study.pdf>

⁹ Smoking Ordinances in: Belmont < https://library.municode.com/ca/belmont/codes/code_of_ordinances?nodeId=CICO_CH20.5RESM> , Brisbane < https://library.municode.com/ca/brisbane/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.46SMMUITRE> , Burlingame < http://qcode.us/codes/burlingame/view.php?topic=8-8_18> , Daly City <

Through interviews with local law and code enforcement officers, the San Mateo County Civil Grand Jury (the Grand Jury) learned that many of these jurisdictions have not adequately educated residents about their rights and obligations under multiunit housing smoking ordinances. At the time their ordinances were adopted, most of these jurisdictions conducted limited public outreach to residents, and even now, the jurisdictions' online resources detailing tenants' rights and reporting methods are difficult to access. Local officials also indicated that enforcement of their ordinances is constrained by the need to observe smoking violations in progress.¹⁰

The Tobacco Prevention Program and the Tobacco Education Coalition are the two local entities that educate residents regarding the health effects of smoking, including secondhand smoke. The Tobacco Prevention Program is a part of the County's Health System and is charged with educating the community about tobacco-related health and policy issues. The Tobacco Education Coalition is a community-based group supported by the Tobacco Prevention Program that engages in advocacy relating to reducing the public's use of and exposure to tobacco. Both organizations assist cities that are considering smoking restrictions for their multiunit housing properties. With the quadrupling of the funding allocation from the California Department of Public Health's Tobacco Control Program (from \$150,000 in FY 2016-2017 to \$748,000 in FY 2017-2018), these entities will have the opportunity to greatly expand their operations.¹¹

The Grand Jury recommends, among other actions, that:

- Jurisdictions with multiunit housing smoking ordinances take steps to improve their tracking of smoking violation complaints as well as increase their residents' awareness of their rights and obligations, thereby increasing the effectiveness of enforcement efforts;
- The Tobacco Prevention Program and Tobacco Education Coalition increase their educational outreach and support for countywide efforts to protect residents from the dangers of secondhand smoke exposure;
- Cities within San Mateo County that have not yet adopted such ordinances hold public hearings to evaluate issues and hear residents' views on adopting smoking restrictions in multiunit housing in their jurisdictions.

https://library.municode.com/ca/daly_city/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.36RESM> , Foster City < <http://www.codepublishing.com/CA/FosterCity/?FosterCity08/FosterCity0805.html>> , Redwood City < https://library.municode.com/ca/redwood_city/codes/code_of_ordinances?nodeId=CH15SMRE> , San Bruno < <https://qcode.us/codes/sanbruno/>> , City of San Mateo < http://qcode.us/codes/sanmateo/view.php?topic=7-7_40&showAll=1&frames=on> , San Mateo County < https://library.municode.com/ca/san_mateo_county/codes/code_of_ordinances?nodeId=TIT4SAHE_CH4.96SM> , and South San Francisco < http://qcode.us/codes/southsanfrancisco/view.php?topic=8-8_50&showAll=1&frames=off> accessed June 7, 2018.

¹⁰ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

¹¹ Official of the San Mateo County Health System: interview by the Grand Jury.

GLOSSARY AND ABBREVIATIONS

California Healthcare, Research and Prevention Tobacco Tax Act (Proposition 56 or Prop. 56): A 2016 California state law increasing the excise taxes on tobacco products, including e-cigarettes, by \$2.

California Tobacco Tax and Health Protection Act (Proposition 99 or Prop. 99): A 1988 California state law which created a statewide, comprehensive tobacco control program funded through a twenty-five-cent tax on tobacco products.

Electronic Smoking Devices (ESDs): Devices containing a nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco. ESDs are also used as alternatives to smoking marijuana.

Jurisdictions: The jurisdictions that have adopted multiunit housing smoking ordinances: Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, San Mateo, South San Francisco, and the County of San Mateo (for its unincorporated areas only).

Multiunit Households (MUH): A classification of housing where multiple separate housing units for residential inhabitants are contained within one building. There are currently almost 114,000 MUHs in the county.

Secondhand Smoke (SHS): The combination of smoke generated by cigarettes (or other ignited plant material for the purpose of inhalation) as well as the smoke exhaled by the smoker.

Thirdhand smoke (THS): The toxic particulate residue from smoke that clings to walls, fabrics, carpets, and other furnishings, lingering on surfaces after active smoking has ceased.

Tobacco Prevention Program (TPP): The County of San Mateo Health System established the TPP in 1989 as part of the statewide network to educate the community on tobacco-related health and policy issues.

Tobacco Education Coalition (TEC): A community-based group, established per Proposition 99, for the purpose of improving public health by reducing the use of tobacco products in the county.

BACKGROUND

Secondhand Smoke

Secondhand smoke (SHS), also known as “involuntary” or “passive” smoke, is a combination of smoke generated by cigarettes (or other ignited plant material for the purpose of inhalation) as well as the smoke exhaled by the smoker.¹² Cigarette smoke contains more than 7,000 chemicals, including

¹² *The Health Consequences of Involuntary Exposure to Tobacco Smoke*. A Report of the Surgeon General. Atlanta, GA. 2006. U.S. Public Health Service, Surgeon General website, accessed June 7, 2018. <https://www.surgeongeneral.gov/library/reports/secondhandsmoke/fullreport.pdf>

formaldehyde, cyanide, carbon monoxide, ammonia, and highly addictive nicotine, as well as more than 50 carcinogens. Since 1967, exposure to SHS has killed approximately 2.5 million nonsmokers of all ages in the United States.¹³

In 2010, the U.S. Surgeon General confirmed that even occasional exposure to secondhand smoke is harmful, and that low levels of secondhand tobacco smoke lead to impairment of the lining of the blood vessels, which, in turn, can lead to heart attacks and stroke.¹⁴

According to the American Lung Association:

Secondhand smoke causes approximately 7,330 deaths from lung cancer and 33,950 deaths from heart disease each year... Secondhand smoke is especially harmful to young children. Secondhand smoke is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age, resulting in between 7,500 and 15,000 hospitalizations each year. It also causes 430 sudden infant death syndrome (SIDS) deaths in the U.S. annually.¹⁵

Marijuana smoke, another source of secondhand smoke, is also toxic. It contains twice as much tar and ammonia, eight times as much hydrogen cyanide, and many of the same chemicals and carcinogens as tobacco smoke. Studies have shown that exposure to secondhand marijuana smoke impairs blood vessel function temporarily. Moreover, recovery from impairment caused by marijuana takes longer than from tobacco smoke, and repeated exposure to secondhand marijuana smoke can lead to long-term blood vessel impairment.¹⁶

According to the American Nonsmoker's Rights Foundation:

Smoke is smoke. Both tobacco and marijuana smoke impair blood vessel function similarly. People should avoid both, and governments who are protecting people against secondhand smoke exposure should include marijuana in those rules.¹⁷

Approximately one in four nonsmoking Americans is subjected to secondhand smoke, including more than one in three who live in rental housing. Exposure to SHS occurs primarily at home, especially for children. An estimated 15 million children ages three to eleven are exposed to SHS.¹⁸

¹³ *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*. Rockville, MD. 2014. U.S. Public Health Service, Surgeon General website, accessed June 7, 2018.

<https://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf> .

¹⁴ "Fact Sheet: How Tobacco Smoke Causes Disease," A Report of the Surgeon General. Centers for Disease Control and Prevention website, accessed June 7, 2018. < https://www.cdc.gov/tobacco/data_statistics/sgr/2010/pdfs/key-findings.pdf>

¹⁵ "Health Effects of Secondhand Smoke," American Lung Association website, accessed June 7, 2018.

<http://www.lung.org/stop-smoking/smoking-facts/health-effects-of-secondhand-smoke.html>

¹⁶ "Marijuana and Tobacco Use, Marijuana: The Basics," California Department of Public Health website, accessed June 7, 2018.

<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/MJAndTobaccoUseFac%20Sheet-CDPH-CTCP-5-2017.pdf>

¹⁷ Matthew Springer, cardiovascular researcher and Associate Professor of Medicine, University of California, San Francisco. "Secondhand Marijuana Smoke: Fact Sheet," American Nonsmokers' Rights Foundation website, accessed June 7, 2018. <https://no-smoke.org/secondhand-marijuana-smoke-fact-sheet/>

While all children and adults can be victims of secondhand smoke, nonsmokers in some communities are at an elevated risk of exposure.¹⁹ For example, more than 45 percent of Black nonsmokers are exposed to SHS, in contrast with 23.9 percent of Hispanic Americans and 21.8 percent of non-Hispanic White nonsmokers. In addition, 43.2 percent of nonsmokers with incomes below the poverty level are exposed to SHS.

Secondhand Smoke Infiltration in Multiunit Housing (MUH)

Since Americans spend almost two-thirds of their lives in their residences, nonsmokers living in multiunit properties are at elevated risk of exposure to secondhand smoke.²⁰ The Centers for Disease Control and Prevention (CDC) reports that secondhand smoke can enter living spaces from other units and/or common areas through ventilation systems, walls, electrical outlets, open windows, or hallways.²¹

The Center for Social Gerontology's 2006 report explains the problem further:

The health hazards of tobacco smoke are magnified in the close living quarters of those who live in multi-family dwellings... Tobacco smoke travels from its point of generation in a building to all other areas of the building. It has been shown to move through light fixtures, through ceiling crawl spaces, and into and out of doorways. Once exposed, building occupants are at risk for irritant, allergic, acute and chronic cardiopulmonary and carcinogenic adverse health effects.²²

Smoke Residue (“Thirdhand smoke”)

Thirdhand smoke (THS) is the toxic particulate residue from smoke that clings to walls, fabrics, carpets, and other furnishings, lingering on surfaces after active smoking has ceased.²³ Arsenic, lead, cyanide, and other carcinogens in thirdhand smoke can be absorbed through inhalation or skin contact, affecting both people and pets.²⁴

¹⁸ “CDC Vital Signs. Secondhand Smoke: An Unequal Danger. February 2015,” Centers for Disease Control and Prevention website, accessed June 7, 2018. <https://www.cdc.gov/vitalsigns/pdf/2015-02-vitalsigns.pdf>

¹⁹ “Secondhand Smoke (SHS) Facts.” Centers for Disease Control and Prevention website, accessed June 7, 2018. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm

²⁰ King et al., “Secondhand Smoke Transfer in Multiunit Housing.” *Nicotine & Tobacco Research*. November 2010. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3436457/pdf/ntq162.pdf>

²¹ “Ventilation Does Not Effectively Protect Nonsmokers From Secondhand Smoke,” Centers for Disease Control and Prevention website, accessed June 7, 2018.

https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/ventilation/index.htm

²² Schoenmarklin, Susan, Esq. *Memorandum: Analysis of the Voluntary and Legal Options of Condominium Owners Confronted with Secondhand Smoke from another Condominium Unit*. Smoke-Free Environments Law Project. The Center for Social Gerontology, Inc. Anne Arbor, MI. May 2006. http://www.tcsg.org/sfelp/memo_06.pdf

²³ “California Consortium for Thirdhand Smoke,” University of California San Francisco. Center for Tobacco Control Research and Education website, accessed June 7, 2018. <https://tobacco.ucsf.edu/california-consortium-thirdhand-smoke>

²⁴ “Be Smoke-free and Help Your Pets Live Longer, Healthier Lives,” U.S. Food and Drug Administration website, accessed June 7, 2018. <https://www.fda.gov/AnimalVeterinary/ResourcesforYou/AnimalHealthLiteracy/ucm520415.htm>

According to the UCSF Center for Tobacco Control Research and Education:

Infants and small children are likely to have more exposure to THS than adults because THS contaminates house dust and surfaces. Infants and children spend more time on the floor, have frequent hand to mouth behaviors, explore objects in the environment with their mouth, put non-food items in their mouths, engage in active play at home, and breathe in more dust-contaminated air than adults, in relation to their body size.²⁵

Electronic Cigarette Aerosol (or Vapor)

Electronic Smoking Devices (ESDs or e-cigarettes) emerged in the U.S. in 2007, as alternatives to smoking tobacco and marijuana. Use of e-cigarettes is commonly referred to as “vaping.” They quickly became popular, in part due to efforts of manufacturers to attract young buyers through tactics such as bubblegum and fruit flavorings.²⁶ While e-cigarettes and similar devices do not produce tobacco or marijuana smoke, the vapor they emit is also harmful. It contains particulates, propylene glycol or vegetable glycerin, nicotine (in the case of tobacco), metals and other toxins.²⁷

San Mateo County Health System’s Responses to Secondhand Smoke

Tobacco Prevention Program

In 1988, the California Tobacco Tax and Health Protection Act (Prop. 99) was passed by the voters, creating a statewide, comprehensive tobacco control program. Prop. 99 levied a twenty-five-cent tax on tobacco products and placed new restrictions on the sale of tobacco. With the revenue generated by this initiative, the County established the Tobacco Prevention Program (TPP) in 1989 as part of the statewide network to educate the community on tobacco-related health and policy issues.²⁸ The TPP’s 2014-2017 Program Goals and Interventions²⁹ included:

- Reducing exposure to secondhand smoke by implementing smoke-free multiunit housing policies
- Engaging youth in tobacco control and amending tobacco retail ordinances to broaden the definition of tobacco product
- Reducing the availability of tobacco by eliminating tobacco sales in pharmacies/health care settings

²⁵ “Frequently Asked Questions,” University of California San Francisco. Center for Tobacco Control Research and Education. California Consortium for Thirdhand Smoke website, accessed June 7, 2018.

<https://tobacco.ucsf.edu/frequently-asked-questions-0#Who-has-high-exposure-risk-of-THS>

²⁶ Samantha Weigel. “County may ban flavored tobacco, including menthol.” *San Mateo Daily Journal*, January 20, 2018. https://www.smdailyjournal.com/news/local/county-may-ban-flavored-tobacco-including-menthol/article_a54ccc9c-fd9f-11e7-8baa-ab201dac2a50.html

²⁷ “Recreational Vaping 101: What is Vaping?” National Center on Addiction and Substance Abuse website, accessed June 7, 2018. <https://www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping>

²⁸ Official of the San Mateo County Health System: interview by the Grand Jury.

²⁹ “San Mateo County Tobacco Prevention Program 2014-2017 Program Goals and Interventions,” County of San Mateo Health System website, accessed June 7, 2018. https://www.smchealth.org/sites/main/files/file-attachments/2014_-_2017_priorities.pdf

The TPP provides a number of resources for county residents, including a hotline for the public to report problems with exposure to SHS and guidance to address those issues on the Smoke-Free Housing web page.³⁰

In 2016, voters passed the California Healthcare, Research and Prevention Tobacco Tax Act (Prop. 56), which increased the excise taxes on tobacco products, including e-cigarettes, by \$2. With this increased tax revenue, the TPP's annual funding allocation from the California Department of Public Health's Tobacco Control Program increased from \$150,000 in FY 2016-2017 to \$784,000 in FY 2017-2018.³¹ As a result, the TPP is expanding its operations to include:

- Education initiatives for city officials, residents, property managers, and the public on the dangers of secondhand smoke and effective methods to implement MUH smoking ordinances
- Assistance for MUH communities with signage and monitoring compliance

Tobacco Education Coalition

Proposition 99 also required that all counties form a community-based group to improve public health by reducing the use of tobacco products. As a result, the County created the Tobacco Education Coalition (TEC) in 1989. The Coalition includes representatives from nonsmoking advocacy groups such as Breathe California, the Youth Leadership Institute, and the American Cancer Society, as well as the San Mateo County Sheriff's Office and San Mateo County Office of Education.³² The TPP also provides crucial support for the TEC's activities.³³

With the goals of raising public awareness, implementing a countywide tobacco control plan, and engaging the public,³⁴ the TEC works with local governments to undertake the following initiatives:

- Implementing smoke-free multiunit housing policies
- Amending tobacco retail ordinances to broaden the definition of tobacco products
- Eliminating tobacco sales in pharmacies and health care settings
- Collaborating on a statewide healthy stores campaign³⁵

As part of the TEC's efforts to promote smoke-free multiunit housing, Coalition members provide city staff with model smoking ordinances. Coalition members also advocate at city council meetings for MUH smoking restrictions.^{36, 37}

³⁰ County of San Mateo Health System website. Smoke-Free Housing. <https://www.smchealth.org/driftingsmoke>

³¹ Official of the San Mateo County Health System: interview by the Grand Jury.

