



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Forrest Williams
Councilmember Kansen Chu

SUBJECT: SEE BELOW

DATE: November 13, 2008

Approved

Forrest Williams

Date

11/13/08

Kansen Chu

11/13/08

SUBJECT: RESOLUTION TO ENCOURAGE SMOKE-FREE MULTI-UNIT HOUSING

RECOMMENDATION

Adopt the attached resolution encouraging smoke-free multi-unit housing in the City of San José.

BACKGROUND

Secondhand smoke, or environmental tobacco smoke (ETS), is known to be hazardous to the health of the public. Numerous studies have linked secondhand smoke to adverse health conditions. Non-smokers, which include infants, youth, the elderly and the ill, should not have to be exposed to second-hand smoke.

ADVERSE HEALTH EFFECTS OF ENVIRONMENTAL TOBACCO SMOKE

Environmental tobacco smoke (ETS) is a "complex mixture of gases and particles," according to the Centers for Disease Control and Prevention. It contains over 250 chemicals known to be toxic. According to the National Cancer Institute, 50 of these chemicals are known to cause cancer. The United States Environmental Protection Agency has included secondhand smoke as a Group A carcinogen, the most dangerous group of carcinogens. According to the State of California's Office of Environmental Health Hazard Assessment, secondhand smoke has been "linked to a variety of adverse health outcomes."

Secondhand smoke causes about 3,400 lung cancer deaths and 22,700 to 69,000 heart disease deaths in adult non-smokers in the United States each year. Secondhand smoke exposure causes approximately 38,000 deaths among non-smokers in the United States. ETS is known to cause prenatal manifestation of development toxicity, postnatal manifestations of development toxicity, female and male toxicity, adverse respiratory effects, carcinogenic effects and cardiovascular effects. Secondhand smoke is particularly harmful to youth; according to the Environmental Protection Agency, it accounts for nearly 7,500 to 15,000 hospitalizations every year due to lower respiratory tract infections in infants and children younger than 18 months. Annually, secondhand smoke has been linked to nearly 430 sudden infant death syndrome cases.



According to the Surgeon General, "Scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke." The Surgeon General also stated that approximately 60 percent of American children (22 million children) ages 3 to 11 are exposed to ETS. In a recent report, the Surgeon General also concluded that "...eliminating smoking in indoor spaces is the only way to fully protect non-smokers. Cleaning the air and ventilating buildings cannot completely eliminate secondhand smoke exposure." The U.S. Surgeon General Report further stated, "Non-smokers exposed to secondhand smoke at home or work increase their risk of developing heart disease by 25 to 30 percent and lung cancer by 20 to 30 percent." Furthermore, the report states, "Even brief exposure to secondhand smoke has immediate adverse effects on the cardiovascular system and increases risk for heart disease and lung cancer." According to the U.S. Department of Health and Human Services' Centers for Disease and Prevention, more than 440,000 people die in the United States from tobacco-related diseases every year. Tobacco related deaths are the leading cause of preventable death.

TRANSFER OF ETS IN MULTI-UNIT HOUSING

The Surgeon General, the Center for Energy, and the American Society of Heating, Refrigerating and Air Conditioning Engineers all have concluded that ventilation systems cannot remove secondhand smoke from indoor spaces and secondhand smoke transfers in multi-unit housing. Researchers used three methods in an attempt to reduce ETS concentration in non-smoking units. Ventilation systems were installed in smoker's units to assist in decreasing the ETS which was released from those units. Secondly, in order to reduce ETS non-smoker's units were reduced by sealing leakage paths between other units; and ventilation in all units was balanced so not to draw smoke in between units. Ventilation systems were also installed in nonsmoker's units to decrease the level of ETS that was transferred. Researchers used two methods to measure the transfer of ETS between apartment units. Multiple fan pressurization tests and passive tracer gas methods were used in addition to measuring nicotine and fine particulate mass. The study found that ETS travels within apartment units, which exposes nonsmokers to ETS.

