

# SMOKE-FREE MULTI-UNIT HOUSING POLICY

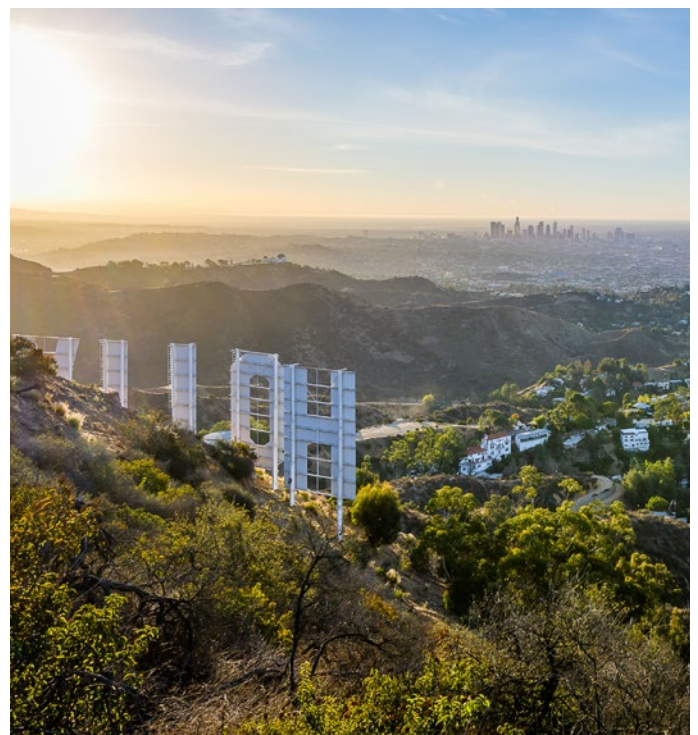
## A West Hollywood Case Study

 In 2022, West Hollywood prohibited smoking in all its new and existing multi-unit housing.

Smoking is a major public health issue and secondhand smoke exposure has been linked to numerous health problems, including respiratory disease, heart disease, and cancer. In California, smoking is already banned in most public places, workplaces, and restaurants, but multi-unit housing complexes have often been exempted from these restrictions.<sup>1</sup>

West Hollywood is a densely populated city in Los Angeles County with a population of approximately 36,000 people living in an area of just 1.9 square miles.<sup>2</sup> Approximately 80 percent of the city's households are renters, many of whom live in multi-unit housing complexes.<sup>3</sup> Roughly 15 percent of West Hollywood residents smoke, compared to an estimated 10 percent of California residents.<sup>4</sup>

West Hollywood has a long history of promoting public health and addressing commercial tobacco's impact on the community. In 2011,



for example, the city prohibited the smoking of commercial tobacco in outdoor dining, public service areas, and other public places, and in 2016, the city adopted a Tobacco Retailer Ordinance that aimed to reduce access to commercial tobacco by minors.<sup>5</sup> The city's smoke-free multi-unit housing policy is yet another example of the city's commitment to public health.



## Laying the Groundwork

The genesis of this ordinance goes back several years. In 2016, West Hollywood formed a Smoke-Free Multi-Unit Housing Task Force, which consisted of representatives from various city departments, including the Community Development Department, the Public Safety Department, and the Code Compliance Division, as well as public health advocates and community members. The task force conducted research on the health effects of secondhand smoke, the prevalence of smoking in multi-unit housing, and the effectiveness of smoke-free policies in other cities. It also solicited feedback from housing providers and others in the community to understand concerns related to the adoption of a smoke-free housing policy.

Based on its research and the feedback it received, the task force recommended that the city establish a program to expand the city's smoke-free policy from new buildings to existing multi-unit buildings and provide landlords and tenants education and resources to help them transition to a smoke-free environment. Many other California jurisdictions restricted smoking in newly constructed multi-unit housing but permitted it to continue in older existing units. West Hollywood was looking to close this loophole.

## Passing the Policy

In 2017, the West Hollywood City Council approved the creation of the Smoke-free Housing Unit program. The program required that all landlords implement a smoke-free policy within one year of the program's launch. It also required that landlords provide tenants a copy of the policy, update lease agreements to include the policy, and post signage indicating that the property is smoke-free. To facilitate the transition to a smoke-free environment, the city gave landlords, property managers, and tenants free education and training on the health effects of smoking, the benefits of a smoke-free policy, and strategies to enforce the policy.