³² "Tobacco Education Coalition: Advocating change to support a tobacco-free San Mateo County," County of San Mateo Health System website, accessed June 7, 2018. <https://www.smchealth.org/tobaccoeducationcoalition>

³³ "Combined Scope of Work" document provided to the Grand Jury. County of San Mateo Health System, Tobacco Prevention Program. 04/20/18.

³⁴ "San Mateo County Tobacco Education Coalition By-Laws, Article One, Section Two: Goals." County of San Mateo Health System website, accessed June 7, 2018. https://www.smchealth.org/sites/main/files/file-attachments/tec_bylaws_v2_2015.pdf

³⁵ "San Mateo County Tobacco Education Coalition 2014-2017 Objectives," Tobacco Education Coalition: Advocating change to support a tobacco-free San Mateo County, County of San Mateo Health System website, accessed June 7, 2018. https://www.smchealth.org/sites/main/files/file-attachments/tec_objectives_2014-2017_12-2016.pdf

Adoption of Smoking Ordinances for Multiunit Housing

Starting with Belmont in 2007,³⁸ local jurisdictions began to pass laws to protect residents from secondhand smoke. Since then Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, San Mateo, South San Francisco, and the County of San Mateo, for its unincorporated areas, have adopted ordinances that restrict smoking in multiunit housing properties.³⁹ The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not restrict smoking in their multiunit residences, except in some common areas.⁴⁰ Atherton, Hillsborough, and Woodside have no multiunit housing.⁴¹ At present, there are almost 114,000 multiunit residences in the county, of which approximately 94,000 (or 82 percent) are covered by MUH smoking ordinances.⁴² (See Appendix B.)

Even though 80 percent of California MUH residents surveyed have indicated that they prefer smoke-free housing⁴³ and only 6.6 percent of San Mateo County residents smoke,⁴⁴ multiunit housing smoking bans remain controversial. The debate centers around the conflict between individual property rights versus the rights of residents to live in a safe, healthy environment.^{45, 46} However, no U.S. or California court has found that there is an affirmative right to smoke under either the U.S. Constitution or California Constitution.⁴⁷

³⁶ Official of the San Mateo County Health System: interview by the Grand Jury.

³⁷ “Creating Smokefree Housing. A Model California Ordinance and Checklist,” ChangeLab Solutions website, accessed June 7, 2018. <http://changelabsolutions.org/publications/model-ord-smokefree-housing>

³⁸ Chen, Serena. American Lung Association in California and Bay Area Smokefree Housing Project. *Belmont Case Study: Belmont, CA Secondhand Smoke/Multi-Unit Housing Ordinance*. <https://www.myctb.org/wst/healthylawrence/livewell/TobaccoFreeLiving/American%20Lung%20Association%20Advocates%20Toolbox/Module-3/Belmont-Case-Study.pdf>

³⁹ Smoking Ordinances in San Mateo county jurisdictions. (See Footnote 8)

⁴⁰ Municipal codes for: Colma <https://www.colma.ca.gov/municipal-code/>, East Palo Alto https://library.municode.com/ca/east_palo_alto/codes/code_of_ordinances, Half Moon Bay <http://www.codepublishing.com/CA/HalfMoonBay/>, Menlo Park <http://www.codepublishing.com/CA/MenloPark/>, Millbrae <http://www.codepublishing.com/CA/Millbrae/>, Pacifica https://library.municode.com/ca/pacifica/codes/code_of_ordinances, Portola Valley https://library.municode.com/ca/portola_valley/codes/code_of_ordinances, and San Carlos <https://www.codepublishing.com/CA/SanCarlos/>.

⁴¹ Officials in Atherton, Hillsborough, and Woodside: email responses to the Grand Jury.

⁴² Officials from cities, towns, and San Mateo County: email responses to the Grand Jury.

⁴³ “Policy Statements. Policy Statement 12: Smoke-Free Housing Choice,” California Apartment Association website, accessed June 7, 2018. https://caanet.org/app/uploads/2015/01/CAA_Policy_Statements_2013-with-TOC.pdf

⁴⁴ “California Facts and Figures 2016, Over 25 Years of Tobacco Control in California, September 2016,” California Department of Public Health website, accessed June 7, 2018. <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/2016FactsFiguresWeb.pdf>

⁴⁵ Minutes, City of Half Moon Bay City Council, February 6, 2018.

⁴⁶ Video, Redwood City City Council, October 2, 2017, Meetings, Agendas, and Minutes, Redwood City website, accessed June 7, 2018. < <http://www.redwoodcity.org/city-hall/city-council/city-council-meetings-agendas-and-minutes>>

⁴⁷ Samantha K. Graff, “There Is No Constitutional Right to Smoke: 2008, March 2008.” A Law Synopsis by the Tobacco Control Legal Consortium, Tobacco Control Legal Consortium website, accessed June 7, 2018. <<http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-constitution-2008.pdf>>

Legislative efforts to ban smoking in multiunit housing can take years. For example, in Redwood City it took five years until the city’s MUH smoking ordinance was passed in October 2017.⁴⁸ In other municipalities, such as Half Moon Bay, the city council is still considering MUH smoking restrictions as of May 2018.⁴⁹

Multiunit housing smoking ordinances generally provide the following:

- Prohibit smoking (which includes the use of e-cigarettes) of tobacco, recreational marijuana, and other plant materials, in individual units of MUH and all in common areas
- Declare secondhand smoke a “nuisance”
- Require landlords to post no-smoking signage
- Require leases to incorporate smoking restrictions
- Prohibit landlords/property managers from “knowingly permitting” smoking and “knowingly or intentionally” permitting ashtrays
- Provide for fines between \$100 - \$250 for smoking violations

Ordinances vary on certain provisions, such as whether condominiums are included in their definitions of multiunit housing, acceptable distances from building entrances and windows where outdoor smoking is permitted, and whether smoking medical marijuana is exempted from MUH smoking restrictions. For example, the MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.⁵⁰

DISCUSSION

Implementation of ordinances and education

Successful implementation of the provisions of a multiunit housing smoking ordinance, following its passage, requires residents to be knowledgeable about their rights under the law. Historically, cities have used press releases, mailings, and community meetings to inform the public of the new rules for a period of time immediately after the law has been passed. However, the Grand Jury found that most jurisdictions did not continue engaging the public after the initial awareness campaign, except when ordinances were amended.⁵¹

MUH smoking ordinances place substantial responsibility for implementation on landlords and property managers. For example, most jurisdictions require landlords to install no-smoking signage, modify leases, and set up any designated smoking areas that they choose to permit at the stated minimum distances from building entrances and windows.⁵² However, most city governments have

⁴⁸ Official of the San Mateo County Health System: interview by the Grand Jury.

⁴⁹ Zachary Clark, “Half Moon Bay to adopt smoking restrictions,” *San Mateo Daily Journal*, May 17, 2018. https://www.smdailyjournal.com/news/local/half-moon-bay-to-adopt-smoking-restrictions/article_948a18f0-598a-11e8-a4d4-270086bc37e4.html

⁵⁰ Smoking Ordinances in San Mateo County jurisdictions. (See Footnote 8)

⁵¹ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

⁵² Smoking Ordinances in San Mateo County jurisdictions. (See Footnote 8)

neither assisted in this process nor followed up to ensure that these requirements are being met.^{53, 54} As a result, many MUH properties lack the required signage and designated smoking areas.⁵⁵

The jurisdictions' websites provide little information to educate residents, landlords, and property managers on their MUH smoking ordinances. It can be challenging to find information online about the ordinances or how to report a violation. The following examples are illustrative:

- The websites for Burlingame, Daly City, Redwood City,⁵⁶ the County of San Mateo, and South San Francisco do not contain any summaries of their MUH smoking ordinances. See Appendices C and D for examples of summaries from cities that do provide them.
- All but one of the MUH jurisdictions' websites provide links on their home pages for residents to report common nuisances such as potholes, graffiti, and abandoned shopping carts, but they do not provide any such links for reporting smoking violations.⁵⁷
- Only the websites for Brisbane, San Bruno, and Foster City provide readily accessible information on how to report a violation of an MUH smoking ordinance.⁵⁸ See Appendix E for an example of a readily accessible notice.
- When entering search terms such as “smoke” and “smoking” in MUH cities' websites, no information regarding multiunit housing smoking ordinances appears in either Burlingame's or Daly City's websites.⁵⁹
- San Bruno and the County of San Mateo (on the County Health System website) are the only MUH jurisdictions that provide information about the TPP or TEC or how to contact them regarding multiunit housing smoking issues.⁶⁰

⁵³ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

⁵⁴ “Six-Month Apartment Smoking Prohibitions Review” report to Foster City City Council. June 1, 2015.

<https://fostercityca.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=306>

⁵⁵ On-site observations in Belmont, Daly City, and Foster City.

⁵⁶ Redwood City's smoking ordinance is partially implemented: effective January 1, 2018 for all new units and January 1, 2019 for existing units in MUH properties.

⁵⁷ The websites for the jurisdictions of Belmont <https://www.belmont.gov>, Brisbane <http://brisbaneca.org>, Foster City <https://www.fostercity.org>, Redwood City <http://www.redwoodcity.org>, San Bruno <https://www.sanbruno.ca.gov>, the City of San Mateo <https://www.cityofsanmateo.org>, San Mateo County and South San Francisco <http://www.ssf.net> have a “How Do I ...” or “I Want To ...” link on their websites, as well as Daly City's “iHelp” link <http://www.dalycity.org>, that lead to information on how to report nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page <https://www.burlingame.org>.

⁵⁸ Websites for Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, San Mateo County, and South San Francisco (See Footnote 56).

⁵⁹ City of Burlingame website, accessed June 7, 2018: <<https://www.burlingame.org>> City of Daly City website, accessed June 7, 2018. <<http://www.dalycity.org>>

⁶⁰ Websites for Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, San Mateo County, and South San Francisco. (See Footnote 56)

The foregoing examples are summarized in Figure No. 1, below.

Figure No. 1: Website Content of Jurisdictions with MUH Smoking Ordinances

| Jurisdiction | Search for “Smoke/Smoking” yields smoking ordinance information? | Provides summary of smoking ordinance? | Provides information on how to make complaints about MUH smoking? | Provides links to report specific nuisances other than smoking? | Provides TPP/TEC info? |
|----------------------------|--|--|---|---|------------------------|
| Belmont | Yes | Yes | No | Yes | No |
| Brisbane | Yes | Yes | Yes | Yes | Yes |
| Burlingame | No | No | No | No | No |
| Daly City | No | No | No | Yes | No |
| Foster City | Yes | Yes | Yes | Yes | No |
| Redwood City ⁶¹ | Yes | No | No | Yes | No |
| San Bruno | Yes | Yes | Yes | Yes | Yes |
| City of San Mateo | Yes | Yes | No | Yes | No |
| South San Francisco | Yes | No | No | Yes | No |
| County of San Mateo | Yes | No | Yes | Yes | Yes |

In addition to inadequate website information, Brisbane, Burlingame, Foster City, Redwood City, and San Bruno, the County of San Mateo, and South San Francisco do not require that their mandatory no-smoking signage contain a phone number for reporting violations. The City of San Mateo’s ordinance does not require that no-smoking signage be posted.⁶²

Enforcement and Compliance

Those jurisdictions with MUH smoking ordinances typically assign the responsibility for enforcement of the ordinances to either their law enforcement or code enforcement personnel. Such enforcement officers generally do not issue citations for first offense violations of MUH smoking ordinances. In fact, it is difficult for them to issue citations at all because they must (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.⁶³

Officers interviewed by the Grand Jury stated that most of the alleged MUH smokers they spoke with in response to a complaint said they were unfamiliar with the smoking ordinance restrictions. Because of this, the officers primarily seek to educate and warn those residents about the requirements of MUH

⁶¹ Redwood City’s smoking ordinance is partially implemented: effective January 1, 2018 for all new units and January 1, 2019 for existing units in MUH properties.

⁶² Smoking Ordinances in San Mateo County jurisdictions. (See Footnote 8)

⁶³ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

smoking ordinances and potential enforcement.⁶⁴ In several jurisdictions, when the alleged smoking offender was not at home, officers would leave a letter, brochure, or door hanger, if their city has one, explaining the smoking ordinance requirements.⁶⁵ Complaints data reviewed by the Grand Jury indicates that very few individuals who were contacted by officers regarding alleged smoking ordinance violations were the subjects of subsequent complaints, suggesting that the officers' education approach was effective.⁶⁶

According to enforcement officers interviewed by the Grand Jury, even if residents are aware of their rights, they may be reluctant to make complaints because of fear of retaliation from smoking neighbors or landlords.⁶⁷ While Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo's ordinances expressly prohibit retaliation, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.⁶⁸ The materials published by MUH jurisdictions also do not inform residents that they may complain anonymously about smoking violations. Vulnerable residents, such as undocumented immigrants, may fear that a complaint could result in disclosure, eviction, or deportation.⁶⁹

Local officials interviewed by the Grand Jury opined that enforcement of MUH smoking ordinances might be helped by the use of new smartphone applications (apps) that enable users to take a photo of nuisance code infractions in their jurisdictions, then submit it instantly to enforcement officers. Once received, officers can review the information and follow up with onsite visits. Such photographic evidence of a smoking violation in progress could be deemed the equivalent of an officer viewing the violation, thus allowing the officer to issue a citation to the smoker.⁷⁰

At present, Burlingame, Foster City, Redwood City, San Bruno, the City of San Mateo, South San Francisco, and the County of San Mateo provide such apps (Access Burlingame, Foster City Access, myRWC, San Bruno Responds, mySanMateo,⁷¹ Engage SSF,⁷² and Report It! San Mateo County,⁷³ respectively). Officials in the City of San Mateo have used their app only to receive reports on illegal dumping and graffiti, but expressed enthusiasm about its potential to use photos as evidence of other violations including smoking.⁷⁴

In the course of its investigation, the Grand Jury learned that certain multiunit properties generate a greater number of smoking complaints than others.^{75, 76} Few jurisdictions with MUH smoking

⁶⁴ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Smoking Ordinances in San Mateo County jurisdictions. (See Footnote 8)

⁶⁹ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

⁷⁰ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

⁷¹ Officials in the City of San Mateo: interview by the Grand Jury.

⁷² Official in South San Francisco: interview by the Grand Jury.

⁷³ Search results for phone applications for all MUH smoking ordinance jurisdictions in San Mateo County.

⁷⁴ Officials in City of San Mateo: interview by the Grand Jury.

⁷⁵ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

⁷⁶ Data on complaints of smoking in MUH submitted to the Grand Jury by officials from local code and law enforcement agencies.

ordinances review the data they have in order to identify particular properties where multiple smoking ordinance violations are being reported. In addition, enforcement officers rarely follow up with landlords/property managers at MUH properties where smoking complaints have been received to inform them of the reported violations. Even in jurisdictions where smoking complaints data may be available, the information is not routinely shared with the TPP or TEC.⁷⁷ Improvements in complaints data collection, analysis, and sharing could help increase compliance with the ordinances, evaluate trends in smoking complaints, and ultimately protect MUH residents as these laws intended.

