



Legislation Text

File #: ORD 15-0019, **Version:** 2

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Mark Danaj, City Manager

FROM:

Tony Olmos, Public Works Director

Sona Coffee, Environmental Programs Manager

SUBJECT:

Adopt Ordinance No. 15-0019: Regulation of Smoking in Multi-Unit Housing in Manhattan Beach (Continued from the October 6, 2015 City Council Meeting) (Public Works Director Olmos).

ADOPT ORDINANCE NO. 15-0019 AND APPROPRIATE FUNDS

RECOMMENDATION:

Staff recommends that City Council adopt Ordinance No. 15-0019 regulating smoking in multi-unit housing, and appropriate \$7,000 from unreserved General Funds for outreach of the program.

FISCAL IMPLICATIONS:

If Ordinance 15-0019 is approved, staff requests an allocation of \$7,000 to conduct outreach to multi-unit housing property managers and tenants.

DISCUSSION:

On September 15, 2015, City Council introduced Ordinance No. 15-0019 (Attachment 1). The ordinance does not permit smoking inside any units or in any outdoor areas of a multi-unit housing property. This policy is in line with the City's existing ordinance on smoke-free public places, and the Breathe Free MB educational campaign on smoking outdoors.

Ordinance No. 15-0019 includes the following measures to regulate smoking in multi-unit housing:

1. Definition of multi-unit properties set as those with three or more attached units, including the Manhattan Village multi-family properties;
2. Prohibition of smoking (including use of electronic cigarettes) indoors and all outdoor areas of multi-unit properties, with no designated smoking areas
3. 18-month phase-in period for implementation of smoke-free requirements, and
4. Details on the enforcement of the smoke-free policy in multi-unit properties.

City Council approved an 18-month implementation period to give staff time to meet with and educate property managers and tenants on the proposed smoke-free housing policy. The ordinance requires that by May 5, 2017 all multi-unit housing in Manhattan Beach will be smoke-free, and that non-

smoking signage will be posted to notify tenants that the properties are non-smoking. After November 5, 2016 all rental properties will be required to include in their lease agreements language stating that all units are smoke-free as of May 5, 2017. HOAs will have until 6 months before May 5, 2017, or an earlier date if they so determine, to provide written notice to their homeowners, and amend their rules and regulations to include the smoke-free policy.

Property managers and HOAs will not be held liable for violations of the smoking ordinance if they follow the requirements to include language on the smoke-free policy in their lease terms, or rules and regulations for HOAs. Any violations of these requirements of the ordinance will be prosecuted as an infraction or misdemeanor at the discretion of the City Prosecutor. The City will not enforce individual complaints of smoking violations on multi-unit properties, but will verify that the lease agreements, rules and regulations, and signage requirements have been met.

Per City Council direction, staff reached out to Manhattan Village representatives on September 16, 2015 and offered to provide clarification on the proposed ordinance in preparation for the October 6, 2015 City Council meeting. This item was continued by City Council on October 6, 2015 at the request of Manhattan Village to provide them with more time to study the issue. The Manhattan Village Board of Directors was to discuss this topic at their October 14, 2015. As of this writing, staff did not have a report regarding the outcome of their meeting.

CONCLUSION:

Staff recommends that City Council adopt Ordinance No. 15-0019 to regulate smoking in multi-unit housing, and appropriate \$7,000 from unreserved General Funds for outreach of the program.

Attachment:

1. Ordinance No. 15-0019