

City Council OKs staff to develop smoking ban in apartments

April 10, 2020



The Crescent City City Council approved staff moving forward to develop a smoke-free ordinance in multi-unit housing, including apartments and condominiums.

After working since January 2019 with Del Norte County and members of the Coalition for a Tobacco Free Del Norte, Jon Olson, director of Crescent City Public Works Department, presented a model ordinance developed by the non-profit ChangeLab Solutions.

Olson said the model ordinance was set up to be customizable to best suit council desires for implementation in Crescent City.

The broad model focused in on possible details, such as limits to the exposure of secondhand smoke by:

- Restricting smoking in the indoor and outdoor common areas, with an option to create designated outdoor smoking areas

- Prohibiting smoking in all multi-unit residences
- Providing robust enforcement mechanisms, including no-lease terms and options for private individuals and organizations to enforce the smoke-free housing provision.

Olson said the ordinance would also expand nuisance laws to include nonconsensual exposure to smoke, such as to children, and set fines for first-time and multiple offenses.

His presentation also provided some potential cons to implementing a ban.

“We have an unknown number of current smoking units of multi-unit residences, so it may have an unknown financial impact and could potentially limit the number of places available to smokers,” Olson said.

He also pointed out an ordinance may not even be needed, as there are already private means to limit smoking, say through lease agreements or landlords who outright say you’re not allowed to smoke in places that you rent.

Olson added enforcement of a smoking ban ordinance could further strain law enforcement resources.

“I spoke with the chief of police, in his opinion he felt it wouldn’t be a great burden with his officers and would blend nicely with his crime-free, multi-housing program the police department is looking to reimplement this year,” Olson said.

The city council’s willingness to address a smoking ban drew unanimous praise from community members, both in letters from the Del Norte Realtors Association, Open Door Community Health Center and the American Lung Association, and in comments from those participating in the meeting via Zoom.

Humboldt County Department of Health and Human Services health education specialist Jay McCubbrey, who has worked in tobacco control for 20 years, also took part in developing Del Norte County’s smoke-free policies through its Tobacco Use Prevention (TUP) program.

McCubbrey said the model policy being discussing has been a big part of progress throughout California.

“These policies work. The consistency of a community-wide policy increases compliance. And landlords don’t have to worry about tenants moving around to find a place to smoke. Landlords love it. It saves them money and they are not the bad guy,” McCubbrey said. “There are benefits to consistent community-wide policy. It creates understanding, stability and a level playing field for all.”

Denise Doyle-Schnacker, who works with after-school students, said she can tell which children are exposed to second-hand smoke in multi-use housing units, whether it’s smokers in their apartment or from smokers who used to live there before them.

“The smell is in their backpacks. They don’t have a way to escape it. They’ve missed school, developed asthma,” Doyle-Schacker said. “At some point, a generation will not be smokers. We need to draw that line in the sand now. If for no other reason to have healthier children.”

Physician's assistant Lynn Szabo is a landlord in both Humboldt County and Ashland, Ore., and also hosts Health Matters radio show on KPOD. She said it's important that this ordinance covers both firsthand and secondhand smoke.

"As a landlord, I was surprised to find out if I have a unit with a smoker, it takes \$10,000 to \$15,000 to detoxify it when the smoker moves out. I think landlords could save money with this ordinance," Szabo said. "As a healthcare provider in this community for 20 years, I've seen 7-year-olds that smoke and sometimes 5-year-olds. So, the less of it around the children in their living environment, not only the better for their health but as they grow up, they can be non-smoking citizens."

Kat Mareno, chair of Tobacco Free Del Norte Coalition, said despite TUP's 20 years of educational outreach, smoking rates are going up locally.

"We are double what the state average is. So, we need to do something else, a combination. The coalition believes doing a policy is going to be a winner here with the combination of education," Mareno said.

Crescent City resident Linda Sutter wrote in, reminding the city council that a recent fire at the Surf Hotel that displaced 12 residents was caused by a smoking incident.

"This is an overdue ordinance that would promote safety and security and the health of the community," she wrote.

However, support for developing a smoking ban was not unanimous on the city council. Councilmember Jason Greenough, admitted both that he is a nonsmoker, and knew it was unhealthy, but feared an ordinance would encroach on the civil liberties of residents and could not support it.

"I don't see a need at this point to force businesses to bend to our will by having police officers send a letter to these landlords, or having an ordinance in place forcing their hand," Greenough said. "Our primary responsibilities as leaders is to ensure rights are not being violated and liberty is preserved. Violating the rights of a resident to do something in their own home and violating the rights of a landlord to manage their businesses as they see fit doesn't make this right."

Mayor Pro Tem Heidi Kime agreed with Greenough in some respects of not imposing values on other people. But in this instance, she said this ordinance supersedes some rights as it addresses a segment of the population that can't defend itself — children.

"If you ask a neighbor not to smoke and they don't stop, at what point do you run out of options to protect your child? You can't afford to move. It puts an unnecessary burden on your family. In a position of leadership, we're in, we have to set that example," Kime said. "I give this one a big thumbs up."

Councilmember Isaiah Wright added he too was all for this, especially during the COVID-19 pandemic.

"Running for this position, I always said when it comes to my rights up against a child's, I'd always err on the side of the child. Especially for the elderly. With this respiratory issue going on, COVID-19, smoking doesn't help it along very well. Anything we could do to move that forward, the better," Wright said.

Mayor Inscore wanted staff, as it develops the ordinance, to also explore what is happening with ongoing education and what outreaches are being made.

“The education piece is important, along with any ordinance we’re considering, as a way to keep it in front of the public, to change their behavior while championing causes,” Inscore said.

After approving moving forward, with Greenough the only no vote and Alex Fallman not present, Kime and Wright volunteered to work with city staff and the Coalition for a Tobacco Free Del Norte to help craft a draft ordinance.