In addition to reporting a violation of multiunit housing smoking ordinances to enforcement officers, residents who are exposed to secondhand smoke have several other options:

- Talking to the smoker
- Addressing the issue with the landlord
- Contacting the TPP's smoking hotline (650) 573-3777⁷⁸
- Taking independent legal action based on a "nuisance" claim⁷⁹

TPP and TEC Roles

With an increase in funding allocated by the California Department of Public Health's Tobacco Control Program from \$150,000 in FY 2016-2017 to \$784,000 in FY 2017-2018, the Tobacco Prevention Program and Tobacco Education Coalition (through increased TPP funding) will have the resources to significantly increase their activities in support of smoke-free multiunit housing.

In addition to the areas of expansion already identified by the TPP (See Background) the TPP could also use these funds to improve the content of its web pages. At present, the TPP web pages provide guidance for tenants and landlords seeking to eliminate exposure to secondhand smoke. However, they do not:

- Summarize a resident's rights and obligations under the relevant MUH ordinance
- Provide links to MUH jurisdictions' smoking ordinances
- Advise multiunit housing residents how to complain about violations of their specific jurisdiction's MUH smoking ordinance

With its additional funding, the TPP could provide the above-referenced information and links for residents in jurisdictions with MUH smoking ordinances. In addition, the TPP could devote more resources to obtaining complaints data from jurisdictions that have MUH smoking ordinances in order to consolidate that information across the county, develop trend information, and assist jurisdictions in analyzing it. To date the TPP has reported only limited success in obtaining such data from jurisdictions.⁸⁰

⁷⁷ Officials from local code and law enforcement agencies: interviews by the Grand Jury.

⁷⁸ "Smoke-Free Housing" County of San Mateo Health System website, accessed June 7, 2018. <https://www.smchealth.org/driftingsmoke> .

⁷⁹ "Legal Options for Tenants Suffering from Drifting Tobacco Smoke" Tobacco Free CA website, accessed June 7, 2018. < http://tobaccofreeca.com/wp-content/uploads/2017/11/G-Legal-Options_Smokefree-Support-for-Residenets_Making-Smokefree-Laws-Work_Disability-Factsheet.pdf>

⁸⁰ Official of the San Mateo County Health System: interview by the Grand Jury.

CONCLUSION

Undoubtedly, progress has been made through these ordinances to protect MUH residents by giving them clear, legal rights to seek protection from the dangers of secondhand smoke exposure. At present, the County and eight of its twenty cities have passed MUH smoking ordinances covering 82 percent of the county's multiunit households.

However, it is difficult to determine the impact that MUH smoking ordinances have made because the TPP, which could consolidate complaints data across the jurisdictions and look for trend information, has reported only limited success in obtaining such data from jurisdictions. Further, not all jurisdictions with MUH smoking ordinances interviewed by the Grand Jury systematically compile complaints data. As a result, decisions on how best to increase compliance with and enforce the ordinances can be difficult to make.

The Tobacco Prevention Program and Tobacco Education Coalition can support compliance by providing signage with a phone number to report violations and reaching out to residents to explain their rights and obligations under the ordinances, as well as assisting jurisdictions with efforts to analyze complaints data.

FINDINGS

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

F4: Searches for “smoking” or “smoke” using the website search tool for Burlingame and Daly City⁸¹ do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F4.)

⁸¹ City of Burlingame website, accessed June 7, 2018. <<http://burlingame.org>> City of Daly City website, accessed June 7, 2018. <<http://www.dalycity.org>>

F5: The websites for Burlingame, Daly City, Redwood City,⁸² the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F5.)

F6: The websites for Belmont, Burlingame, Daly City, Redwood City,⁸³ the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F6.)

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City,⁸⁴ San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page.⁸⁵ (See Website Content Table below, column F7.)

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not. (See Website Content Table below, column F8.)

⁸² Redwood City's smoking ordinance is partially implemented: effective January 1, 2018 for all new units and January 1, 2019 for existing units in MUH properties.

⁸³ Redwood City's smoking ordinance is partially implemented: effective January 1, 2018 for all new units and January 1, 2019 for existing units in MUH properties.

⁸⁴ Ibid.

⁸⁵ < <https://www.belmont.gov> > < <http://brisbaneca.org> > < <https://www.burlingame.org> > < <https://www.fostercity.org> > < <http://www.redwoodcity.org> > < <https://www.sanbruno.ca.gov> > < <https://www.cityofsanmateo.org> > < <http://www.ssf.net> > < <http://www.dalycity.org> >

Website Content of Jurisdictions with MUH Smoking Ordinances

| Jurisdiction | F4. Search for “Smoke/Smoking” yields smoking ordinance information? | F5. Provides summary of smoking ordinance? | F6. Provides information on how to make complaints about MUH smoking? | F7. Provides links to report specific nuisances <u>other than</u> smoking? | F8. Provides TPP/TEC info? |
|----------------------------|--|--|---|--|----------------------------|
| Belmont | Yes | Yes | No | Yes | No |
| Brisbane | Yes | Yes | Yes | Yes | Yes |
| Burlingame | No | No | No | No | No |
| Daly City | No | No | No | Yes | No |
| Foster City | Yes | Yes | Yes | Yes | No |
| Redwood City ⁸⁶ | Yes | No | No | Yes | No |
| San Bruno | Yes | Yes | Yes | Yes | Yes |
| City of San Mateo | Yes | Yes | No | Yes | No |
| South San Francisco | Yes | No | No | Yes | No |
| County of San Mateo | Yes | No | Yes | Yes | Yes |

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

F12. The TPP web pages do not include the following information: (a) a summary of residents’ rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction’s MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

F13: TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

⁸⁶ Redwood City’s smoking ordinance is partially implemented: effective January 1, 2018 for all new units and January 1, 2019 for existing units in MUH properties.

F14: The funding allocation from the California Department of Public Health’s Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

RECOMMENDATIONS

R1: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents’ rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word “smoking,” or the like in the search features of their websites, users are directed to all information about the jurisdiction’s MUH smoking ordinance and related complaints process

R2: The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

R3: The cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit smoking medical marijuana in multiunit housing.

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

R7: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

R8: TPP and TEC should update their web pages by March 31, 2019, to include the following:

- Links to MUH jurisdictions' smoking ordinances and their summaries/FAQs
- Information on how to report violations of MUH smoking ordinances in each applicable jurisdiction

REQUEST FOR RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requests responses from the City Councils and Board of Supervisors, as applicable, of the following:

- Each of the City of Belmont, the City of Brisbane, the City of Burlingame, the City of Daly City, the City of Foster City, the City of Redwood City, the City of San Bruno, City of San Mateo, the City of South San Francisco, and San Mateo County Board of Supervisors to respond to: R4, R5, and R6.
- Each of the City of Burlingame, City of Foster City, City of San Mateo, and City South San Francisco to respond to R2.
- Each of the City of Brisbane, City of Burlingame, City of Daly City, and the County of San Mateo to respond to R3.
- Each of the Town of Colma, City of East Palo Alto, City of Half Moon Bay, City of Menlo Park, City of Millbrae, City of Pacifica, Town of Portola Valley, and City of San Carlos to respond to R7.
- The San Mateo County Board of Supervisors to respond to R8.

The governing bodies indicated above should be aware that the comments or responses of the governing body must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

METHODOLOGY

The Grand Jury reviewed health studies, scientific papers, government fact sheets and reports, national, state, county, and city statistics, smoking ordinances of cities in San Mateo County, data on smoking violations collected by city code and law enforcement officials, by-laws and other documents pertaining to the County's Tobacco Prevention Program and Tobacco Education Coalition, state laws covering smoking, and materials from the following organizations: California Apartment Association, Executive Council of Homeowners, Breathe California, Tobacco Free CA, ChangeLab Solutions, American Lung Association, and Americans for Nonsmokers' Rights.

The Grand Jury interviewed officials in the following cities:

Belmont
Brisbane
Daly City
Foster City
San Mateo
South San Francisco

In addition, the Grand Jury interviewed representatives of San Mateo County Health System, as well as the nonprofit California Apartment Association.

BIBLIOGRAPHY

21 Elements website. “Key Housing Trends in San Mateo County: A report by 21 Elements 2014.” Accessed June 6, 2018. <<http://www.21elements.com/Housing-Needs-and-Demographics/View-category.html>>

American Lung Association website. “Health Effects of Secondhand Smoke.” Accessed June 6, 2018. <http://www.lung.org/stop-smoking/smoking-facts/health-effects-of-secondhand-smoke.html>

American Nonsmokers’ Rights Foundation website. “Fact Sheet. Secondhand Marijuana Smoke.” Accessed June 6, 2018. <https://no-smoke.org/secondhand-marijuana-smoke-fact-sheet/>

California Apartment Association website. “Policy Statements. Policy Statement 12: Smoke-Free Housing Choice.” Accessed June 6, 2018. https://caanet.org/app/uploads/2015/01/CAA_Policy_Statements_2013-with-TOC.pdf

California Department of Public Health. “California Facts and Figures 2016, Over 25 Years of Tobacco Control in California, California Tobacco Control Program. September 2016.” Accessed June 6, 2018. <http://tobaccofreeca.com/wp-content/uploads/2016/10/2016-California-Tobacco-Facts-Figures.pdf>

California Department of Public Health website. “Marijuana and Tobacco Use, Marijuana: The Basics.” Accessed June 6, 2018. <https://www.cdph.ca.gov/Programs/CCDCPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/MJAndTobaccoUseFac%20Sheet-CDPH-CTCP-5-2017.pdf>

California Legislative Information website. “AB-7 Smoking in the Workplace. (2015-2016).” Accessed June 6, 2018. http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520162AB7

Centers for Disease Control and Prevention website. “CDC Vital Signs. Secondhand Smoke: An Unequal Danger. February 2015.” Accessed June 6, 2018. <https://www.cdc.gov/vitalsigns/pdf/2015-02-vitalsigns.pdf>

Centers for Disease Control and Prevention website. “Secondhand Smoke Facts.” Accessed June 6, 2018. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/general_facts/index.htm

Centers for Disease Control and Prevention website. Ventilation Does Not Effectively Protect Nonsmokers From Secondhand Smoke. Accessed June 6, 2018. <https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/ventilation/index.htm>

ChangeLab Solutions website. “Creating Smokefree Housing. A Model California Ordinance and Checklist.” <http://changelabsolutions.org/publications/model-ord-smokefree-housing>

Chen, Serena. *Belmont Case Study: Belmont, CA Secondhand Smoke/Multi-Unit Housing Ordinance. American Lung Association in California and Bay Area Smokefree Housing Project*. Accessed June 7, 2018.

<https://www.myctb.org/wst/healthylawrence/livewell/TobaccoFreeLiving/American%20Lung%20Association%20Advocates%20Toolbox/Module-3/Belmont-Case-Study.pdf>

Clark, Zachary, “Half Moon Bay to adopt smoking restrictions,” *San Mateo Daily Journal*, Thursday, May 17, 2018. https://www.smdailyjournal.com/news/local/half-moon-bay-to-adopt-smoking-restrictions/article_948a18f0-598a-11e8-a4d4-270086bc37e4.html

County of San Mateo Health System “Combined Scope of Work” document provided to the Grand Jury. San Mateo County Health Department. Tobacco Prevention Program. 04/20/18.

County of San Mateo Health System website. “Smoke-Free Housing.” <https://www.smchealth.org/driftingsmoke>

County of San Mateo Health System website. “Tobacco Education Coalition: Advocating change to support a tobacco-free San Mateo County.” Accessed June 6, 2018. <https://www.smchealth.org/tobaccoeducationcoalition>

County of San Mateo Health System website. “San Mateo County Tobacco Education Coalition: 2014-2017 Objectives.” Accessed June 6, 2018. https://www.smchealth.org/sites/main/files/file-attachments/tec_objectives_2014-2017_12-2016.pdf

Graff, Samantha K., “There Is No Constitutional Right to Smoke: 2008.” Tobacco Control Legal Consortium. A Law Synopsis by the Tobacco Control Legal Consortium. March 2008. <http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-constitution-2008.pdf>

King, B. A., M. Travers, M. Cummings, M. C. Mahoney, and A. J. Hyland. “Secondhand Smoke Transfer in Multiunit Housing.” *Nicotine & Tobacco Research*. November 2010. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3436457/pdf/ntq162.pdf>

National Center on Addiction and Substance Abuse website. “Recreational Vaping 101: What is Vaping?” Accessed June 6, 2018. <https://www.centeronaddiction.org/e-cigarettes/recreational-vaping/what-vaping>

San Mateo County Health System. “San Mateo County Tobacco Prevention Program 2014-2017 Program Goals and Interventions.” Accessed June 6, 2018. https://www.smchealth.org/sites/main/files/file-attachments/2014_-_2017_priorities.pdf

San Mateo County Health System. “Tobacco Education Coalition By-Laws, Article One, Section Two: Goals.” Accessed June 6, 2018. https://www.smchealth.org/sites/main/files/file-attachments/tec_bylaws_v2_2015.pdf

Schoenmarklin, Susan, Esq. *Memorandum: Analysis of the Voluntary and Legal Options of Condominium Owners Confronted with Secondhand Smoke from another Condominium Unit*. Smoke-Free Environments Law Project. The Center for Social Gerontology, Inc. Anne Arbor, MI. May 2006. http://www.tcsg.org/sfelp/memo_06.pdf

“Six-Month Apartment Smoking Prohibitions Review,” Report to Foster City City Council. June 1, 2015. <https://fostercityca.civicclerk.com/web/UserControls/DocPreview.aspx?p=1&aoid=306>

Smoking Ordinances: Belmont < https://library.municode.com/ca/belmont/codes/code_of_ordinances?nodeId=CICO_CH20.5RESM> , Brisbane < https://library.municode.com/ca/brisbane/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.46SM_MUITRE> , Burlingame < http://qcode.us/codes/burlingame/view.php?topic=8-8_18> , Daly City < https://library.municode.com/ca/daly_city/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.36RESM> , Foster City < <http://www.codepublishing.com/CA/FosterCity/?FosterCity08/FosterCity0805.html>> , Redwood City < https://library.municode.com/ca/redwood_city/codes/code_of_ordinances?nodeId=CH15SMRE> , San Bruno < <https://qcode.us/codes/sanbruno/>> , City of San Mateo < http://qcode.us/codes/sanmateo/view.php?topic=7-7_40&showAll=1&frames=on> , San Mateo County < https://library.municode.com/ca/san_mateo_county/codes/code_of_ordinances?nodeId=TIT4SAHE_C_H4.96SM> , and South San Francisco < http://qcode.us/codes/southsanfrancisco/view.php?topic=8-8_50&showAll=1&frames=off>.

