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Direct questions or concerns to the Commission Liaison at (310) 618-5912, or individual department head prior to submission to the Commission. Parties will be notified if the complaint will be included on a subsequent agenda.

Security procedures: Members of the public will be directed to enter City Hall on the East side of the building through the sliding door. All other entrances will remain locked for entry. Oversized bags or backpacks will not be allowed in the Council Chamber or Commission meeting room. All bags are subject to search.

Any correspondence received after 2:00 p.m. on June 29, 2023, on any item on the agenda will be provided to the Commission electronically and available for public inspection in the City Clerk's Office. A copy of the correspondence will be available for public inspection in a binder at the back of the Council Chamber or Commission Meeting room.

**TORRANCE ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION
COMMISSION AGENDA
JULY 06, 2023
REGULAR MEETING
7:00 P.M. IN WEST ANNEX COMMISSION MEETING ROOM
AT 3031 TORRANCE BOULEVARD
TORRANCE, CA 90503**

**ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION MAY
TAKE ACTION ON ANY ITEM LISTED ON THE AGENDA**

1. CALL MEETING TO ORDER

ROLL CALL: Commission members: Gunnar, Hill, Jendrucko, Love, Montoya, Seferian, and Chair Stecker

2. FLAG SALUTE

3. REPORT OF THE STAFF ON THE POSTING OF THE AGENDA

The agenda was posted on the Public Notice Board at 3031 Torrance Bl. and on the City's Website on Thursday, June 29, 2023.

4. ANNOUNCEMENT OF WITHDRAWN, DEFERRED, AND/OR SUPPLEMENTAL ITEMS

5. ORAL COMMUNICATIONS (Limited to a 15-minute period)

*This portion of the meeting is reserved for comments on items on the Consent Calendar or not on the agenda. Under the Ralph M. Brown Act, the Commission cannot act on items raised during public comment but may respond briefly to statements made or questions posed; request clarification; or refer the item to staff. **No longer than 1 minute per speaker.** If presenting handout material to Commission, please provide 10 copies to staff before speaking.*

6. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item will be removed by a Councilmember from the Consent Calendar and considered separately.

6A. Approve Commission Minutes: June 01, 2023

7. ADMINISTRATIVE MATTERS

7A. Community Development- Discuss and Consider Adopting Resolution

Recommending the Torrance City Council Adopt an Ordinance to Prohibit Smoking In and Around Multi Unit Residences - Discuss and provide comments

on the proposed ordinance and adopt a resolution recommending the City Council add Chapter 19 to Division 4 of the Torrance Municipal Code.

8. PUBLIC HEARINGS

9. COMMISSION ORAL COMMUNICATIONS

10. ADJOURNMENT

10A. Adjournment of Environmental Quality and Energy Conservation Commission Meeting to Thursday, August 03, 2023, at 7:00 p.m. in the Commission Meeting Room.

**MINUTES OF REGULAR MEETING OF THE
TORRANCE ENVIRONMENTAL QUALITY & ENERGY COMMISSION**

1. CALL MEETING TO ORDER

The Torrance Environmental Quality and Energy Conservation Commission convened in a regular session at 7:01 p.m. on Thursday, June 1, 2023, in the West Annex Commission Meeting Room.

ROLL CALL

Present: Commissioners Endo-Roberts, Hill, Jendrucko, Love, Seferian, and Chair Stecker.

Absent: Commissioner Wright.

Also Present: Staff Liaison Nora Duncan.

2. FLAG SALUTE

Commissioner Hill led The Pledge of Allegiance.

3. REPORT OF STAFF ON THE POSTING OF THE AGENDA

Staff Liaison Duncan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, May 25, 2023.

Commissioner Endo-Roberts joined the meeting at 7:03 p.m.

4. ANNOUNCEMENT OF WITHDRAWN, DEFERRED, AND/OR SUPPLEMENTAL ITEMS

Staff Liaison Duncan reported a Supplemental Item: Commissioner Jendrucko's nomination.

5. ORAL COMMUNICATIONS

A member of the public spoke.

6. CONSENT CALENDAR

6A. APPROVAL OF MINUTES – MAY 4, 2023

MOTION: Commissioner Love moved to approve the May 4, 2023, minutes as presented. Commissioner Endo-Roberts seconded the motion; a roll call vote reflected a 6-0 approval (Commissioner Wright absent).

7. **ADMINISTRATIVE MATTERS**

7A. **COMMUNITY DEVELOPMENT – REVIEW AND DISCUSS THE CLIMATE SMART AWARDS:**

Staff Liaison Duncan presented Item 7A.

- Commissioner Jendrucko's nomination was not received when initially submitted; staff investigated the website to ensure proper functionality and after conducting multiple tests, the nomination was received.
- Staff requested discussion on (3) nominations presented.

Chair Stecker expressed concerns on the limitation on outreach and requested that the Climate Smart Awards be promoted more vigorously in 2024. Staff Liaison Duncan acknowledged the request and stated that the Climate Smart Awards were advertised through the city's website, City of Torrance's social media sites, the Chamber of Commerce, Torrance HOAs, Torrance PTAs, and presented to City Council by Commissioner Wright.

Staff Liaison Duncan presented the Climate Smart Business Award nominee: Torrance Memorial Medical Center.