ECONOMIC BENEFITS

According to a New York State Health Department report published in the American Journal of Public Health, New York's 2003 Clean Indoor Air Act was responsible for an 8 percent drop in acute myocardial infarctions, commonly known as heart attacks, in the state because of reduced exposure to secondhand smoke as a result 3,813 fewer patients were admitted to hospitals for heart attacks than before the smoking ban. The study examined information over a ten year period. Researchers concluded that regulations by state and local governments contributed to the decrease in the number of heart attacks in the state. The average cost for a heart-attack patient is \$14,772 in the state of New York. As a result of the ban on smoking, \$56.3 million dollars were saved.

Similarly, another study found a decrease in heart attacks in Pueblo, Colorado by 27 percent in merely 18 months after a smoking ban was imposed in bars, restaurants and other public areas.

In 2003, a study conducted in Helena, Montana revealed that heart attacks fell by nearly 40 percent after an indoor smoking ban was passed. Shortly after the ban was lifted, the rate of heart attacks returned to normal.



CALIFORNIA TAX CREDIT

The California Tax Credit Agency supports no smoking rules in affordable housing. The California Tax Allocation Committee has adopted incentives to encourage developers of low income housing by offering tax credits to properties which designate 50 to 100 percent of units in their properties as non-smoking. The California Tax Credit Allocation Committee awards a smoke-free point to projects on its grant applications which follow this recommendation.

PUBLIC OUTREACH

Meetings with numerous developers and managers of multi-unit housing complexes in San José and insurance industry representatives revealed that the industry is generally welcoming of a resolution which limits smoking in multi-unit complexes. Members of the housing industry describe a market trend toward promoting healthier lifestyles with smoke-free housing. The California Apartment Association (CAA Tri-County), American Heart Association, Breathe California, American Lung Association and the Health Trust also have shown support for a resolution encouraging a smoke-free environment in multi-unit housing.

CONCLUSION

Eliminating secondhand smoke in multi-unit housing will significantly improve the health and wellness of the individuals living in the multi-unit housing. With the elimination of secondhand smoke, lives will be saved and health care costs will be reduced. Adoption of this resolution will demonstrate that the City of San José is committed to improving the health and wellness of our residents.

CC: Lee Price,
City Clerk



RESOLUTION NO. _____
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE PROMOTING
SMOKE FREE MULTI-UNIT HOUSING**

WHEREAS, The City of San José has the responsibility to ensure the health, wellness and safe living conditions of its residences; and

WHEREAS, tobacco use and exposure to secondhand smoke causes death and disease and imposes a great social and economic impact; and

WHEREAS, currently 86% of Californians are non-smokers; and

WHEREAS, the California Tax Credit Agency supports rules which prohibit smoking in affordable housing. The California Tax Allocation Committee awards developers of low income housing tax credit for properties that designated 50 to 100 percent of units in their properties as nonsmoking; and

WHEREAS, the California Air Resources Board declared secondhand smoke a Toxic Air Contaminant in 2006; and

WHEREAS, The United States Surgeon General has stated, "Scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke;" and

WHEREAS, according to the American Lung Association, environmental tobacco smoke (ETS), is responsible for 150,000 to 300,000 cases of lower respiratory tract infections in infants and children under 18 months of age, which results in 7,500 to 15,000 hospitalizations each year; and

WHEREAS, ETS is known to cause approximately 3,000 lung cancer and 35,000 heart disease deaths in adult non-smokers annually; and

WHEREAS, studies have shown ETS does transfer from one unit to another in multi-unit housing units, infringing on the health and rights of non-smoking individuals living in these properties; and

WHEREAS, a significant majority of Californians choose not to smoke and a majority favor limitations on smoking in multi-unit residences, as evidenced by the facts that 86 percent of Californians are non-smokers and 70 percent of Californians surveyed approve of apartment complexes requiring at least half of rental units be nonsmoking; and 67 percent of Californians surveyed favor smoking be limited to designated outdoor areas of apartment buildings; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San José that the City of San José, a public entity established under the laws of the State of California, hereby encourages landlords and property managers of multi-unit housing complexes to protect the health and promote the wellness of residents of the City of San José by promoting and marketing smoke-free properties.

BE IT FURTHER RESOLVED, that the City Council of the City of San José recognizes that it is empowered to encourage landlords, property managers and all San José residents to live a healthy and smoke-free life.