State of California. Department of Industrial Relations website. “AB-13 Fact Sheet - California Workplace Smoking Restrictions. October 1997.” Accessed June 6, 2018. https://www.dir.ca.gov/dosh/dosh_publications/smoking.html and

Tobacco Free CA website. “Legal Options for Tenants Suffering from Drifting Tobacco Smoke” Accessed June 6, 2018. < http://tobaccofreeca.com/wp-content/uploads/2017/11/G-Legal-Options_Smokefree-Support-for-Residenets_Making-Smokefree-Laws-Work_Disability-Factsheet.pdf>

University of California San Francisco website. Center for Tobacco Control Research and Education. “California Consortium for Thirdhand Smoke.” Accessed June 6, 2018. <https://tobacco.ucsf.edu/california-consortium-thirdhand-smoke>

University of California San Francisco website. Center for Tobacco Control Research and Education. California Consortium for Thirdhand Smoke. “Frequently Asked Questions.” Accessed June 6, 2018. <https://tobacco.ucsf.edu/frequently-asked-questions-0#Who-has-high-exposure-risk-of-THS>

U.S. Food and Drug Administration website. “Be Smoke-free and Help Your Pets Live Longer, Healthier Lives.” Accessed June 6, 2018. <https://www.fda.gov/AnimalVeterinary/ResourcesforYou/AnimalHealthLiteracy/ucm520415.htm>

U.S. Public Health Service. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*. A Report of the Surgeon General. Atlanta, GA. Fact Sheet. Centers for Disease Control and Prevention (US) 2010. Accessed June 6, 2018. <https://www.cdc.gov/tobacco/data_statistics/sgr/2010/pdfs/key-findings.pdf>

U.S. Public Health Service, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*. A Report of the Surgeon General. Atlanta, GA. 2006. Accessed June 6, 2018. <https://www.surgeongeneral.gov/library/reports/secondhandsmoke/fullreport.pdf>

U.S. Public Health Service. *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*. Rockville, MD. 2014. <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/index.html>

Weigel, Samantha. “County may ban flavored tobacco, including menthol.” The Daily Journal. *San Mateo Daily Journal*, January 20, 2018. Accessed June 6, 2018. <https://www.smdailyjournal.com/news/local/county-may-ban-flavored-tobacco-including-menthol/article_a54ccc9c-fd9f-11e7-8baa-ab201dac2a50.html>

APPENDIX A

MULTIUNIT HOUSING SMOKING ORDINANCES IN SAN MATEO COUNTY

| Jurisdiction | Contact # | Penalty | Recreational Marijuana | Medical Marijuana | E-cigs Vaping | Condos Included | Retaliation Prohibited | Notice in Lease | Ordinance Link |
|---|---|--|--|-------------------|---------------|-----------------|------------------------|-----------------|---|
| Belmont | Business hours 650.637.2968 After hours 650.595.7400 | Warning Fine \$100+ | Prohibited | Prohibited | Prohibited | Yes | Yes | Yes | https://library.municode.com/ca/belmont/codes/code_of_ordinances?nodeld=CICO_CH20.5RESM |
| Brisbane | 415.508.2172 | Warning Fine \$100+ | Prohibited | Exempted | Prohibited | Yes | Yes | Yes | https://library.municode.com/ca/brisbane/codes/code_of_ordinances?nodeld=TIT8HESA_CH8.46SMMUITRE |
| Burlingame | 650.558.7208 | Refers to other parts of muni code | Prohibited | Exempted | Not specified | Yes | No | No | http://qcode.us/codes/burlingame/view.php?topic=8-8_18&showAll=1&frames=on |
| Daly City | 650.991.8119 | Warning Fine \$100+ | Prohibited | Exempted | Prohibited | No | Yes | Yes | https://library.municode.com/ca/daly_city/codes/code_of_ordinances?nodeld=TIT8HESA_CH8.36RESM |
| Foster City | 650.286.3300 | Fine up to \$250 1st violation | Prohibited | Prohibited | Prohibited | Yes | No | Yes | http://www.codepublishing.com/CA/FosterCity/?FosterCity08/FosterCity0805.html |
| Redwood City* | Business hours 650.780.7350 After hours 650.780.7118 | Fine between \$250 - \$1,000 | Prohibited | Prohibited | Prohibited | Yes | Yes | Yes | https://library.municode.com/ca/redwood_city/codes/code_of_ordinances?nodeld=CH15SMRE |
| San Bruno | County Hotline 650.573.3777 or 650.616.7074 | Warning Fine \$100+ | Prohibited | Prohibited | Prohibited | Yes | Yes | Yes | https://qcode.us/codes/sanbruno/view.php?topic=6-6_56&showAll=1&frames=off |
| San Mateo | 650.522.7700 | Warning Fine \$100+ | Prohibited | Prohibited | Prohibited | Yes | No | No | http://qcode.us/codes/sanmateo/view.php?topic=7-7_40&showAll=1&frames=on |
| South San Francisco | 650.829.6645 | Follow Public Nuisance Law Penalties | Prohibited | Prohibited | Prohibited | Yes | No | No | http://qcode.us/codes/southsanfrancisco/view.php?topic=8-8_50&showAll=1&frames=off |
| Unincorporated San Mateo County | 650.573.3777 | Fine up to \$100 1st violation | Prohibited | Exempted | Prohibited | Yes | Yes | Yes | https://library.municode.com/ca/san_mateo_county/code_of_ordinances?nodeld=TIT4SAHE_CH4.96SM |
| Notes | | Fines increase with subsequent infractions | Marijuana smoke considered same as any smoke | | | | | | |
| *Restrictions effective 1/1/2018 for all new units and 1/1/2019 for all existing units in multiunit housing in Redwood City. | | | | | | | | | |

APPENDIX B

| Number of Multiunit Housing Residences in San Mateo County | |
|---|-----------------------|
| Jurisdiction | Total MUH |
| San Mateo | 22,511 |
| Daly City | 16,626 |
| Redwood City | 15,026 |
| Foster City | 8,662 |
| South San Francisco | 8,506 |
| San Bruno | 7,424 |
| Burlingame | 6,693 |
| Menlo Park | 4,837 |
| Belmont | 4,559 |
| Pacifica | 3,945 |
| San Carlos | 3,440 |
| East Palo Alto | 3,395 |
| Millbrae | 3,036 |
| Unincorporated County | 2,555 |
| Half Moon Bay | 1,516 |
| Brisbane | 766 |
| Portola Valley | 263 |
| Colma | 212 |
| Atherton | 0 |
| Woodside | 0 |
| Hillsborough | 0 |
| <u>TOTAL MUH</u> | <u>113,972</u> |

(Includes apartments, condominiums, townhomes,
duplexes, triplexes and fourplexes)

APPENDIX C



Foster City Smoking Ordinance

Frequently Asked Questions – Multi-Family Residential Properties (Apartments, Condominiums, Townhomes)

- Q. Are all residential properties in Foster City impacted by this ordinance?**
- A. No. The ordinance applies to multi-family units (apartments, condominiums and townhomes) that share common walls, ventilation, floors, or ceilings.
- Q. Where is smoking prohibited?**
- A. For apartments, condominiums and townhomes, smoking is prohibited within 30 feet of all entrances and doorways, in common areas and inside residential units and on all balconies and patios. This ordinance goes into effect immediately for common areas and all new leases. Units with existing leases are exempt until the lease agreement expires or twelve months after the ordinance's effective date. (The ordinance effective date was 11/5/2014.) Smoking is also prohibited on all sidewalks in or adjacent to common interest developments and apartments.
- Q. Where is smoking permitted?**
- A. Smoking is permitted in designated smoking areas. Outdoor designated areas must be located more than 30 feet from an entrance/doorway and be marked by conspicuous signage. Interior smoking is allowed only if the area is fully enclosed, separately ventilated, and not the only space available for a particular activity or service.
- Q. Are electronic cigarettes included in the ordinance?**
- A. Yes. The city defines "smoke or smoking" as inhaling or exhaling upon, burning or carrying any lighted cigarette, cigar, pipe, hookah, weed, plant or other combustible substance used for the personal habit commonly known as smoking or an activated electronic cigarette or similar device used for the personal habit commonly known as vaping.
- Q. When does the ordinance go into effect?**
- A. The ordinance went into effect on November 6, 2014, for apartment buildings and December 17, 2014, for condominiums and townhomes. Until January 1, 2015, first time violators will be subjected to a warning only.
- Q. What are the fines and penalties?**
- A. Any person who violates the ordinance may be cited for an infraction, punishable by:
- A fine not exceeding two hundred fifty dollars (\$250) for a first violation
 - A fine not exceeding five hundred dollars (\$500) for a second violation within one year
 - A fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year

Q. How will the ordinance be enforced?

A. Violations of the notification requirements or designation of smoking areas should be addressed to the Foster City Community Development Department at 650- 286-3225 or planning@fostercity.org. To report a violation in progress (“on-view violation”) of the ordinance, call the Police Department at 650-286-3300.

Q. What are the responsibilities of apartment managers or homeowners associations under the ordinance?

A. Each owner, operator, manager or other person having control of places within which smoking is regulated shall be in compliance upon conspicuously posting “No Smoking” signs with letters not less than one inch high 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. At least one sign shall be placed at the entrance to every applicable facility. The City has provided signage guidance at its website (see link at the end of this document). Property owners and operators are also required to notify residents of the new law using a noticing method deemed appropriate by the property owners or operators.

Q. Can I establish non-smoking policies that are stronger than what is required under the ordinance?

A. Yes. The ordinance does not prevent property owners from establishing more stringent non-smoking requirements.

Q. If I rent out a single family home, is smoking allowed in that residence?

A. Yes. The ordinance applies only to residential units that share walls, ceilings or floors.

Q. What happens if a resident is complaining about drifting smoke from another unit?

A. The best course of action is to contact the smoker to remind them that smoking is not permitted in or around residential units that share common walls, ceilings or floors and to inform them of the location of designated smoking areas on the property. If the resident continues to smoking in the unit, violations in progress (“on-view violations”) of the ordinance can be reported to the Police Department at 650-286-3300.

Q. Where can I go for more information on this ordinance and resources for implementing a non-smoking multi-unit residential community?

A. General questions about the ordinance may be addressed to Management Analyst Andra Lorenz at 650-286-3215 or alorenz@fostercity.org. Questions about the ordinance’s signage and notification requirements or designation of smoking areas may be addressed to the Foster City Community Development Department at 650-286-3225 or planning@fostercity.org. To report a violation in progress (“on-view violation”) of the ordinance, call the Police Department at 650- 286-3300. California Apartment Association (Tri-County) also has resources available to members and can be contacted at (408) 342-3500.

More information is also available at Foster City’s Smoking Ordinance Resource Page:

www.fostercity.org/departmentsanddivisions/citymanager/smokingordinanceupdate.cfm

*The California Apartment Association served as a resource in development of this document.



Did You Know the City Has a Smoking Ordinance?

WHAT IS COVERED BY THE ORDINANCE?

The City has adopted a new ordinance to regulate exposure to secondhand smoke throughout the City, including in most public places and in multi-unit residences such as apartments, condominiums, and townhomes. Smoking is broadly defined to include any lighted tobacco or nicotine product, weed or plant, including hookah and marijuana, whether delivered by cigarette, pipe, cigar, or any electronic device (vaping).



WHERE IS SMOKING PROHIBITED?

After a 14-month grace period that expires on **February 22, 2018**, smoking is prohibited:

- In multi-unit residences (including attached patios and balconies), defined as including more than one dwelling unit;



Where is Smoking Prohibited cont'd

- In multi-unit residence common areas, such as halls, stairwells, paths, lobbies, laundry rooms, common cooking areas, outdoor eating areas, play areas, swimming pools, and parking areas.



In most public places in the City, as of **December 22, 2016**, smoking is prohibited:

- In most places of employment, including indoor and outdoor areas, such as businesses, construction sites, employee lounges and break rooms, conference and banquet rooms, bingo and gaming facilities, health facilities, warehouses, retail and wholesale tobacco shops, and child care facilities;

Where is Smoking Prohibited cont'd

- In most public places, such as plazas, parking lots, malls, stadiums, parks, playgrounds, farmer's markets, and fairs;



- In service areas, such as ATMs, bank teller windows, ticket lines, bus stops, and cab stands;
- In 90% of all hotel and motel guest rooms.



WHERE IS SMOKING ALLOWED?

- Effective February 22, 2018, smoking is allowed only in designated outdoor smoking areas that are at least 20' from operable doors or windows.



As of **December 22, 2016**, smoking is allowed:

- In single family homes, rooms for rent in single family homes, and detached in-law units;
- In designated outdoor smoking areas that are at least 20' from operable doors or windows;
- On streets, sidewalks, and other outdoor areas that are at least 20' from operable doors and windows or locations where smoking is prohibited, or if the person is actively moving to another destination.

If you have any questions or if you have a smoking complaint please contact the following:

Step 1:

Tobacco Prevention Program San Mateo County Health System 310 Harbor Boulevard

Belmont, CA 94002

Tel: (650) 573-3777

Fax: (650) 802-6440

Email: tobaccoprevention@smcgov.org



If your inquiry is not resolved:

Step 2:

Call Code Enforcement at (650) 616- 7074. Please leave your contact information so City staff can return your call and assist in resolving the issue.

If the issue isn't resolved, the City may cite for an infraction (\$100 fine), impose an administrative fine (starting at \$100), or civil fines (starting at \$250).

Visit this website for helpful information and resources:

<http://www.smchealth.org/driftingsmoke>

City of Brisbane Apartments, Condos, & Town Homes Residences Are Going Smoke Free!

Smoking will be prohibited in:

Individual Units

**Balconies,
Patios and Decks**

Common Area



**Brisbane Municipal Code Chapter 8.46
Enforceable June 1, 2017**

**Contact Code Enforcement Officer Moneda to
report violations: (415) 508-2172
mmoneda@ci.brisbane.ca.us**



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 18-960

Board Meeting Date: 10/23/2018

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: John L. Maltbie, County Manager

Subject: Board of Supervisors' Response to the 2017-2018 Civil Grand Jury Report, "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts."

RECOMMENDATION:

Approve the Board of Supervisors' response to the 2017-2018 Grand Jury Report, "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts."

BACKGROUND:

On July 26, 2018, the 2017-2018 San Mateo County Civil Grand Jury issued a report titled "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts." The Board of Supervisors is required to submit comments on the findings and recommendations pertaining to the matters over which it has some decision making authority within 90 days. The Board's response to the report is due to the Honorable V. Raymond Swope no later than October 24, 2018.

DISCUSSION:

The Grand Jury made fourteen findings and eight recommendations in its report. The Board responses follow each finding and the eight recommendations that the Grand Jury requested that the Board respond to within 90 days.

FINDINGS

Finding 1:

Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

Response:

The respondent agrees with the finding.

Finding 2:

Enforcement officers report that their primary focus when responding to MUH smoking violation

complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

Response:

The respondent partially agrees with the finding. Respondent is not an enforcement officer, but have heard this sentiment from enforcement personnel.

Finding 3:

The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

Response:

The respondent agrees with the finding related to the County of San Mateo.

Finding 4:

Searches for “smoking” or “smoke” using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do.

Response:

The respondent agrees with the finding.

Finding 5:

The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response:

The respondent partially disagrees with the finding. The term “summary” could be applied broadly to the press release on the website for South San Francisco which summarizes the ordinance. The press release was found by searching “smoking” on the website and shows up as the first listing which links to the press release. Direct address:
<http://www.ssf.net/home/showdocument?id=1636>

Finding 6:

The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response:

The respondent agrees with the finding.

Finding 7:

The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County’s Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations.

Burlingame's website links to Code Compliance from its home page.

Response:

The respondent partially disagrees with the finding.