MOTION: Commissioner Jendrucko moved to award Torrance Memorial Medical Center with the Climate Smart Business Award. Commissioner Endo-Roberts seconded the motion; a roll call vote reflected a 6-0 approval (Commissioner Wright absent).

Staff Liaison Duncan presented the Climate Smart Water Award nominee: Mr. Jim Montgomery.

MOTION: Commissioner Love moved to award Mr. Montgomery with the Climate Smart Water Award. Commissioner Hill seconded the motion; a roll call vote reflected a 6-0 approval (Commissioner Wright absent).

Staff Liaison Duncan presented the Climate Smart Community Award nominee: Ms. Kathleen Cole with Torrance Unified School District Nutritional Services.

MOTION: Commissioner Seferian moved to award Ms. Cole with Torrance Unified School District Nutritional Services with the Climate Smart Community Award. Commissioner Jendrucko seconded the motion; a roll call vote reflected a 6-0 approval (Commissioner Wright absent).

Chair Stecker requested that the nomination winners be displayed at the City Yard Open House. Commissioner Endo-Roberts concurred with the request. Staff Liaison acknowledged the request.

8. **PUBLIC HEARINGS**

None.

9. COMMISSION ORAL COMMUNICATIONS

Members of the Commission spoke.

Chair Stecker commended Commissioner Endo-Roberts and Commissioner Wright for their service on the Commission.

Commissioner Jendrucko inquired on the attendance and feedback at the Ordinance hearings. Staff Liaison Duncan replied that staff can investigate.

Commissioner Endo-Roberts commended staff and the Commission.

10. ADJOURNMENT

MOTION: At 7:30 p.m. Commissioner Endo-Roberts moved to adjourn the meeting to Thursday, July 6, 2023, at 7:00 p.m. in the West Annex Commission Meeting Room. Commissioner Seferian seconded the motion; a roll call vote reflected a 6-0 approval (Commissioner Wright absent).

###

Chair and Members
of the Environmental Quality and Energy Conservation Commission
City Hall
Torrance, California

Members of the Commission:

SUBJECT: Community Development – Discuss and Consider Adopting Resolution Recommending the Torrance City Council Adopt an Ordinance to Prohibit Smoking In and Around Multi Unit Residences

During the Environmental Quality and Energy Conservation Commission (“Commission”) meeting of April 6, 2023, the Commission discussed and provided direction on a proposed ordinance to prohibit smoking in and around multi-unit residences.

BACKGROUND

In 2019, the Torrance City Council directed the Community Development Department to prepare an informational item regarding residential smoking regulation. On November 7, 2019, staff presented the Commission with the item. After public input and Commission discussion, a motion to recommend adoption of an ordinance to the City Council banning any form of smoking in all common areas, including balconies and patios, in rental properties having three or more units, and allowing owners to declare their properties non-smoking without any action taken by the City passed.

Due to a Cyber attack and the COVID-19 pandemic in early 2020, the item was not taken to City Council as planned. Additionally, pending State legislation was also looking to regulate smoking in multi-family developments. On February 2, 2023, staff reintroduced the item to the Commission for discussion. At the conclusion of the item, the Commission directed staff to prepare a draft ordinance that would prohibit smoking in and around multi-unit residences with two or more units.

The proposed ordinance was presented and discussed at the March 2, 2023 and April 6, 2023 Commission meetings with the Commissioner’s providing feedback and direction at each meeting. Following the April 6, 2023 meeting, the Commission directed staff to finalize the proposed ordinance, request the City Attorney’s Office review, conduct public outreach, and bring it back for to the Environmental Commission’s for consideration of a recommendation to the City Council.

DISCUSSION

The proposed ordinance would amend the Torrance Municipal Code (TMC) by adding Chapter 19 entitled “Smoking in Multi-Family Dwellings” to Division 4 of the Torrance Municipal Code. The purpose and intent of the ordinance is to prohibit smoking in and around Multi-Unit Residences to protect the health, safety, and general welfare of residents within the City of Torrance. The original draft ordinance would require multi-unit residences to be smoke-free in the following areas:

- Indoor and common areas, such as halls, pathways, lobbies, stairwells, mail areas/rooms, community rooms, playgrounds, pools, laundry rooms, and parking lots;

- Individual units, including exclusive use balconies, porches, decks and patios; and
- A buffer zone of 25 feet around any doorway, window, opening or vent into a multi-unit residence.

For purposes of the proposed ordinance, a multi-unit residence includes a lot with two or more units, including, but not limited to, apartments, townhomes, condominium complexes, senior and assisted living facilities, and long-term health care facilities. The following types of housing are not considered a multi-unit residence: hotels; single-family homes; duplexes on single-family lots, accessory dwelling units, junior accessory dwelling units, and mobile homes in a mobile home park.

The Ordinance covers the following matters:

- Purpose and Intent
- Definitions
- Smoking Prohibition in Multi-Unit Residence Units
- Smoking Prohibition in Multi-Unit Residence Common Areas Except in Designated Smoking Areas
- Designated Smoking Area
- Temporary Exemption
- Responsibility of Persons with Legal Control of Nonsmoking Areas
- Notice and Signage Requirements
- Lease Agreement Requirements
- Exception for Drug, Device, or Combination Product Authorized by United States Food and Drug Administration
- Smoking and Smoke Generally
- Prohibitions Apply to Cannabis
- Education
- Penalties and Enforcement
- Termination of Tenancy; Requirements, and
- Authority to Adopt Regulations to Implement this Chapter.