In February 2021, determined to reduce the risks of secondhand smoke exposure and improve the health of tenants, the West Hollywood City Council voted 4 to 1 to approve an ordinance that prohibited tenants from smoking in any newly constructed or purchased dwelling units in multi-unit housing with three or more units, including condominiums, and in all common areas, including private balconies and patios.<sup>6</sup> The ordinance required landlords to include the smoke-free policy in lease addendums. The ordinance, however, allowed existing tenants to smoke tobacco in all multi-unit housing — including apartments, condos, townhomes, and co-ops. It did not restrict the smoking or vaping of cannabis. The policy took effect July 15, 2021.

After passing this ordinance, the city council recognized that to adequately address public health concerns, it also needed to address the issue of smoking in *existing* — not just *new* — multi-unit housing.<sup>7</sup> In March 2021, the West Hollywood City Council revisited the issue and on April 19, 2021, in another 4 to 1 vote, amended the policy to ban the smoking and vaping of commercial tobacco in *all existing* as well as *new* multi-unit buildings.<sup>8</sup> As with the earlier ordinance, the City Council did not impose restrictions on smoking or vaping cannabis in the privacy of residential units.

## Implementing the Ordinance

The city council, along with several public health and community organizations, carefully planned the implementation of the smoke-free multi-unit housing policy. To ensure a smooth transition, the city council established a timeline that gave landlords, property managers, and residents ample opportunity to prepare for the policy's implementation. The city also provided the community with various training and educational resources, including webinars, workshops, and informational materials to raise awareness and promote compliance.

In addition, the city council collaborated with various public health organizations, such as the American Lung Association, to offer resources to help landlords and property managers comply

with the new policy. Retailers, such as smoke shops and convenience stores, were also informed about the policy change and asked to remove smoking-related products from their stores.

The policy took effect January 1, 2023. Some landlords and property owners expressed initial concerns about potential impacts on their businesses and a few people who smoke objected to what they viewed as an infringement on their personal freedom. To address these concerns, the city council provided resources and support for landlords and property owners to help them comply with the new policy,<sup>9</sup> and emphasized the importance of public education and outreach to help people who smoke understand the health risks associated with smoking and the benefits of smoke-free housing.

## Enforcing the Ordinance

The enforcement of West Hollywood's smoke-free multi-unit housing policy was designed to be fair, consistent, and effective. The city's Code Compliance Division is responsible for enforcement and has a team of agents that conduct regular inspections of residential buildings to ensure compliance with the smoke-free policy. These agents are trained to detect violations, communicate with property owners and managers, and issue fines if necessary to enforce the city's smoke-free policies.<sup>10</sup> In addition to regular inspections, enforcement agents also respond to complaints from residents about violations of smoke-free policies.<sup>11</sup>

### Procedures

When a violation is detected, enforcement agents follow a set of procedures to address the issue. The enforcement agent first notifies the property owner or manager of the violation in writing.<sup>12</sup> The owner or manager is then given a specified period, usually 30 days, to correct the violation. If the violation is not corrected within this timeframe, the enforcement agent may issue a notice of violation and order the property owner or manager to appear at a hearing before the city's administrative hearing officer.<sup>13</sup> At the hearing, the owner or manager has the opportunity to explain why the violation has not been corrected.

### Penalties

Penalties for violating West Hollywood's smoke-free housing policies are designed to deter property owners and managers who may be tempted to ignore the policies. If a hearing officer finds that a violation has not been corrected, the officer may impose a fine of up to \$500 for the first violation and up to \$1,000 for subsequent violations.<sup>14</sup> In addition to being fined, the owner or manager may be required to take corrective action, such as installing smoke-free signage.<sup>15</sup>

## Note

Violations of the smoke-free ordinance cannot be grounds for eviction. For questions, comments, or to report a possible violation regarding the information or regulations, people are advised to contact the Code Compliance Division at (323) 848-6516 or at [code@weho.org](mailto:code@weho.org).