For City of Belmont's website, there is a link on the home page to "Submit a Problem" which leads to submission forms for reporting specific types of nuisances such as "Complaint/Blight." Under the category of "Complaint/Blight" is the option to submit a form for: "MUH" Smoking Ordinance Violation. Link: <http://www.publicstuff.com/submit?client_id=414>

For City of Brisbane's website, there is a "Living" link on the home page that can be hovered over and a drop down menu appears. From the drop down menu, "Smoking Ordinance" can be clicked. Clicking this link leads to a page with links with information about reporting ordinance violations. There is no submission form for reporting a violation though. Link: <<http://brisbaneca.org/smoking-ordinance>>

For City of Foster City's website, there is a "Report a..." button on the home page that when clicked, opens a side menu. From the side menu, "Smoking Violation" can be clicked. Clicking this link leads to page with information on reporting ordinance violations. There is no submission form for reporting a violation though. Link: <<https://www.fostercity.org/citymanager/page/smoking-ordinance-update>>

Finding 8:

The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not.

Response:

The respondent agrees with the finding.

Finding 9:

In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

Response:

The respondent partially disagrees with the finding. While we cannot speak to the real world practical application of the ordinance by law enforcement, website information did not explicitly detail the above listed limitations.

Belmont: Did not see any of these limitations listed on city's website or in the MUH smoking ordinance

Brisbane: Did not see any of these limitations listed on city's website or in the MUH smoking ordinance

Burlingame: Did not see any of these limitations listed on city's website or in the MUH smoking ordinance

Daly City: Did not see any of these limitations listed on city's website or in the MUH smoking ordinance

Redwood City: Did not see any of these limitations listed on city's website or in the MUH smoking ordinance

San Bruno: Did not see any of these limitations listed on city's website or in the MUH smoking ordinance

San Mateo: Did not see any of these limitations listed on city's website or in the MUH smoking ordinance

South San Francisco: Did not see any of these limitations listed on city's website or in the MUH smoking ordinance

San Mateo County: Did not see any of these limitations listed on San Mateo County Health System's website or in the MUH smoking ordinance

Finding 10:

The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response:

The respondent agrees with the finding as of 8/15/18.

Finding 11:

The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

Response:

The respondent partially disagrees with the finding. While the above listed is a statement of fact, Proposition 64 states that anywhere tobacco smoking is prohibited, so too is marijuana which would apply in these instances without a direct inclusion in the ordinance

Finding 12:

The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

Response:

The respondent agrees with the finding.

Finding 13:

TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

Response:

The respondent agrees with the finding.

Finding 14:

The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

Response:

The respondent disagrees with this finding. The allocation for FY 2017-18 was \$784,019.

RECOMMENDATIONS

Recommendation 1:

Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word "smoking," or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

Response:

The recommendation has not yet been implemented, but will be done by the County by December 31, 2018. Respondent cannot respond on the current or future actions of other jurisdictions.

Recommendation 2:

The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

Response:

The recommendation has not yet been implemented and the respondent cannot respond on the current or future actions of the above listed jurisdictions.

Recommendation 3:

The cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit smoking medical marijuana in multiunit housing.

Response:

The recommendation has not yet been implemented, but will be by December 31, 2018 by the County. Respondent cannot respond on the current or future actions of other jurisdictions.

Recommendation 4:

Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

Response:

This recommendation has been partially implemented at the County with calls that come into the Smoke Free Hotline monitored by TPP. The calls and follow-up efforts are logged in an Excel spreadsheet and tallied on a regular basis. While searchable, this method can be improved and streamlined. These updates will occur by December 31, 2018. The respondent cannot respond on the current or future actions of other jurisdictions.

Recommendation 5:

Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

Response:

The respondent supports this recommendation, but cannot respond on the current or future actions of the other jurisdictions.

Recommendation 6:

Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

Response:

The recommendation has not yet been implemented, but will by December 31, 2018 by the County.

Recommendation 7:

The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

Response:

The recommendation has not been implemented and the respondent cannot respond on the current or future actions of other jurisdictions.

Recommendation 8:

TPP and TEC should update their web pages by March 31, 2019, to include the following:

- Links to MUH jurisdictions' smoking ordinances and their summaries/FAQs
- Information on how to report violations of MUH smoking ordinances in each applicable jurisdiction

Response:

The recommendation has not been implemented, but will be by March 31, 2019.

Acceptance of the report contributes to the Shared Vision 2025 outcome of a Collaborative Community by ensuring that all Grand Jury findings and recommendations are thoroughly reviewed by the appropriate County departments and that, when appropriate, process improvements are made to improve the quality and efficiency of services provided to the public and other agencies.

FISCAL IMPACT:

There is no Net County Cost associated with accepting this report.



**Town of Atherton
Office of the Mayor
91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212**

September 21, 2018

Hon. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

**RESPONSE TO GRAND JURY REPORT: "SMOKE-FREE MULTIUNIT HOUSING:
NO IF ANDS. OR BUTTS"**

Honorable Judge Swope:

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report filed on July 26, 2018. The Town of Atherton's response to both the findings and recommendations are listed below.

Response to Grand Jury recommendations:

F10. The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response: The Town of Atherton confirms that it does not have any multiunit housing.

This response to the Grand Jury was considered by the City Council at a public meeting on September 19, 2018. Should you have any questions concerning this response, please contact City Manager George Rodericks at (650) 752-0504.

Respectfully,

Cary Wiest,
Mayor



HILLSBOROUGH
California

December 10, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: Civil Grand Jury Report: "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts"

Dear Judge Swope:

This letter is the Town of Hillsborough's response to the Civil Grand Jury letter dated July 26, 2018. The response was approved by the City Council at the December 10, 2018 meeting.

RESPONSE TO FINDINGS:

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

The Town of Hillsborough does not have any multi-family housing. We do concur with the statement made in Finding 10 of the report but can only speak for Hillsborough:

Sincerely,

Shawn Christianson
Mayor
Town of Hillsborough



August 28, 2018

Hon. V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

Dear Judge Swope,

Thank you for the opportunity to respond to the Grand Jury report entitled "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts." The City of Belmont's required responses, which were approved by the City Council on this date, are listed below:

Grand Jury Findings:

F1. Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

F2. Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

F3. The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

F4. Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do.

F5. The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do.

F6. The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do.

F7. The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page.

F8. The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not.

F9. In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation has occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

F10. The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit housing.

F11. The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

F12. The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinances, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

F13. TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

F14. The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY 2017-2018.

City of Belmont Response to Findings 1-14:

The City of Belmont generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

Grand Jury Recommendations requiring City of Belmont response:

R4. Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database.
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance.

R5. Each jurisdiction with an MUH smoking ordinances should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

R6. Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on the websites and use of mobile phone apps) to ensure ease of reporting.

City of Belmont Response to Recommendations R4, R5 and R6:

The City of Belmont is at the forefront of this issue and already has the applicable Civil Grand Jury recommendations implemented including upgrading reporting instructions on our website and data gathering capabilities on our Records Management System.

Sincerely,



Daniel J. DeSmidt

Chief of Police



CITY OF BRISBANE

50 Park Place
Brisbane, California 94005-1310
(415) 508-2100
Fax (415) 467-4989

October 4, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 Old County Road, 2nd Floor
Redwood City, CA 94063-1655

Smoke-Free Multiunit Housing: No Ifs, Ands, or Butts

Dear Honorable V. Raymond Swope:

This letter is in response to the 2017/2018 Grand Jury report of July 26, 2018, which contained findings that pertain to the City of Brisbane. Listed below are the Jury's findings and recommendations followed by the City of Brisbane response. The Brisbane City Council reviewed and approved the below recommendations a public meeting on October 4, 2018. The City of Brisbane responds to the Grand Jury's findings, conclusions and recommendations as follows:

The San Mateo County 2017-2018 Grand Jury makes the following findings to the City Councils of the cities of San Mateo County:

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F4: Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do.



RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F5: The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F6: The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report. However, the City of Brisbane has since added a link specific to reporting smoking violations.*

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

F12. The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

RESPONSE: *The City of Brisbane Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.*

The San Mateo County 2017-2018 Grand Jury made a number of recommendations to the City Councils of the cities of San Mateo County. The Grand Jury requested responses from the City of Brisbane regarding R3, R4, R5 and R6.

R3: The cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit smoking medical marijuana in multiunit housing.

RESPONSE: *The City of Brisbane understands what is represented in the Grand Jury Report. However, after careful consideration, the Brisbane City Council has concluded that it will not implement the recommendation to amend the ordinance to prohibit medical marijuana in multiunit housing. The city council has determined that the need for patients to have access to their medication outweighs the potential negative impact to other residents.*

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

RESPONSE: *The recommendation has been implemented. Complaints regarding Brisbane's smoking ordinance are entered into our records management system.*

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

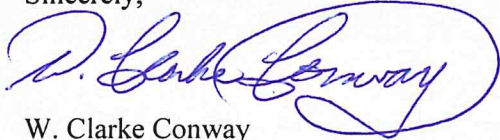
RESPONSE: *The recommendation has been implemented. The information is available upon request.*

R6: Each jurisdiction with a MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

RESPONSE: *The recommendation has been implemented. A review has been conducted and the City of Brisbane is using the best methods available. We have concluded that no improvements are needed at this time.*

On behalf of the City of Brisbane, I would like to thank the members of the Grand Jury for their efforts.

Sincerely,



W. Clarke Conway
Mayor, City of Brisbane

CC: San Mateo County Grand Jury
Brisbane City Clerk



MICHAEL BROWNRIGG, MAYOR
DONNA COLSON, VICE MAYOR
EMILY BEACH
ANN KEIGHRAN
RICARDO ORTIZ

The City of Burlingame

CITY HALL -- 501 PRIMROSE ROAD
BURLINGAME, CALIFORNIA 94010-3997

TEL: (650) 558-7201
www.burlingame.org

October 15, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Subject: City of Burlingame's response to 2017 - 2018 Civil Grand Jury Report entitled "Smoke-Free Multitenant Housing: No Ifs, Ands, Or Butts."

Dear Judge Swope:

After reviewing the 2017-2018 Grand Jury report entitled "Smoke-Free Multitenant Housing: No Ifs, Ands, Or Butts", the following are the City of Burlingame's responses to the Grand Jury's findings:

FINDINGS

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

Response: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

Response: The City somewhat disagrees with this finding. In the City's experience in code enforcement conversations with alleged violators, rarely do the alleged smokers say they were unaware of the ordinance.

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

Response: The City agrees with this finding as it pertains to the City of Burlingame's Smoking Ordinance.

F4: Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F4.)

Response: The City agrees with this finding as it pertains to the City of Burlingame website as of the date of the Grand Jury Report. That has been corrected.

F5: The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F5.)

Response: The City agrees with this finding as it pertains to the City of Burlingame website as of the date of the Grand Jury Report. The City has updated its website to add a summary and FAQs regarding its smoking ordinance.

F6: The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F6.)

Response: The City agrees with this finding as it pertains to the City of Burlingame website as of the date of the Grand Jury Report. The City has updated its website to provide information on how to make complaints regarding smoking ordinance violations.

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page. (See Website Content Table below, column F7.)

Response: The City agrees with this finding as it pertains to the City of Burlingame website as of the date of the Grand Jury Report. The City has updated its website to provide information on how to make complaints regarding smoking ordinance violations.

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not. (See Website Content Table below, column F8.)

Response: The City agrees with this finding as it pertains to the City of Burlingame website as of the date of the Grand Jury Report. The City has updated its website to provide links to the TPP and TEC websites.

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

Response: The City agrees with this finding as it pertains to the City of Burlingame.

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions listed in the finding.

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

Response: The City agrees with this finding as it pertains to the City of Burlingame Smoking Ordinance.

F12: The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

Response: The City neither agrees nor disagrees with this finding.

F13: TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

Response: The City has insufficient information to agree or disagree with this finding. Although not familiar with the requests to and responses of other cities, the City of Burlingame responds forthrightly to data requests from the TPP and any other requesters.

F14: The funding allocation from the California Department of Public Health's Tobacco Control program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

Response: The City agrees with this finding, relying on the Grand Jury's representations.

The following are the City of Burlingame's responses to the Grand Jury's recommendations:

RI: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word "smoking," or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

Response: The City has updated its website to include "Frequently Asked Questions" concerning its smoking ordinance, and made other changes to the website to meet the searchability goals, and to better meet the goals of all of these recommendations.

R2: The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

Response: The identities of all complainants in code enforcement matters are held as confidential by the City of Burlingame. The City, however, will also consider the proposed amendment to its ordinance.

R3: The cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit smoking medical marijuana in multiunit housing.

Response: The Burlingame City Council considered this issue with its last amendments to the ordinance and made a policy determination that prohibiting access to substances deemed medically necessary for the treatment or management of an illness was outside the scope of the regulation.

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

Response: The City takes this recommendation under advisement.

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

Response: This information is available upon request at any time.

R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

Response: The City will review current methods of reporting MUH violations by December 31, 2018.

R7: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

Response: The City has not been requested to respond to this recommendation.


R8: TPP and TEC should update their web pages by March 31, 2019, to include the following:

- Links to MUH jurisdictions' smoking ordinances and their summaries/FAQs
- Information on how to report violations of MUH smoking ordinances in each applicable
- Jurisdiction

Response: The City has not been requested to respond to this recommendation.

The Burlingame City Council approved this response letter at its public meeting on October 15, 2018.

Sincerely,


Michael Brownrigg
Mayor



TOWN OF COLMA

1198 El Camino Real • Colma, California • 94014-3212
Tel 650.997.8300 • Fax 650.997.8308

October 11, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report: "Smoke-Free Multiunit Housing: No ifs, ands or Butts"

Dear Judge Swope;

The City Council received the July 26, 2018 San Mateo Civil Grand Jury report titled, "Smoke-Free Multiunit Housing: No ifs, ands or Butts"

The Town was requested to submit comments regarding one recommendation within 90 days and no later than October 24, 2018. The Town of Colma's response to the recommendation is listed below.

The City Council of the Town of Colma has reviewed the recommendations in the 2017-2018 Grand Jury Report that affect the Town and approved the following responses at the public meeting on October 10, 2018.

The Grand Jury's report includes numerous findings, many of which are either factual in nature or jurisdiction specific for jurisdictions which already have multiunit housing smoking restrictions. Finding F1 is a finding of fact concerning the number of deaths from second hand smoke since 1967. Finding F2 relates to enforcement of smoking ordinances. Findings F3, F4, F5, F6, F7, F8, F9, F11, F12, F13 relate to jurisdictions other than Colma. Finding F14 states the funding allocation to the Tobacco Control Program. Based on the nature of these findings, the Town of Colma can respond to Finding F10, as follows:

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Town Response: The Town agrees with this finding.

The Grand Jury's report includes one recommendation to which the Town must respond.

Raquel P. Gonzalez, Mayor
Joanne F. del Rosario, Vice Mayor
John Irish Goodwin, Council Member • Diana Colvin, Council Member • Helen Fisicaro, Council Member
Brian Dossey, City Manager

Recommendation 1: By December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

Town Response:

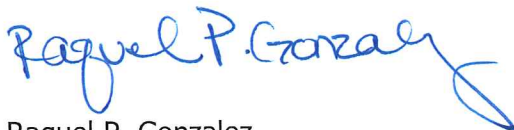
The recommendation requires further analysis.

The Town has conducted the following outreach and public meetings regarding smoking restrictions in multiunit housing in Colma:

- A publicly noticed City Council Study Session was held on March 28, 2018 to consider types of smoking restrictions that could be added by local ordinance, including multiunit housing. Representatives of Breath California and the Tobacco Coalition were in attendance and addressed the City Council.
- At a publicly noticed public hearing, the Town moved forward with adopting a Commercial Smoking Ordinance on July 23, 2018 that prohibits smoking within 20' of the entrance or exit to a commercial establishment in addition to other provisions.
- On July 11, 2018, the City Council considered a presentation by a representative from Breath California on the effects of second hand smoking in multifamily units.
- Staff sent a survey to owners of multifamily units to understand if they have current rent restrictions against smoking in their units and if there is interest in the Town adopting local restrictions.
- Staff sent a survey to property owners in Common Interest developments to obtain information about types of smoking restrictions they would support, and, if the Town or their HOA should implement policies.
- Based on survey results and further public outreach after survey results are received, the Town will hear residents' views on restricting smoking in multiunit housing by January 26, 2019.