PUBLIC OUTREACH

The public outreach included sending a copy of the draft ordinance along with a cover letter to over 1,000 property owners of multi-family units, all Homeowner Associations with a valid contact on record, and the Chamber of Commerce; creating two dedicated webpages (one under the Community Development Department and one on Trending in Torrance) that included an overview of the draft ordinance, a link to the draft ordinance; created, information on the workshops, and tentative timeline; hosting 5 virtual and 2 in person workshops, which were also advertised through the City's different social media accounts; and making a public announcement regarding the ordinance as well as the virtual meeting dates during a City Council meeting held on June 6, 2023. Additionally, staff made themselves available to discuss the ordinance with any interested community member. The overall feedback on the proposed ordinance showed support with very little community members showing their opposition.

RECOMMENDATION

Staff requests that the Environmental Commission discuss and provide comments on the proposed ordinance to prohibit smoking in and around multi-unit residences and adopt a

RESOLUTION recommending that the Torrance City Council add Chapter 19 entitled “Smoking in Multi-Family Dwellings” to Division 4 of the Torrance Municipal Code entitled “Public Health and Welfare”.

Respectfully submitted,

Michelle G. Ramirez
COMMUNITY DEVELOPMENT DIRECTOR

By _____
Nora Duncan
Sr. Environmental Quality Officer

- Attachments:
- A) RESOLUTION
 - B) No Smoking in Multi-Family Units Ordinance
 - C) 2020 Public Opinion Survey Report on Smoke-Free Multi-Unit Housing in the City of Torrance
 - D) State of Tobacco Control 2023 – California Local Grades
 - E) 2023 Municipalities with Smokefree Multi-Unit Housing-California
 - F) Correspondence Received

**ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION RESOLUTION
NO. 23-01**

**A RESOLUTION OF THE ENVIRONMENTAL QUALITY AND
ENERGY CONSERVATION COMMISSION OF THE CITY OF
TORRANCE, CALIFORNIA RECOMMENDING TO THE CITY
COUNCIL TO APPROVE AMENDMENTS TO TORRANCE
MUNICIPAL CODE ADDING CHAPTER 19 ENTITLED "SMOKING IN MULTI-
FAMILY DWELLINGS" TO DIVISION 4 OF THE TORRANCE MUNICIPAL
CODE ENTITLED "PUBLIC HEALTH AND WELFARE"**

WHEREAS, there is no Constitutional right to smoke; and

WHEREAS, California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance; and

WHEREAS, a local ordinance that authorizes residential rental agreements to include a prohibition on smoking within rental units is not prohibited by California law; and

WHEREAS, local governments have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance; and

WHEREAS, on July 6, 2023, the Torrance Environmental Quality and Energy Conservation Commission held a duly noticed and advertised meeting to receive oral and written testimony for the addition of Chapter 19 entitled ‘Smoking in Multi-Family Dwellings’ to Division 4 of the Torrance Municipal Code; and

WHEREAS, the Torrance Environmental Quality and Energy Conservation Commission has sufficiently considered all testimony presented to them in order to make the following determination.

NOW, THEREFORE, the Environmental Quality and Energy Conservation Commission of the City of Torrance does hereby resolve as follows:

SECTION 1

The Torrance Environmental Quality and Energy Conservation Commission hereby finds and determines that all the above recitals are true and correct and are incorporated herein by reference.

SECTION 2

The Torrance Environmental Quality and Energy Conservation Commission recommends a new Chapter 19 entitled “Smoking in Multi-Family Dwellings” is added to Division 4 of the Torrance Municipal Code to read in its entirety as follows:

“CHAPTER 19

SMOKING IN MULTI-FAMILY DWELLINGS

419.1.010 PURPOSE AND INTENT.

It is the purpose and intent of the City Council of the City of Torrance to prohibit smoking in and around Multi-Unit Residences to protect the health, safety, and general welfare of residents within the City of Torrance.

419.1.020 DEFINITIONS.

Except as otherwise expressly set forth herein, the following words and terms as used in this Chapter shall have the following meanings:

- a) "Adjacent Unenclosed Property" means any Unenclosed Area of property, publicly or privately owned, that abuts a Multi-Unit Residence, but does not include a Lot containing a single-family home.
- b) "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time-to-time.
- c) "City" means the City of Torrance or its designated representative.
- d) "City Manager" means the City Manager of the City of Torrance, or his or her designee.
- e) "Common Area" means every Enclosed Area and every Unenclosed Area of a Multi-Unit Residence that residents of more than one Unit are entitled to enter or use, including, but not limited to, halls, pathways, lobbies, courtyards, balconies, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.
- f) "Department" means the Community Development Department of the City of Torrance and its authorized representatives, designees, or agents.
- g) "Director" means the Community Development Director of the City.
- h) "Electronic Smoking Device" means any product containing or delivery nicotine or any other substance, whether natural, synthetic, or analogue, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic smoking device includes but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, e-cigarillos, vaping devices, mods, tank systems, e-hookah, or under any other product name or descriptor. Electronic smoking device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.
- i) "Enclosed Area" means all space between a floor and a ceiling that is bounded by walls, doorways, vegetation, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes but is not limited to any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