Since the implementation of West Hollywood's smoke-free multi-unit housing policies, there have been 23 reported violations. These violations have resulted in a total of \$14,500 in fines imposed on property owners and managers who failed to comply with smoke-free policies, despite repeated warnings and opportunities to correct the violations.<sup>16</sup>

## Success

West Hollywood's smoke-free multi-unit housing policy is a significant success for several reasons. First, it is one of the most comprehensive smoke-free policies of its kind, covering all residential rental buildings in the city, including older buildings. Second, the city council provided sufficient time for landlords, property managers, and residents to prepare for the policy's changes, ensuring a smooth implementation process. Third, the city collaborated with various public health agencies and community organizations to provide resources and training to promote compliance. In addition, the policy's enforcement process is effective, with clear penalties for landlord violators and an enforcement agency dedicated to monitoring and enforcing the policy without using eviction of residents. The policy serves as an example for other counties and cities in California to implement similar policies, which will ultimately protect residents from secondhand smoke exposure, improve public health outcomes, and reduce healthcare costs.

## Conclusion

West Hollywood's smoke-free multi-unit housing policy is a comprehensive and effective public health policy with a well-planned implementation process and enforcement mechanisms that help promote compliance among landlords, property managers, and residents. The policy's success in reducing the harmful effects of secondhand smoke on residents and improving public health outcomes underscores the importance of evidence-based policymaking and effective implementation strategies.

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## Endnotes

- 1 See, e.g., Am. Lung Ass'n, State of Tobacco Control — California (2023), <https://www.lung.org/research/sotc/state-grades/california>.
- 2 City of West Hollywood, <https://www.weho.org/city-government/communications/media-relations/about-west-hollywood>.
- 3 RentCafé, West Hollywood, CA Rent Trends (2023), <https://www.rentcafe.com/average-rent-market-trends/us/ca/west-hollywood/#:~:text=18%2C416%20or%2080%25%20of%20the,20%25%20are%20owner%20occupied>.
- 4 See West Hollywood City Council, Amendments to the West Hollywood Municipal Code Prohibiting Smoking in Enclosed Common Areas and New Units Within Multi-Family Dwellings (March 16, 2020), [https://weho.granicus.com/MetaViewer.php?view\\_id=16&clip\\_id=3509&meta\\_id=185990](https://weho.granicus.com/MetaViewer.php?view_id=16&clip_id=3509&meta_id=185990).
- 5 See West Hollywood Municipal Code § 7.08, [https://library.qcode.us/lib/west\\_hollywood\\_ca/pub/municipal\\_code/item/title\\_7-chapter\\_7\\_08](https://library.qcode.us/lib/west_hollywood_ca/pub/municipal_code/item/title_7-chapter_7_08).
- 6 Timothy Michael, *WeHo's Partial Ban on Tobacco Smoking in Apartments/Condos*, THE PRIDE LA (Feb. 18, 2021), <https://thepridela.com/2021/02/wehos-partial-ban-on-tobacco-smoking-in-apartments-con>; see also Paulo Murillo, *Ordinance Passes Banning Smoking in all Common Areas of New Units and Multi-Family Dwellings*, WEHO TIMES (March 3, 2021), <https://wehotimes.com/ordinance-passes-banning-smoking-in-all-common-areas-of-new-units-and-multi-family-dwellings>.
- 7 See James Mills, *WeHo Council Reverses Course, Sets Total Ban on Smoking in Apartments/Condos to Begin in a Year*, WEHOVILLE (March 2, 2021), [WeHo Council Reverses Course, Sets Total Ban on Smoking in Apartments/Condos to Begin in a Year \(wehoville.com\)](http://wehoville.com).
- 8 See City of West Hollywood City Council Minutes (April 19, 2021), [DocumentViewer.php \(google.com\)](#); see also West Hollywood Municipal Code § 21-1147 (2021) [637568753342230000 \(weho.org\)](#).
- 9 See, e.g., West Hollywood Smoke-free Housing Ordinance web page, [Smoking Ordinance | City of West Hollywood \(weho.org\)](#).
- 10 West Hollywood Municipal Code § 17.78.
- 11 *Id.*
- 12 West Hollywood Municipal Code § 17.78.040(a).
- 13 West Hollywood Municipal Code § 17.78.040(b).
- 14 West Hollywood Municipal Code §§ 7.10.040 and 7.10.080.
- 15 West Hollywood Municipal Code § 17.78.090.
- 16 See West Hollywood Code Compliance Division, [code@weho.org](mailto:code@weho.org).