The Town appreciates the efforts of the Grand Jury. Please contact City Manager Brian Dossey should you require any additional information. He can be reached at (650) 997-8318 or brian.dossey@colma.ca.gov.

Sincerely,



Raquel P. Gonzalez
Mayor



CITY OF DALY CITY

333 - 90TH STREET

DALY CITY, CA 94015-1895

PHONE: (650) 991-8000

September 25, 2018

Sent via Email: grandjury@sanmateocourt.org

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd floor
Redwood City, CA 94063-1655

Re: Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts

Dear Judge Swope,

We are in receipt of the Grand Jury's final report entitled; "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts."

Pursuant to your July 26, 2018 request for response, the Daly City, City Council held a public meeting on September 24, 2018 and approved this response. The City of Daly City responds to the Grand Jury's findings, conclusions and recommendations as follows:

Findings:

F1. Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

Response: The City **agrees** with this finding.

F2. Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

Response: The City **agrees** with this finding.

- F3. The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinance for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

Response: The City agrees with this finding as it pertains to the City of Daly City Smoking Ordinance.

- F4. Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do.

Response: The City agrees with this finding as it pertains to the City of Daly City Website.

- F5. The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The website for each of the other jurisdictions with MUH smoking ordinances do.

Response: The City agrees with this finding as it pertains to the City of Daly City Website.

- F6. The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response: The City agrees with this finding as it pertains to the City of Daly City Website.

- F7. The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its homepage.

Response: The City neither agrees nor disagrees with this finding. The City of Daly is not familiar with the websites listed in the finding.

- F8. The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP and TEC or how to contact them regarding an MUH smoking issue. The website for the other MUH jurisdictions do not.

Response: The City agrees with this finding as it pertains to the City of Daly City Website.

- F9. In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

Response: The City **partially agrees** with this finding. An officer or Code Enforcement Officer investigating a landlord in violation of the MUH Ordinance should comply with the three elements described in the finding. In terms of an individual violating the Smoking Ordinance, the City believes an officer observing a person violating the smoking ordinance is itself compelling evidence of a violation. Officers are also not required to obtain an admission of guilt to substantiate a detention or a citation for the infraction.

- F10. The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in the multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response: The City **neither agrees nor disagrees** with this finding. The City is not familiar with the smoking ordinances of the jurisdictions listed in the finding.

- F11. The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

Response: The City **agrees** with this finding as it pertains to the Daly City Smoking Ordinance.

- F12. The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdiction.

Response: The City **neither agrees nor disagrees** with this finding. The City is not familiar with the TPP web pages.

- F13. TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

Response: The City **partially agrees** with this finding. The Daly City Police Department has captured little data on MUH smoking violations and therefore does not have enough data to determine the success of the ordinance nor report it to the TPP.

- F14. The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY 2017-2018.

Response: The City **neither agrees nor disagrees** with this finding. The City is not familiar with the San Mateo County TPP Program.

Recommendations:

R1. Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about report MUH smoking ordinance violation is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word smoking, or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

Response: The recommendation **has not yet been implemented, but will be implemented in the future.** The City will implement the recommendations by March 31, 2019. The implementation will include modifications to the City's website to include:

- A link to the City's Smoking Ordinance
- An informational page that will include information on how to report violations, including anonymous reporting
- Information on reporting and the Municipal Code section that prohibits retaliation by a landlord for reporting an MUH smoking violation
- A "button" or link that would lead users to the above referenced page
- The addition of these links and pages would be searchable under "smoke" or "smoking" on the City's webpage

R2. The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

Response: The recommendation **has already been implemented** by the City of Daly City.

- R3. The cities of Brisbane, Burlingame, Daly City, and County of San Mateo for its unincorporated areas should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit smoking medical marijuana in multiunit housing.

Response: The recommendation **has not been implemented, but will be implemented in the future.** The City will propose to the City Council to expand the current definition of smoke to include marijuana and removing the portion that allows smoking of medical marijuana. This change would prohibit the use of medical marijuana in MUH.

- R4. Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

Response: The recommendation **has not been implemented but will be implemented by June 30, 2019.** Staff has contacted the San Mateo County Communications Center staff to request a call type be created for MUH smoking violations. This will allow City Staff to create a report that will outline calls for service and dispositions. This report will allow staff to review calls for service, dispositions and cases to determine effectiveness of the program.

- R5. Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make the complaints data (with the alleged violators deleted) available to the TPP and TEC on at least an annual basis.

Response: The recommendation **has not been implemented but will be implemented.** City Staff will make current complaint data available to the TPP and TEC by December 31, 2018.

- R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

Response: The recommendation **has not been implemented, but will be implemented December 31, 2018.**

R7: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, By December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

Response: This recommendation **does not apply to the City of Daly City.**

R8: TPP and TEC should update their web pages by March 31, 2019, to include the following:

- Links to MUH jurisdictions' smoking ordinances and their summaries/FAQ's
- Information on how to report violations of MUH smoking ordinances in each applicable jurisdiction

Response: The recommendation **does not apply to the City of Daly City.**

The City of Daly City appreciates the opportunity to provide written responses to the San Mateo County Civil Grand Jury Report, "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts."

Should the Grand Jury require any additional information, please contact me directly at 650-991-8127.



Shawna Maltbie
Interim City Manager

cc: City Council
Annette Hipona, City Clerk
Rose Zimmerman, City Attorney



CITY OF EAST PALO ALTO
OFFICE OF THE CITY MAYOR
2415 UNIVERSITY AVENUE
EAST PALO ALTO, CA 94303

Ruben Abrica, Mayor
Lisa Gauthier, Vice Mayor

Council Members:
Larry Moody
Carlos Romero
Donna Rutherford

October 23, 2018

Hon. V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, Ca 94063-1655

Subject: San Mateo Civil Grand Jury Report titled "Smoke-Free Multiunit Housing: No Ifs, Ands, or Butts"

Honorable Judge Swope,

On behalf of the City of East Palo Alto, I am responding to the above referenced report. The City Council approved this response at its meeting of October 16, 2018.

The Civil Grand Jury's request the City hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing by December 31, 2018.

The City agrees with the Report's findings. The City has an Ordinance (MuniCode, Chapter 8.56) that prevents smoking in all buildings and other facilities owned, leased, or otherwise occupied by the City. The City, however, does not have an ordinance that prohibits smoking in the City's multiunit residences, except in some common areas open to the public.

In October 2016, the City adopted a new General Plan that included Goal HE-7. **Strive for East Palo Alto to be a smoke-free community.**

Goal HE-7 included the following relevant policies.

7.1 Smoking in public spaces. *Prohibit smoking in public buildings and public spaces such as parks, open spaces, and outside of public buildings. The ban would cover cigarettes, cigars, medical marijuana, and similar products.*

7.2 Anti-smoking ordinances. *Establish local policies protecting smoke-free multi-unit housing, such as prohibiting smoking in residential buildings controlled by the local housing authority, establishing jurisdiction-wide prohibitions of smoking in multi-unit buildings, and affirming by local ordinance that landlords may establish smoke-free rental units.*

7.3 Second-hand smoke. *Develop programs and regulations that discourage and prohibit smoking to address second-hand smoke.*

The City is simultaneously undertaking multiple affordable housing initiatives to mitigate the housing crisis, including the following:

1. Affordable Housing Strategy
2. RV Safe Parking Program
3. 965 Weeks-development of 120 affordable units on a city-owned parcel
4. Light Tree Apartments- planning and CEQA review of an affordable housing rehabilitation and 90 unit expansion project
5. 2nd Unit Taskforce.

The City will have a policy discussion on restricting smoking in multiunit housing at a public meeting no later than April 30, 2019.

Below are the City Council's specific responses to the findings and recommendations in the report.

FINDINGS

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

Response: The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

Response:

The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

Response:

The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F4: Searches for “smoking” or “smoke” using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do.

Response:

The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F5: The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response:

The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F6: The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response:

The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County’s Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame’s website links to Code Compliance from its home page.

Response:

The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not.

Website Content of Jurisdictions with MUH Smoking Ordinances

| Jurisdiction | F4. Search for "Smoke/Smoking" yields smoking ordinance information? | F5. Provides summary of smoking ordinance? | F6. Provides information on how to make complaints about MUH smoking? | F7. Provides links to report specific nuisances other than smoking? | F8. Provides TPP/TEC info? |
|----------------------------|--|--|---|---|----------------------------|
| Belmont | Yes | Yes | No | Yes | No |
| Brisbane | Yes | Yes | Yes | Yes | Yes |
| Burlingame | No | No | No | No | No |
| Daly City | No | No | No | Yes | No |
| Foster City | Yes | Yes | Yes | Yes | No |
| Redwood City ⁸⁶ | Yes | No | No | Yes | No |
| San Bruno | Yes | Yes | Yes | Yes | Yes |
| City of San Mateo | Yes | Yes | No | Yes | No |
| South San Francisco | Yes | No | No | Yes | No |
| County of San Mateo | Yes | No | Yes | Yes | Yes |

Response:

The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

Response:

The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response: The City has no basis to challenge this finding in regard to other jurisdictions. In regard to East Palo Alto, the City has an Ordinance (MuniCode, Chapter 8.56) that prevents smoking in all buildings and other facilities owned, leased, or otherwise occupied by the City. The City, however, does not have an ordinance that prohibits smoking in the privately-owned multiunit residences in the City, except in some common areas open to the public.

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

*Response:
The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.*

F12. The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

*Response:
The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.*

F13: TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

*Response:
The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.*

F14: The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

*Response:
The City generally agrees with the Grand Jury findings, although in some cases lacks the data to confirm or refute assertions.*

RECOMMENDATIONS

R1: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word "smoking," or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

Response: This recommendation does not apply to the City of East Palo Alto.

R2: The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

Response: This recommendation does not apply to the City of East Palo Alto.

R3: The cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit smoking medical marijuana in multiunit housing.

Response: This recommendation does not apply to the City of East Palo Alto.

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database.
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance.

Response: This recommendation does not apply to the City of East Palo Alto.

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

Response: This recommendation does not apply to the City of East Palo Alto.

R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

Response: This recommendation does not apply to the City of East Palo Alto.

R7: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

Response: This recommendation has not yet been implemented, but will be implemented no later than April 30, 2019.

The City is simultaneously undertaking multiple affordable housing initiatives to mitigate the housing crisis, including the following:

1. Affordable Housing Strategy
2. RV Safe Parking Program
3. 965 Weeks-development of 120 affordable units on a city-owned parcel
4. Light Tree Apartments- planning and CEQA review of an affordable housing rehabilitation and 90 unit expansion project
5. 2nd Unit Taskforce.

The City will have a policy discussion on restricting smoking in multiunit housing at a public meeting no later than April 30, 2019.

R8: TPP and TEC should update their web pages by March 31, 2019, to include the following:

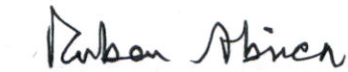
- Links to MUH jurisdictions' smoking ordinances and their summaries/FAQs.

- Information on how to report violations of MUH smoking ordinances in each applicable jurisdiction.

Response: This recommendation does not apply to the City of East Palo Alto.

Thank you for allowing us to respond to your report and share our perspective.

Respectfully,



Ruben Abrica, Honorable Mayor

c: East Palo Alto City Council Members
Sean Charpentier, Interim City Manager



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222

November 19, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

RE: Response from the City of Foster City to the San Mateo County Civil Grand Jury Report "Smoke-Free Multiunit Housing: No Ifs, Ands, or Butts"

Honorable V. Raymond Swope:

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report issued on July 26, 2018. The City of Foster City's response to both the findings and recommendations are listed below.

Responses to Grand Jury Findings:

The San Mateo County 2017-2018 Grand Jury makes the following findings to the City Councils of the cities within San Mateo County.

F1. Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

Response to F1:

The City of Foster City agrees with the finding. The City has no reason to disagree with the information contained in the Grand Jury's report.

F2. Enforcement officers report that their primary focus when responding to Multiunit Housing (MUH) smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

Response to F2:

The City of Foster City agrees with the finding. The City has no reason to disagree with the information contained in the Grand Jury's report.

- F3. The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

Response to F3:

The City of Foster City agrees with the finding. The City will amend its ordinance to prohibit retaliation against individuals who report a violation of its non-smoking ordinance.

- F4. Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do.

Response to F4:

The City of Foster City agrees with the finding. The City has no reason to disagree with the information contained in the Grand Jury's report.

- F5. The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response to F5:

The City of Foster City agrees with the finding. The City has no reason to disagree with the information contained in the Grand Jury's report.

- F6. The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response to F6:

The City of Foster City agrees with the finding. The City has no reason to disagree with the information contained in the Grand Jury's report.

- F7. The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page.

Response to F7:

The City of Foster City agrees with the finding. The City has no reason to disagree with the information contained in the Grand Jury's report. The City will provide information on how to report MUH smoking violations on the homepage of its website.

- F8. The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP (Tobacco Prevention Program) or TEC (Tobacco Education Coalition) or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not.

Response to F8:

The City of Foster City agrees with the finding. The City has no reason to disagree with the information contained in the Grand Jury's report.

- F9. All MUH jurisdiction citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

Response to F9:

The City of Foster City agrees with the finding. The City has no reason to disagree with the information contained in the Grand Jury's report.

- F10. The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multi-unit housing.

Response to F10:

The City of Foster City Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.

- F11. The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

Response to F11:

The City of Foster City Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.

- F12. The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

Response to F12:

The City of Foster City Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.

F13. TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

Response to F13:

The City of Foster City Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.

F14. The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

Response to F14:

The City of Foster City Agrees with the finding. We have no reason to disagree with the information contained in the Grand Jury's report.

Responses to Grand Jury Findings:

The San Mateo County 2017-2018 Grand Jury made a total of eight (8) recommendations to the City Councils of the cities within San Mateo County. The Grand Jury requested responses from the City of Foster City specifically regarding R2, R4, R5 and R6.

R2. The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

Response to R2:

The City Council of the City of Foster City will formally adopt an amendment to the MUH Smoking Ordinance prohibit retaliation against individuals who report violations prior to December 31, 2018.

R4. Each jurisdiction with an MUH smoking ordinance (Belmont, Foster City, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

Response to R4:

These recommendations have been implemented. Complaints regarding the City's smoking ordinance are now entered into our records management system. We have the ability to search and determine any information about calls for service related to the smoking ordinance.

R5. Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

Response to R5:

This recommendation has been implemented. The information is available upon request.

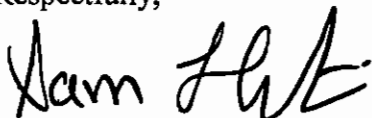
R6. Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

Response to R6:

This recommendation has been implemented. The public may access the City's complaint response management application to report violators.

Pursuant to Penal Code Section 933.05 and the Brown Act, this response to the Grand Jury was approved by Minute Order at a public meeting on November 19, 2018.