- j) "Enforcement Officer" means any Police Officer, Code Enforcement Officer, Environmental Quality Officer, or other personnel employed by the City and designated by the City Manager.
- k) "Landlord" means any Person or agent of a Person who owns, manages, or is otherwise legally responsible for a Unit in a Multi-Unit Residence that is leased to a residential tenant, except this term does not apply to a tenant who sublets their Unit.
- l) "Lot" means a separate parcel of land shown and identified as such on the records of the county recorder or on the final map of an approved and recorded subdivision.
- m) "Multi-Unit Residence" means a Lot with two or more Units, including, but not limited to, apartments, townhomes, condominium complexes, senior and assisted living facilities, and long-term health care facilities; or a Lot with a Unit attached to another Unit on an adjacent Lot, including but not limited to attached townhomes. For the purpose of determining whether a property is a Multi-Unit Residence, the following do not constitute "Units": hotels; single-family homes; duplexes on a single-family Lot, accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.10(b)(1); junior accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.11(b)(1); and, mobile homes in a mobile home park, as defined by California Civil Code Section 798.3.
- n) "Nonsmoking Area" means any Enclosed Area or Unenclosed Area in which Smoking is prohibited by this Chapter or other law.
- o) "Person" means any individual, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- p) "Smoke-Free Residence" means a multi-unit residence that complies with the requirements of this Chapter as of 60 days from the effective date of this Chapter.
- q) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any other device that delivers to a Person nicotine or other substances, including substances derived from Cannabis. "Smoking" includes using an electronic device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral device for the purpose of circumventing the prohibition of Smoking.
- r) "Unenclosed Area" means any area that is not an Enclosed Area.
- s) "Unit" means a personal dwelling space, even one lacking cooking facilities or private plumbing facilities, and includes any associated exclusive use Enclosed Area or Unenclosed Area, such as a private balcony, porch, deck, or patio. "Unit" includes, without limitation, an apartment unit; a condominium unit; a townhouse; a room in a senior facility; a room in a long-term health care facility, assisted living facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single-room occupancy ("SRO") facility; a room in a homeless shelter, residential treatment facilities. This definition does not include a room in an unlicensed group living facility with 6 or fewer residents. This definition does not include accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.10(b)(1); junior accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.11(b)(1); and, mobile homes in a mobile home park, as defined by California Civil Code Section 798.3.

419.1.030 SMOKING PROHIBITION IN MULTI-UNIT RESIDENCE UNITS.

Smoking is prohibited in all Units of a Multi-Unit Residence, including any associated exclusive use Enclosed Areas or Unenclosed Areas, such as a private balcony, porch, deck, or patio.

419.1.040 SMOKING PROHIBITION IN MULTI-UNIT RESIDENCE COMMON AREAS EXCEPT IN DESIGNATED SMOKING AREAS.

- a) Smoking is prohibited in Common Areas of a Multi-Unit Residence, except within a designated Smoking area meeting the following requirements:
 - 1) The designated Smoking area is established by Persons with legal control over a Common Area, such as a Landlord or homeowners' association.
 - 2) The designated Smoking area is:
 - A. An Unenclosed Area;
 - B. At least twenty-five (25) feet from Unenclosed Areas primarily used by children, Unenclosed Areas of K-12 school campuses, and Unenclosed Areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, and swimming pools, including any accessory features (e.g., seating, water fountains) but not including parking facilities;
 - C. At least twenty-five (25) feet from any doorway, window, opening, or other vent into an Enclosed Area, including an Enclosed Area not regulated by this Chapter.
 - D. No more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;
 - E. Clearly marked with a perimeter;
 - F. Identified by conspicuous signs; and
 - G. Not within any Enclosed or Unenclosed Area where Smoking is otherwise prohibited by this Chapter or other law.
- b) No Person with legal control over a Common Area in which Smoking is prohibited by this Chapter or other law shall permit the presence of ashtrays, ashcans, or other receptacles primarily used for disposal of Smoking waste within the Common Area.

419.1.050 DESIGNATED SMOKING AREA.

- a) No person shall permit Smoking anywhere other than a designated Smoking area.
- b) Smoking is prohibited within twenty-five (25) feet of any doorway, window, opening, or other vent into an Enclosed Area of a Multi-Unit Residence.

419.1.060 TEMPORARILY EXEMPTION

Existing smokers who reside in a Multi-Unit Residence will be temporarily exempted and thus allowed to continue smoking within their unit exclusively (which would not include private balcony, porch, deck, patio, or any other related area attached to the unit), until such a time that the unit becomes vacant, change in occupancy, or two years from the effective date of this Chapter, at which time the unit must be converted to a Nonsmoking unit.

No later than 60 days from the effective date of this Chapter, every Landlord/Person responsible for a Multi-Unit Residence must provide the unit number and name(s) of the person(s) on the lease that will remain as smoking units to the City's Community Development Director. Only those units provided within the required timeframe will be temporarily exempted. Thereafter, by June 30th of each year, until termination of the temporarily exemption, every Landlord/Person responsible for a Multi-Unit Residence must provide an updated list on those units certifying whether they are still designated as smoking units or have converted to smoke-free status. For those units still designated as smoking units, the Landlord/Person must also certify that there has been no change in occupancy to the temporarily exempt unit. If such verification is not provided by June 30th, the originally designated smoking unit will be considered smoke-free unit and thus any continued smoking in the unit will be construed as a violation of this Chapter.

While a Multi-Unit Residence is transitioning to smoke-free status, a Landlord is required to address complaints about second-hand smoke infiltrating units from any temporarily exempted unit. Additionally, all new tenants must be notified in writing that the Multi-Unit Residence still has units that allow smoking within them.

419.1.070 RESPONSIBILITY OF PERSONS WITH LEGAL CONTROL OF NONSMOKING AREAS.

No Person with legal control over any Nonsmoking Area, including property owners, tenants, and subtenants, shall permit Smoking in a Nonsmoking Area in violation of this Chapter.

419.1.080 NOTICE AND SIGNAGE REQUIREMENTS.

- a) No later than 60 days from the effective date of this Chapter, every Person responsible for establishing rules in a Multi-Unit Residence shall deliver to each Unit of a Multi-Unit Residence a written notice meeting the requirements of Section 419.1.080(d).
- b) Beginning 60 days from the effective date of this Chapter, prior to the signing of a lease agreement every Landlord shall provide prospective tenants written notice meeting the requirements of Section 419.1.070(d).
- c) Beginning 60 days from the effective date of this Chapter, prior to any sale every seller of a Multi-Unit Residence or Unit within shall provide the buyer a written notice meeting the requirements of Section 419.1.070(d).
- d) Written notice must provide the following information:
 - 1) Beginning 60 days from the effective date of this Chapter, Smoking is prohibited in all Units, including any associated exclusive use Enclosed Area or Unenclosed Area, such as a private balcony, porch, deck, or patio; and
 - 2) Beginning 60 days from the effective date of this Chapter, Smoking is prohibited in all Common Areas except within specifically designated Smoking areas, if applicable.

- e) Beginning 60 days from the effective date of this Chapter, Persons with legal control over Common Areas shall post and maintain clear and unambiguous “No Smoking” signs in sufficient numbers and locations in Common Areas where Smoking is prohibited by this Chapter or other law. Additionally, signs shall be posted in sufficient numbers and locations in the Multi-Residence to indicate that Smoking is prohibited in all Units. Such signs shall be maintained by the Persons with legal control over the Common Areas. The absence of signs shall not be a defense to a violation of any provision of this Chapter. “No Smoking” signs are not required inside or on doorways of Units.
- f) No Person with legal control over any Nonsmoking Area shall permit Smoking in the Nonsmoking Area, except as provided in Section 419.1.040(a).

419.1.090 LEASE AGREEMENT REQUIREMENTS.

- a) Beginning 60 days from the effective date of this Chapter, every Landlord shall cause all lease agreements for a Multi-Unit Residence regulated by this Chapter to meet the following requirements:
 - 1) The agreement must contain a provision stating all requirements in Section 419.1.070(d).
 - 2) For an agreement in effect on or before the effective date of this Chapter, the agreement shall be amended at the time the unit becomes vacant, is subleased, the original tenant(s) included in the lease no longer occupy the unit, or the original tenant(s) lease ends.
- b) Whether or not a Landlord complies with Section 419.1.080(a), this section shall be implied and incorporated by law into every agreement to which Section 418.1.080 (a) applies and shall become effective as of the earliest possible date on which the Landlord could have made the insertions pursuant to said section.
- c) A tenant who breaches a Smoking provision of a lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence, or who knowingly permits any other Person subject to the control of the tenant or present by invitation or permission of the tenant, shall be liable for the breach to the Landlord and liable to any occupant of the Multi-Residence who is exposed to Smoke or who suffers damages as a result of the breach.
- d) This Chapter shall not create additional liability for a Landlord to any Person for a tenant’s breach of any Smoking provision in a lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence if the Landlord has fully complied with this Section.

419.1.100 EXCEPTION FOR DRUG, DEVICE, OR COMBINATION PRODUCT AUTHORIZED BY UNITED STATES FOOD AND DRUG ADMINISTRATION.

Notwithstanding any provision to the contrary, nothing in this Chapter shall be interpreted to restrict or otherwise regulate the use of a drug, device, or combination product authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act. This exception does not apply to tobacco products regulated by the United States Food and Drug Administration.

419.1.110 SMOKING AND SMOKE GENERALLY.

- a) The provisions of this Chapter are restrictive only and establish no new rights for a Person who engages in Smoking. Notwithstanding (1) any provision of this Chapter, (2) any failure by any Person to restrict Smoking under this Chapter, or (3) any explicit or implicit provision of this Chapter that allows Smoking in any place, nothing in the Chapter shall be interpreted to limit any Person's legal rights under other laws with regard to Smoking, including for example, rights in nuisance, trespass, property damage, personal injury or other legal or equitable principles.
- b) Nonconsensual exposure to Smoke occurring on or drifting into residential property is a nuisance, and the uninvited presence of Smoke on residential property is a nuisance and a trespass.

419.1.120 PROHIBITIONS APPLY TO CANNABIS.

California Health and Safety Code Section 11362.3(a)(2) and 11362.79(a), as may be amended or renumbered from time-to-time, prohibits Smoking cannabis wherever Smoking tobacco is prohibited. Notwithstanding Section 419.1.120, the prohibitions on Smoking in Multi-Unit Residence found in this chapter expressly apply to the Smoking of Cannabis.