Respectfully,



Sam Hindi
Mayor, City of Foster City
President, Estero Municipal Improvement District

Enclosure

MINUTE ORDER

No. 1573

OFFICE OF THE CITY CLERK
FOSTER CITY, CALIFORNIA

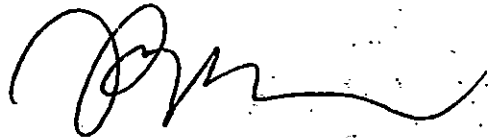
Date: November 20, 2018

Attention: City Council/EMID Board
Jeff Moneda, City/District Manager
Dante Hall, Assistant City Manager

City Council/EMID Board of Directors Meeting Date: November 19, 2018

Subject: Response to the San Mateo County Civil Grand Jury Report: "Smoke-Free
Multiunit Housing: No Ifs, Ands, or Butts"

Motion by Councilmember Bronitsky, seconded by Vice Mayor Pollard, and carried unanimously by roll call vote, 5-0-0, IT WAS ORDERED to approve a letter to the Honorable V. Raymond Swope, Judge of the Superior Court in response to the San Mateo County Civil Grand Jury Report, dated July 26, 2018, entitled "Smoke-Free Multiunit Housing: No Ifs, Ands, or Butts."



CITY CLERK/DISTRICT SECRETARY



CITY OF HALF MOON BAY

501 Main Street
Half Moon Bay, CA 94019

August 28, 2018

Hon. V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich,
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report: "Smoke-Free Multiunit Housing: No Ifs, Ands Or Butts"

Dear Ms. Kresevich,

We are in receipt of the Grand Jury's report "Smoke-Free Multiunit Housing: No Ifs, Ands Or Butts" dated July 26, 2018. The Grand Jury requested a response to item R7:

R7: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

Response:

At the direction of the City Council, the City of Half Moon Bay conducted a Smoking Survey that was mailed to residents to develop data on what sort of regulations are supported by the public. The surveys were made available on the City's website, in both English and Spanish. Further, paper copies were provided at the Library, Ted Adcock Community Center and City Hall. The City sought input on the Smoking Survey between March 26, 2018 and May 1, 2018.

The City Council was presented with the results of the Smoking Survey at the May 15, 2018 City Council Meeting, which included 167 responses to the General Survey and 177 responses to the Multifamily Survey. In addition, The City of Half Moon Bay conducted a public hearing to evaluate issues and hear residents' views on a proposed ordinance restricting smoking in multiunit housing on August 21, 2018. At that meeting, the Council approved the introduction of an ordinance restricting smoking in certain places, including in common areas and individual units in multifamily housing. The Council will consider the ordinance on second reading at a subsequent meeting.

Thank you for the work of this Grand Jury and for your efforts to reach out to our communities. Should you have any questions, please feel free to contact me.

Sincerely,

David Boesch
Interim City Manager

C: Half Moon Bay City Council
Catherine Engberg, City Attorney



October 10, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charleen Kresevich
Hall of Justice
400 County Center, 2nd Fl
Redwood City, CA 94063-1655

RE: Civil Grand Jury Report: “Smoke-Free Multiunit Housing: No Ifs, Ands or Butts”

Dear Judge Swope,

We are in receipt of the San Mateo County Civil Grand Jury’s report “Smoke-Free Multiunit Housing: No Ifs, Ands or Butts” dated July 26, 2019 (“Report”). The City Council of the City of Menlo Park (“City”) voted at its public meeting on October 9, 2018, to authorize this response to the Report.

Response to findings:

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

Response: The City agrees.

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response: The City agrees.

Response to recommendations:

The Report requested a response to item R7:

R7: The towns/ cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents’ views on restricting smoking in multiunit housing in their jurisdictions.

Response: The recommendation has not yet been implemented, but will be implemented by December 31, 2018, or shortly thereafter. The City plans to conduct public outreach and engagement to hear residents' views on restricting smoking in multiunit housing in the City at its Housing Commission Meeting currently scheduled for November 14, 2018. If there is significant community interest in pursuing local legislation, the City will endeavor to conduct a follow up public meeting in or around December 31, 2018. Given recent staff departures, other City Council priorities and few public complaints about this matter, the above schedule may change.

Thank you for the work of this Civil Grand Jury and for your efforts to reach out to our communities. Should you have any questions, please feel free to contact me.

Sincerely,



Peter I. Ohtaki
Mayor

cc: William M. McClure, City Attorney



City of Millbrae

621 Magnolia Avenue, Millbrae, CA 94030

GINA PAPAN
Mayor

WAYNE J. LEE
Vice Mayor

ANN SCHNEIDER
Councilmember

ANNE OLIVA
Councilmember

REUBEN D. HOLOBER
Councilmember

November 9, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Subject: City of Millbrae response to 2017 - 2018 Civil Grand Jury Report entitled "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts."

Dear Judge Swope:

After reviewing the 2017-2018 Grand Jury report entitled "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts", the following are the City of Millbrae's responses to the Grand Jury's findings:

FINDINGS

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

Response: The City has not researched these statistics but agrees with the finding based on the Grand Jury's representations in their report.

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

Response: The City of Millbrae does not currently have an ordinance prohibiting smoking in multiunit housing developments.

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

City Council/City Manager/City Clerk
(650) 259-2334

Fire
(650) 558-7600

Building Division/Permits
(650) 259-2330

Police
(650) 259-2300

Community Development
(650) 259-2341

Public Works/Engineering
(650) 259-2339

Finance
(650) 259-2350

Recreation
(650) 259-2360

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions listed in the finding.

F4: Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F4.)

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions listed in the finding.

F5: The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F5.)

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions listed in the finding.

F6: The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F6.)

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions listed in the finding.

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page. (See Website Content Table below, column F7.)

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions listed in the finding.

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not. (See Website Content Table below, column F8.)

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions listed in the finding.

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other

compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions.

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response: The City agrees with this finding as it pertains to Millbrae.

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

Response: The City neither agrees nor disagrees with this finding. The City is not familiar with smoking ordinances of the jurisdictions.

F12: The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

Response: The City agrees with this finding, relying on the Grand Jury's representations.

F13: TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

Response: The City of Millbrae has not received any requests for data from either TPP or TEC and neither agrees nor disagrees with this finding as the City does not have a multiunit smoking ordinance.

F14: The funding allocation from the California Department of Public Health's Tobacco Control program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

Response: The City agrees with this finding, relying on the Grand Jury's representations.

The following are the City of Millbrae's responses to the Grand Jury's recommendations:

R1: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word "smoking," or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

Response: Recommendation is not currently applicable to the City of Millbrae. If the City enacts an ordinance in the future, this recommendation will be considered.

R2: The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

Response: Recommendation is not currently applicable to the City of Millbrae. If the City enacts an ordinance in the future, this recommendation will be considered with the notion that identities of all complainants in code enforcement matters should be held as confidential.

R3: The cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit smoking medical marijuana in multiunit housing.

Response: The City of Millbrae currently has an ordinance prohibiting cannabis and complies with all State laws. If the City enacts an ordinance in the future, this recommendation will be considered.

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

Response: Recommendation is not currently applicable to the City of Millbrae. If the City enacts an ordinance in the future, this recommendation will be considered.

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

Response: Recommendation is not currently applicable to the City of Millbrae.

R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

Response: Recommendation is not currently applicable to the City of Millbrae.

R7: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

Response: The City will take this recommendation under advisement.

R8: TPP and TEC should update their web pages by March 31, 2019, to include the following:

- Links to MUH jurisdictions' smoking ordinances and their summaries/FAQs
- Information on how to report violations of MUH smoking ordinances in each applicable Jurisdiction

Response: Recommendation is not currently applicable to the City of Millbrae. If the City enacts an ordinance in the future, this City will work with TPP and TEC to enact recommendation.

The Millbrae City Council approved this response letter at its public meeting on November 13, 2018. The due date for the City of Millbrae is November 19, 2018.

Sincerely,


Gina Papan

Mayor

cc: City Council
City Manager
City Attorney



Scenic Pacifica
Incorporated Nov. 22, 1957

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506

www.cityofpacifica.org

MAYOR
John Keener

MAYOR PRO TEM
Sue Vateriaus

COUNCIL
Sue Digre
Mike O'Neill
Deirdre Martin

October 8, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655.

RESPONSE TO GRAND JURY REPORT: "SMOKE-FREE MUTLIUNIT HOUSING: NO IFS, ANDS OR BUTTS"

Honorable Judge Swope:

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report filed on July 26, 2018. The City of Pacifica's response to both the findings and recommendations are listed below.

FINDINGS

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

Response to F1: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

Response to F2: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation;

however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

Response to F3: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F4: Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do.

Response to F4: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F5: The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response to F5: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F6: The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do.

Response to F6: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home.

Response to F7: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not.

Response to F8: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

Response to F9: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response to F10: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

Response to F11: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F12. The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

Response to F12: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F13: TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

Response to F13: The City agrees with this finding, relying on the Grand Jury's representations in their report.

F14: The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

Response to F14: The City agrees with this finding, relying on the Grand Jury's representations in their report.

RECOMMENDATIONS

R1: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word "smoking," or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

Response to R1: This recommendation does not apply to the City.

R2: The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

Response to R2: This recommendation does not apply to the City.

R3: The cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit smoking medical marijuana in multiunit housing.

Response to R3: This recommendation does not apply to the City.

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation,

and the response to it (complaints data) is recorded in a searchable electronic database

- **The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance**

Response to R4: This recommendation does not apply to the City.

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

Response to R5: This recommendation does not apply to the City.

R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

Response to R6: This recommendation does not apply to the City.

R7: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions.

Response to R7: The City agrees to hold a public hearing to evaluate the issues and hear residents' views on restricting smoking in multiunit housing in the City of Pacifica. Due to current City Council priorities and agenda items, the City will not hold this hearing prior to the December 31, 2018 recommended date. The City agrees to hold the hearing no later than March 31, 2019.

R8: TPP and TEC should update their web pages by March 31, 2019, to include the following:

- **Links to MUH jurisdictions' smoking ordinances and their summaries/FAQs**
- **Information on how to report violations of MUH smoking ordinances in each applicable jurisdiction**

Response to R8: This recommendation does not apply to the City.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K Woodhouse', with a long horizontal flourish extending to the right.

KEVIN WOODHOUSE
City Manager

cc: Pacifica City Council

TOWN of PORTOLA VALLEY

Town Hall: 765 Portola Road, Portola Valley, CA 94028 Tel: (650) 851-1700 Fax: (650) 851-4677

October 12, 2018

Hon. V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center
Redwood City, CA 94063

Dear Judge Swope,

Thank you for the opportunity to respond to the Grand Jury report entitled "Smoke-Free Multiunit Housing: No Ifs, Ands, or Butts".

The response to "Recommendation 7 - The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos should, by December 31, 2018, hold public hearings to evaluate issues and hear residents' views on restricting smoking in multiunit housing in their jurisdictions" was the only recommendation the Town was requested to respond to. The below was reviewed and approved by the Town Council at their October 10, 2018 meeting:

The Town of Portola Valley does not provide for multifamily housing in its zoning code; all housing is single-family detached, other than provisions for internal or attached accessory dwelling units. As such, the Town Council does not feel it is necessary to hold a public hearing on smoking in multifamily housing.

Thank you,



John Richards
Mayor, Town of Portola Valley



Rico E. Medina
Mayor

October 23, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

Re: Response of the City of San Bruno to the Grand Jury Report "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts"

Dear Judge Swope:

Thank you for the opportunity to respond to the Grand Jury report titled "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts."

The City of San Bruno's ("City") response to the fourteen listed findings and the four recommendations applicable to the City are listed below. The City Council approved this response at its regular meeting on October 23, 2018.

FINDINGS

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States.

The City agrees that the Surgeon General of the United States has reported this finding in a report dated 2014.

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

The City agrees that its code enforcement officers generally attempt to educate residents in response to smoking violation complaints as part of their efforts to gain compliance. The City does not have sufficient information to agree or disagree with the finding that most alleged smokers report being unfamiliar with the requirements of the ordinance.

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

The City agrees with the finding regarding its ordinance, but has no information to agree or disagree with the finding regarding other ordinances.

F4: Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F4.)

The City agrees with the finding regarding its website, but has no information to agree or disagree with the finding regarding other websites.

F5: The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F5.)

The City agrees with the finding regarding its website, but has no information to agree or disagree with the finding regarding other websites.

F6: The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F6.)

The City agrees with the finding regarding its website, but has no information to agree or disagree with the finding regarding other websites.

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page. (See Website Content Table below, column F7.)

The City agrees with the finding regarding its website, but has no information to agree or disagree with the finding regarding other websites.

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not. (See Website Content Table below, column F8.)

The City agrees with the finding regarding its website, but has no information to agree or disagree with the finding regarding other websites.

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

The City agrees that its code enforcement officers may issue citations after obtaining sufficient evidence that a violation has occurred, which may include the items listed in the finding.

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

The City has no information to agree or disagree with the finding, as it does not relate to San Bruno.

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

The City has no information to agree or disagree with the finding, as it does not relate to San Bruno.

F12: The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

The City does not have any information to agree or disagree with the finding.

F13: TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

The City does not have any information to agree or disagree with the finding.

F14: The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

The City does not have any information to agree or disagree with the finding.

RECOMMENDATIONS

R1: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word "smoking," or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

The report confirms that the City's website includes all of these features, except for a notice that residents can report anonymously. The City will comply with this recommendation, although anonymous complaints may be more difficult to verify.

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of

San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

Since the effective date of its ordinance, the City has received very few code enforcement complaints regarding secondhand smoke. The City attributes this to the effectiveness of its public outreach efforts before and after the ordinance was adopted, the cooperation of the City's large multiunit housing complexes, and the diligence of the TEC in resolving complains. The City expects that going forward, the number of code enforcement complaints will not change substantially from the current baseline level. Code enforcement complaints are currently entered into a City data base, from which the information identified in the recommendation can be retrieved.

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

The City will comply with this recommendation.

R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

The City will comply with this recommendation.

Sincerely,



Rico E. Medina
Mayor

Mayor Ian Bain
Vice Mayor Diane Howard

Council Members
Alicia C. Aguirre
Janet Borgens
Jeffrey Gee
Shelly Masur
John D. Seybert



1017 MIDDLEFIELD ROAD
Redwood City, California 94063
Telephone (650) 780-7220
FAX (650) 261-9102
www.redwoodcity.org

October 23, 2018

Honorable V. Raymond Swope
Judge of the Superior Court
C/O Charlene Kresevich
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

RE: Grand Jury Report "SMOKE-FREE MULTIUNIT HOUSING: NO IFS, ANDS, OR BUTTS"

Dear Judge Swope:

On behalf of the City Council of the City of Redwood City, I would like to thank you for the opportunity to respond to the Grand Jury Report dated July 26, 2018 regarding Smoke-Free Multi-unit in San Mateo County. The following response to the Grand Jury Report was reviewed and approved by the City Council at its meeting on October 22, 2018.

The Grand Jury requested responses from the City of Redwood City on all Findings presented in the report, as well as Recommendations 4, 5 & 6.

The Findings and Recommendations, as well as the City's response are detailed as follows:

Findings:

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States

City Response: Agree based on data presented.

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance.

City Response: Partially disagree. The City of Redwood City has not yet been involved in enforcement action, therefore it would difficult to fully agree with this finding without having direct experience.

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not.

City Response: Agree for Redwood City's ordinance.

F4: Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City⁸¹ do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F4.)

City Response: Agree for Redwood City's website.

F5: The websites for Burlingame, Daly City, Redwood City, and the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F5.)

City Response: Partially Disagree. The City does have a summary in both English and Spanish on the City's website: <https://www.redwoodcity.org/smokingban>. However, this webpage may have gone live after the Grand Jury did their research.

F6: The websites for Belmont, Burlingame, Daly City, Redwood City, and the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do. (See Website Content Table below, column F6.)