419.1.130 EDUCATION.

- a) The City shall educate community members about the requirements in this Chapter.
- b) The City shall establish and implement a process for issuing warnings. Each warning shall be accompanied by educational materials explaining the requirements of this Chapter.

419.1.140 PENALTIES AND ENFORCEMENT.

- a) The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.
- b) Enforcement of this Chapter shall be the responsibility of City Manager or his/her designee. In addition, the Director or any Enforcement Officer may also enforce this Chapter.
- c) Any violation of this Chapter shall be punishable by administrative citation, or infraction, and subject to fines as prescribed in Section 12.8.050 of the Torrance Municipal Code.
 - 1) The City shall not issue any administrative penalties upon a Person unless they have been issued at least three Notice of Violations. Such notice shall be provided by any means deemed adequate to the City, which includes but is not limited to, physical delivery, delivery by first class mail, delivery by overnight carrier service, or delivery by digital and shall include a copy of this Chapter and a statement describing the section(s) found to be violated.
 - 2) The City, at its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid administrative penalties, interest and penalties (e.g., private collection agencies, Franchise Tax Board (FTB) Interagency Intercept Collection (IIC) Program, etc.).

- d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.
- e) No person shall intimidate, harass, or otherwise retaliate against any person who seeks compliance with this Chapter.
- f) Any Person acting for the interests of itself, its members, or the general public may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this Chapter. Upon proof of the violations, a court shall grant all appropriate relief including awarding actual or statutory damages including court costs and attorney fees and issuing an injunction or conditional judgement.
- g) Enforcement of this Chapter is at the sole discretion of the City. Under no circumstances shall the City have any responsibility or obligation to enforce or seek any legal redress, at law or in equity, for any violation of this Chapter. Nothing in this Chapter shall create a right of action in any Person against the City or its agents to compel public enforcement of this Chapter against private parties.

419.1.150 TERMINATION OF TENANCY; REQUIREMENTS.

No Landlord may terminate a tenancy for a Multi-Unit Residence regulated by this Chapter based on a tenant's violation of this Chapter prohibiting Smoking unless the Landlord has included a no-smoking policy in the tenant's lease or rental agreement and the tenant has violated the associated agreement.

419.1.160 AUTHORITY TO ADOPT REGULATIONS TO IMPLEMENT THIS CHAPTER.

The Department may adopt rules and regulations that are necessary or appropriate to implement, administer, and enforce the provisions of this Chapter.”

SECTION 3

The Torrance Environmental Quality and Energy Conservation Commission recommends that the City Council approve and adopt an ORDINANCE adding Chapter 19 entitled “Smoking in Multi-Family Dwellings” to Division 4 of the Torrance Municipal Code entitled ‘Public Health and Welfare”.

SECTION 4

If any section, subsection, clause or phrase of this Resolution is for any reason, held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining sections of this Resolution. The Torrance Environmental Quality and Energy Conservation Commission hereby finds that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5

This resolution is the result of an action taken by the of the Torrance Environmental Quality and Energy Conservation Commission at an Environmental Quality and Energy Conservation Commission Meeting held on July 6, 2023, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

SECTION 6

The Secretary shall certify to the adoption of this resolution and shall transmit copies of the same to the Torrance City Clerk.

INTRODUCED, APPROVED AND ADOPTED this 6th day of July 2023.

Chairperson
Torrance Environmental Quality and Energy
Conservation Commission

ATTEST:

Secretary
Torrance Environmental Quality and Energy
Conservation Commission

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, NORA DUNCAN, Secretary to the Environmental Quality and Energy Conservation Commission of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the Environmental Quality and Energy Conservation Commission of the City of Torrance at a regular meeting of said Commission held on the 6th day of July 2023, by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Secretary
Environmental Quality and Energy Conservation

ORDINANCE NO. _

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ADDING CHAPTER 19 ENTITLED "SMOKING IN MULTI-FAMILY DWELLINGS" TO DIVISION 4 OF THE TORRANCE MUNICIPAL CODE ENTITLED "PUBLIC HEALTH AND WELFARE"

RECITALS

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat; and

WHEREAS, secondhand smoke has repeatedly been identified as a health hazard; and

WHEREAS, exposure to secondhand smoke causes death and disease; and

WHEREAS, nonsmokers who live in multi-unit dwellings can be exposed to neighbors' secondhand smoke; and

WHEREAS, harmful residues from tobacco smoke can be absorbed by and cling to virtually all indoor surfaces long after smoking has stopped and then be emitted back into the air, making this "third hand smoke" a potential health hazard; and

WHEREAS, smoking is a leading cause of fire deaths and fire-related injury, and contributes to fire-related health inequities; and

WHEREAS, the Surgeon General has concluded that eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure and that separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot completely prevent secondhand smoke exposures; and

WHEREAS, several studies have confirmed that smoke free multi-unit housing policies are the most effective method to fully reduce secondhand smoke exposure in multi-unit housing; and

WHEREAS, secondhand smoke exposure in multi-unit housing contributes to tobacco-related health inequities; and

WHEREAS, secondhand smoke in multi-unit housing is a significant threat to the health and safety of California children; and

WHEREAS, there are significant savings from adopting a smoke free multi-unit housing policy; and

WHEREAS, a majority of multi-unit housing residents, including a large portion of smokers, support smoke free policies in multi-unit residences; and

WHEREAS, secondhand smoke can seep under doorways and through wall cracks; and

WHEREAS, there is no Constitutional right to smoke; and

WHEREAS, California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance; and

WHEREAS, California law prohibits smoking in virtually all indoor places of employment reflecting the state policy to protect against the dangers of exposure to secondhand smoke; and

WHEREAS, a local ordinance that authorizes residential rental agreements to include a prohibition on smoking within rental units is not prohibited by California law; and

WHEREAS, local governments have broad latitude to declare nuisances and are not constrained by prior definitions of nuisance.