City Response: Partially Disagree. The City does have a webpage that explains how to use the MyRWC app. This app allows residents to make smoking complaints. In addition, the above mentioned smoke-free multi-family housing webpage indicates that smoking complaints can be made via the MyRWC app. That said, we will also change the City's MyRWC page to explicitly note that smoking violations can be reported.

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, and San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties,

abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page.⁸⁵ (See Website Content Table below, column F7.)

City Response: Partially disagree. On the City's main page, there is a "service request" link that takes you to the City's reporting app, MyRWC. Within MyRWC, you can report smoking violations. In addition, the above mentioned smoke-free multi-family housing webpage does note that complaints can be made via the MyRWC app. That said, we will change the City's MyRWC page to explicitly note that smoking violations can be reported.

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the Tobacco Prevention Program (TPP) or Tobacco Education Coalition (TEC) or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not. (See Website Content Table below, column F8.)

City Response: Agreed. The City does not currently have information about TPP or TEC, however, this information will be added to the smoke-free multifamily housing webpage.

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance.

City Response: Agreed.

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

City Response: Agreed based on information presented in the report.

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing.

City Response: Agreed based on information presented in the report.

F12: The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how

residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions.

City Response: Agreed based on information presented in the report.

F13: TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information.

City Response: Agreed based on information presented in the report.

F14: The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018.

City Response: Agreed based on information presented in the report.

Grand Jury Recommendations:

The City is required to respond to four recommendations in the Grand Jury Report.

R1: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word "smoking," or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

City Response: For steps not already completed, the City will complete these steps within the proposed timeframe.

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database

The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

City Response: The City will complete these steps within the proposed timeframe.

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

City Response: The City will complete make this data available within the proposed timeframe.

R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

City Response: The City will conduct this review within the proposed timeframe.

Sincerely,

A handwritten signature in black ink, appearing to read "Ian Bain". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ian Bain, Mayor
City of Redwood City

cc: Redwood City City Council
Melissa Stevenson Diaz, City Manager
Aaron Aknin, Assistant City Manager/Community Development Director

CITY OF SAN CARLOS
CITY COUNCIL



600 ELM STREET
SAN CARLOS, CA 94070
(650) 802-4219
CITYOFSANCARLOS.ORG

September 11, 2018

Honorable V. Raymond Swope, Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

RE: San Mateo County Grand Jury Report "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts" Response

Dear Judge Swope:

In reply to your request for responses to the above referenced report, the City of San Carlos hereby submits this letter, which was approved by the City Council at the September 10, 2018 Council meeting.

Findings.

The City of San Carlos reviewed all eight of the Findings in the Grand Jury report. Since the Findings are based on research conducted by the Grand Jury of San Mateo County of San Mateo County agencies, we did not independently confirm the Findings. However, to respond to your request that we agree with the Findings, we hereby agree with each Finding.

Recommendations.

The City of San Carlos was asked to respond to one action, which is Recommendation 7 – to hold a public hearing by December 31, 2018 to evaluate issues and hear residents' views on restricting smoking in multiunit housing in our jurisdiction. The recommendation has not yet been implemented, but will be implemented at a City Council meeting before the end of the year. Currently, the item is scheduled for the Council meeting on October 22, 2018.

The City of San Carlos appreciates the opportunity to comment on the Grand Jury report.

Best Regards,

Bob Grassilli, Mayor



OFFICE OF THE MAYOR

330 W. 20th Avenue
San Mateo, CA 94403-1921
Telephone: 650-522-7048
FAX: 650-522-7041
www.cityofsanmateo.org

October 15, 2018

Hon. V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

**RESPONSE TO GRAND JURY REPORT: "SMOKE-FREE MULTIUNIT HOUSING: NO
IFS, ANDS OR BUTTS"**

Honorable Judge Swope –

Thank you for the opportunity to review and comment on the above referenced Grand Jury Report filed on July 26, 2018. After reviewing the Grand Jury Report and all available data pertaining to our community, below is the City of San Mateo's response to the findings and recommendations of the report.

Response to Grand Jury Findings:

F1: Since 1967, exposure to secondhand smoke has killed approximately 2.5 million nonsmokers of all ages in the United States. **The respondent agrees with this finding, relying on the Grand Jury's representations in their report.**

F2: Enforcement officers report that their primary focus when responding to MUH smoking violation complaints is to educate alleged smokers regarding the requirements of the smoking ordinances, and that most alleged smokers report being unfamiliar with the requirements of the ordinance. **The respondent agrees with this finding.**

F3: The Belmont, Brisbane, Daly City, Redwood City, San Bruno, and the County of San Mateo MUH smoking ordinances expressly prohibit retaliation against individuals who report a violation; however, the MUH smoking ordinances for Burlingame, Foster City, the City of San Mateo, and South San Francisco do not. **The respondent agrees that the City of San Mateo's smoking ordinance does not expressly prohibit retaliation; we address the reasons why in our response to Recommendation 2 below.**

F4: Searches for "smoking" or "smoke" using the website search tool for Burlingame and Daly City do not yield any information regarding their MUH smoking ordinances, whereas the search tools for each of the other jurisdictions with MUH smoking ordinances do. **The respondent agrees that a search of "smoke" or "smoking" on the City of San Mateo's website does yield information regarding our agency's smoking ordinance.**

F5: The websites for Burlingame, Daly City, Redwood City, the County of San Mateo, and South San Francisco do not contain summaries of their MUH smoking ordinances. The websites for each of the other jurisdictions with MUH smoking ordinances do. **The respondent agrees that the City of San Mateo's website does contain a summary of our agency's smoking ordinance.**

F6: The websites for Belmont, Burlingame, Daly City, Redwood City, the City of San Mateo, and South San Francisco do not provide specific information on how to make complaints regarding MUH smoking violations. The websites for each of the other jurisdictions with MUH smoking ordinances do. **The respondent agrees with this finding.**

F7: The websites for the cities of Belmont, Brisbane, Foster City, Redwood City, San Bruno, San Mateo, and South San Francisco, as well as the County's Health System website (for unincorporated San Mateo County) have links on their home pages that lead to information on how to report specific types of nuisances such as barking dogs, loud parties, abandoned mattresses, and shopping carts. However, these links do not provide information on how to report MUH smoking violations. Burlingame's website links to Code Compliance from its home page. **The respondent agrees with this finding.**

F8: The websites for Brisbane, San Bruno, and the County of San Mateo (on the County Health System website) provide information about the TPP or TEC or how to contact them regarding an MUH smoking issue. The websites for the other MUH jurisdictions do not. **The respondent agrees with this finding.**

F9: In all MUH jurisdictions, the issuance of citations for violations of MUH smoking ordinances is limited by the need to (1) observe the violation in progress, (2) see other compelling evidence that a violation had occurred, or (3) have the alleged violator admit to law or code enforcement that he or she had been smoking in violation of the MUH smoking ordinance. **The respondent agrees with this finding, as these are the criteria for all municipal code violations.**

F10: The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing. **The respondent neither agrees nor disagrees as we do not have firsthand knowledge regarding this finding.**

F11: The MUH smoking ordinances for the cities of Brisbane, Burlingame, Daly City, and the County of San Mateo for its unincorporated areas do not prohibit smoking medical marijuana in multiunit housing. **The respondent neither agrees nor disagrees as we do not have firsthand knowledge regarding this finding.**

F12: The TPP web pages do not include the following information: (a) a summary of residents' rights and obligations under the MUH smoking ordinances in their jurisdictions, (b) links to each jurisdiction's MUH smoking ordinance, and (c) information on how residents of multiunit housing can report violations of MUH smoking ordinances in their specific jurisdictions. **The respondent neither agrees nor disagrees as we do not have firsthand knowledge regarding this finding.**

F13: TPP reported limited success in obtaining MUH smoking complaints data from jurisdictions, making it difficult to assess the efficacy of MUH ordinances and develop trend information. **The respondent neither agrees nor disagrees as we do not have firsthand knowledge regarding this finding.**

F14: The funding allocation from the California Department of Public Health's Tobacco Control Program for TPP increased from \$150,000 in FY 2016-2017 to \$784,000 in FY-2017-2018. **The respondent neither agrees nor disagrees as we do not have firsthand knowledge regarding this finding.**

Response to Grand Jury Recommendations:

R1: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco and the County of San Mateo for its unincorporated areas) should improve their educational outreach to residents regarding such ordinances, including at a minimum each of the following, by no later than March 31, 2019:

- Publishing summaries of residents' rights and obligations under their MUH smoking ordinances, including on their websites
- Publishing information on how to report violations of MUH smoking ordinances, including on their websites
- Informing residents that they can report violations of MUH smoking ordinances anonymously
- Informing residents, including on their websites, that it is unlawful for any landlord or other person to take any retaliatory action against them for having reported a violation of an MUH smoking ordinance
- Ensuring that information about reporting MUH smoking ordinance violations is just as readily accessible on their websites as information about other forms of nuisance
- Ensuring that, upon typing the word "smoking," or the like in the search features of their websites, users are directed to all information about the jurisdiction's MUH smoking ordinance and related complaints process

Many of the components outlined in this recommendation have already been implemented by the City of San Mateo. Our City website contains a brochure summarizing key elements of our smoking ordinance and this information is included as a search result upon typing the word "smoking" into our website's search engine. The brochure has been revised when changes to the Ordinance have been adopted, and the materials do include the phone number to San Mateo Police Dispatch, which is where violations may be reported. In addition, the materials are printed in hard copy and periodically distributed to locations such as City Hall and the libraries to be made available to the public. The City of San Mateo will work to address the other elements contained in this recommendation to enhance the educational information currently available and will work to integrate this into our website by March 31, 2019.

R2: The cities of Burlingame, Foster City, San Mateo, and South San Francisco should amend their MUH smoking ordinances, by no later than December 31, 2018, to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

This recommendation will not be implemented due to legal concern that the addition of such language would be vague and create ambiguity as to the protection afforded and the legal defensibility. The City of San Mateo believes the current ordinance to be sufficient, as any retaliation which rises to the level of being a crime, would be acted upon by the Police Department. The Police Department will take action against any individual who commits a crime.

R4: Each jurisdiction with an MUH smoking ordinance (Belmont, Brisbane, Burlingame, Daly City, Foster City, Redwood City, San Bruno, City of San Mateo, South San Francisco, and the County of San Mateo for its unincorporated areas) should, by June 30, 2019, evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations so that:

- Information regarding each complaint of an MUH smoking ordinance violation, and the response to it (complaints data) is recorded in a searchable electronic database
- The jurisdiction can evaluate trends in the complaints data and the efficacy of the MUH smoking ordinance

This recommendation will be implemented. Currently there is not a mechanism in place which separates out smoking complaints with a unique type code making them easy to track. We will be creating a unique "smoking" incident type code in our computer-aided dispatch system that will allow us to aggregate data on any smoking-related complaint, and estimate this will be in place by January 1, 2019.

R5: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, make their complaints data (with names of alleged violators deleted) available to the TPP and TEC on at least an annual basis.

This recommendation will be implemented. The data we have is available and may be requested at any time, by any entity; however, as described in the response to R4 above, we do not currently have a mechanism in place which separates out smoking complaints with a unique code making them easy to track. We will be implementing a system to allow for this, and anticipate having this in place by January 1, 2019. The TPP and TEC are welcome to request the data we have by submitting a public records request annually, or at any time, as any other entity can.

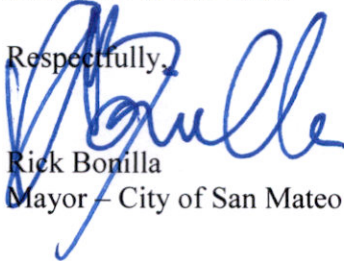
R6: Each jurisdiction with an MUH smoking ordinance should, by December 31, 2018, conduct a review of current methods used by the public to report MUH smoking violations and possible improvements (including online reporting on their websites and use of mobile phone apps) to ensure ease of reporting.

This recommendation will be implemented. We are currently assessing opportunities to enhance ease of reporting.

This response to the Grand Jury was approved at a public meeting on October 15, 2018.

The City of San Mateo and the San Mateo Police Department believe in taking proactive measures to protect the community from second hand smoke and we commend the County's endeavor to raise awareness of this issue.

Respectfully,



Rick Borilla
Mayor - City of San Mateo



CITY COUNCIL 2018

LIZA NORMANDY, MAYOR
KARYL MATSUMOTO, MAYOR PRO TEMPORE
MARK ADDIEGO, COUNCILMEMBER
RICHARD A. GARBARINO, COUNCILMEMBER
PRADEEP C. GUPTA, PH.D. COUNCILMEMBER

MIKE FUTRELL, CITY MANAGER

OFFICE OF THE CITY MANAGER

October 11, 2018

Hon. V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich Hall of Justice
400 County Center;
2nd Floor
Redwood City, CA 94063-1655

Dear Hon V. Raymond Swope,

On October 10, 2018, the City Council of the City of South San Francisco ("City") approved the response contained in this letter to the San Mateo County Grand Jury Report "Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts" dated July 26, 2018.

Response to Findings

The City agrees with Findings F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, and F14. The findings are accurate, and reflect information that is included in publicly available documents, including the City's Municipal Code, Chapter 8.50 "Regulation of Smoking", and also on the City's website at <http://www.ssf.net>.

Response to Recommendations

In response to R1, the City will improve their educational outreach to residents regarding such ordinances by no later than March 31, 2019.

In response to R2, the City will consider a proposed ordinance revising the City's current MUH smoking ordinance to prohibit retaliation against individuals who report violations of the MUH smoking ordinances.

In response to R4, the City will evaluate ways to improve its collection and retrieval of complaints of MUH smoking violations.

In response to R5, the City will make its complaints data (with names of alleged violator deleted) available to the Tobacco Prevention Program (TPP) and Tobacco Education Coalition (TEC) on at least an annual basis.

October 11, 2018
Response to San Mateo County Grand Jury Report
"Smoke-Free Multiunit Housing: No Ifs, Ands, Or Butts" dated July 26, 2018

In response to R6, the City will conduct a review of current methods used by the public to report MUH smoking ordinance violations and possible improvements (including online reporting on its website and use of mobile phone apps) to ensure ease of reporting

Sincerely,

A handwritten signature in blue ink that reads "Mike Futrell". The signature is stylized and cursive.

Mike Futrell
City Manager
City of South San Francisco



The Town of
Woodside

September 12, 2018

The Honorable V. Raymond Swope
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

RE: 2017-18 GRAND JURY REPORT - *Smoke-Free Multiunit Housing: No ifs, Ands, Or Butts*

Dear Judge Swope:

The Town Council of the Town of Woodside wishes to thank the 2017-18 Grand Jury for its service. The Town Council has reviewed the report entitled *No ifs, Ands, Or Butts* and reviewed the findings and recommendations of the Grand Jury at its public meeting of September 11, 2018, and approved the following response:

FINDINGS

10. The towns/cities of Colma, East Palo Alto, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Portola Valley, and San Carlos do not have smoking ordinances that restrict smoking in their multiunit residences, except in some common areas. Atherton, Hillsborough, and Woodside have no multiunit housing.

Response: The Town of Woodside has no multiunit housing. Based on the information provided in the Grand Jury Report, the Town agrees with this finding.

On behalf of the Town Council, I would like to extend our thanks for the opportunity to review and respond to the work of the 2017-18 Grand Jury.

Please do not hesitate to call Town Manager Kevin Bryant, at (650) 851-6790, should you require any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "CS", is written over a horizontal line.

Chris Shaw
Mayor

650-851-6790

Fax: 650-851-2195

townhall@woodsidetown.org

P.O. Box 620005
2955 Woodside Road
Woodside CA 94062