NOW, THEREFORE, the City Council of the City of Torrance does hereby ordain as follows:

SECTION 1

The City Council of the City of Torrance hereby finds and determines that all the above Recitals are true and correct and incorporates such Recitals into this Ordinance.

SECTION 2

Chapter 19 is added to Division 4 of the Torrance Municipal Code to read in its entirety as follows:

“CHAPTER 19

SMOKING IN MULTI-FAMILY DWELLINGS

419.1.010 PURPOSE AND INTENT.

It is the purpose and intent of the City Council of the City of Torrance to prohibit smoking in and around Multi-Unit Residences to protect the health, safety, and general welfare of residents within the City of Torrance.

419.1.020 DEFINITIONS.

Except as otherwise expressly set forth herein, the following words and terms as used in this Chapter shall have the following meanings:

- a) "Adjacent Unenclosed Property" means any Unenclosed Area of property, publicly or privately owned, that abuts a Multi-Unit Residence, but does not include a Lot containing a single-family home.
- b) "Cannabis" has the meaning set forth in California Business and Professions Code section 26001, as that section may be amended from time-to-time.
- c) "City" means the City of Torrance or its designated representative.
- d) "City Manager" means the City Manager of the City of Torrance, or his or her designee.
- e) "Common Area" means every Enclosed Area and every Unenclosed Area of a Multi-Unit Residence that residents of more than one Unit are entitled to enter or use, including, but not limited to, halls, pathways, lobbies, courtyards, balconies, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.
- f) "Department" means the Community Development Department of the City of Torrance and its authorized representatives, designees, or agents.
- g) "Director" means the Community Development Director of the City.
- h) "Electronic Smoking Device" means any product containing or delivery nicotine or any other substance, whether natural, synthetic, or analogue, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic smoking device includes but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, e-cigarillos, vaping devices, mods, tank systems, e-hookah, or under any other product name or descriptor. Electronic smoking device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any nicotine cessation product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.
- i) "Enclosed Area" means all space between a floor and a ceiling that is bounded by walls, doorways, vegetation, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes but is not limited to any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

- j) "Enforcement Officer" means any Police Officer, Code Enforcement Officer, Environmental Quality Officer, or other personnel employed by the City and designated by the City Manager.
- k) "Landlord" means any Person or agent of a Person who owns, manages, or is otherwise legally responsible for a Unit in a Multi-Unit Residence that is leased to a residential tenant, except this term does not apply to a tenant who sublets their Unit.
- l) "Lot" means a separate parcel of land shown and identified as such on the records of the county recorder or on the final map of an approved and recorded subdivision.
- m) "Multi-Unit Residence" means a Lot with two or more Units, including, but not limited to, apartments, townhomes, condominium complexes, senior and assisted living facilities, and long-term health care facilities; or a Lot with a Unit attached to another Unit on an adjacent Lot, including but not limited to attached townhomes. For the purpose of determining whether a property is a Multi-Unit Residence, the following do not constitute "Units": hotels; single-family homes; duplexes on a single-family Lot, accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.10(b)(1); junior accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.11(b)(1); and, mobile homes in a mobile home park, as defined by California Civil Code Section 798.3.
- n) "Nonsmoking Area" means any Enclosed Area or Unenclosed Area in which Smoking is prohibited by this Chapter or other law.
- o) "Person" means any individual, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.
- p) "Smoke-Free Residence" means a multi-unit residence that complies with the requirements of this Chapter as of 60 days from the effective date of this Chapter.
- q) "Smoking" means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any other device that delivers to a Person nicotine or other substances, including substances derived from Cannabis. "Smoking" includes using an electronic device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral device for the purpose of circumventing the prohibition of Smoking.
- r) "Unenclosed Area" means any area that is not an Enclosed Area.
- s) "Unit" means a personal dwelling space, even one lacking cooking facilities or private plumbing facilities, and includes any associated exclusive use Enclosed Area or Unenclosed Area, such as a private balcony, porch, deck, or patio. "Unit" includes, without limitation, an apartment unit; a condominium unit; a townhouse; a room in a senior facility; a room in a long-term health care facility, assisted living

facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single-room occupancy (SRO) facility; a room in a homeless shelter, residential treatment facilities. This definition does not include a room in an unlicensed group living facility with 6 or fewer residents. This definition does not include accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.10(b)(1); junior accessory dwelling units, as defined by Torrance Municipal Code Section 92.2.11(b)(1); and, mobile homes in a mobile home park, as defined by California Civil Code Section 798.3.

419.1.030 SMOKING PROHIBITION IN MULTI-UNIT RESIDENCE UNITS.

Smoking is prohibited in all Units of a Multi-Unit Residence, including any associated exclusive use Enclosed Areas or Unenclosed Areas, such as a private balcony, porch, deck, or patio.

419.1.040 SMOKING PROHIBITION IN MULTI-UNIT RESIDENCE COMMON AREAS EXCEPT IN DESIGNATED SMOKING AREAS.

- a) Smoking is prohibited in Common Areas of a Multi-Unit Residence, except within a designated Smoking area meeting the following requirements:
 - 1) The designated Smoking area is established by Persons with legal control over a Common Area, such as a Landlord or homeowners' association.
 - 2) The designated Smoking area is:
 - A. An Unenclosed Area;
 - B. At least twenty-five (25) feet from Unenclosed Areas primarily used by children, Unenclosed Areas of K-12 school campuses, and Unenclosed Areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, and swimming pools, including any accessory features (e.g., seating, water fountains) but not including parking facilities;
 - C. At least twenty-five (25) feet from any doorway, window, opening, or other vent into an Enclosed Area, including an Enclosed Area not regulated by this Chapter.
 - D. No more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;
 - E. Clearly marked with a perimeter;
 - F. Identified by conspicuous signs; and

G. Not within any Enclosed or Unenclosed Area where Smoking is otherwise prohibited by this Chapter or other law.

- b) No Person with legal control over a Common Area in which Smoking is prohibited by this Chapter or other law shall permit the presence of ashtrays, ashcans, or other receptacles primarily used for disposal of Smoking waste within the Common Area.

419.1.050 DESIGNATED SMOKING AREA.

- a) No person shall permit Smoking anywhere other than a designated Smoking area.
- b) Smoking is prohibited within twenty-five (25) feet of any doorway, window, opening, or other vent into an Enclosed Area of a Multi-Unit Residence.

419.1.060 TEMPORARILY EXEMPTION

Existing smokers who reside in a Multi-Unit Residence will be temporarily exempted and thus allowed to continue smoking within their unit exclusively (which would not include private balcony, porch, deck, patio, or any other related area attached to the unit), until such a time that the unit becomes vacant, change in occupancy, or two years from the effective date of this Chapter, at which time the unit must be converted to a Nonsmoking unit.

No later than 60 days from the effective date of this Chapter, every Landlord/Person responsible for a Multi-Unit Residence must provide the unit number and name(s) of the person(s) on the lease that will remain as smoking units to the City's Community Development Director. Only those units provided within the required timeframe will be temporarily exempted. Thereafter, by June 30th of each year, until termination of the temporarily exemption, every Landlord/Person responsible for a Multi-Unit Residence must provide an updated list on those units certifying whether they are still designated as smoking units or have converted to smoke-free status. For those units still designated as smoking units, the Landlord/Person must also certify that there has been no change in occupancy to the temporarily exempt unit. If such verification is not provided by June 30th, the originally designated smoking unit will be considered smoke-free unit and thus any continued smoking in the unit will be construed as a violation of this Chapter.

While a Multi-Unit Residence is transitioning to smoke-free status, a Landlord is required to address complaints about second-hand smoke infiltrating units from any temporarily exempted unit. Additionally, all new tenants must be notified in writing that the Multi-Unit Residence still has units that allow smoking within them.

419.1.070 RESPONSIBILITY OF PERSONS WITH LEGAL CONTROL OF NONSMOKING AREAS.

No Person with legal control over any Nonsmoking Area, including property owners, tenants, and subtenants, shall permit Smoking in a Nonsmoking Area in violation of this Chapter.

419.1.080 NOTICE AND SIGNAGE REQUIREMENTS.

- a) No later than 60 days from the effective date of this Chapter, every Person responsible for establishing rules in a Multi-Unit Residence shall deliver to each Unit of a Multi-Unit Residence a written notice meeting the requirements of Section 419.1.080(d).
- b) Beginning 60 days from the effective date of this Chapter, prior to the signing of a lease agreement every Landlord shall provide prospective tenants written notice meeting the requirements of Section 419.1.070(d).
- c) Beginning 60 days from the effective date of this Chapter, prior to any sale every seller of a Multi-Unit Residence or Unit within shall provide the buyer a written notice meeting the requirements of Section 419.1.070(d).
- d) Written notice must provide the following information:
 - 1) Beginning 60 days from the effective date of this Chapter, Smoking is prohibited in all Units, including any associated exclusive use Enclosed Area or Unenclosed Area, such as a private balcony, porch, deck, or patio; and
 - 2) Beginning 60 days from the effective date of this Chapter, Smoking is prohibited in all Common Areas except within specifically designated Smoking areas, if applicable.
- e) Beginning 60 days from the effective date of this Chapter, Persons with legal control over Common Areas shall post and maintain clear and unambiguous “No Smoking” signs in sufficient numbers and locations in Common Areas where Smoking is prohibited by this Chapter or other law. Additionally, signs shall be posted in sufficient numbers and locations in the Multi-Residence to indicate that Smoking is prohibited in all Units. Such signs shall be maintained by the Persons with legal control over the Common Areas. The absence of signs shall not be a defense to a violation of any provision of this Chapter. “No Smoking” signs are not required inside or on doorways of Units.
- f) No Person with legal control over any Nonsmoking Area shall permit Smoking in the Nonsmoking Area, except as provided in Section 419.1.040(a).

419.1.090 LEASE AGREEMENT REQUIREMENTS.

- a) Beginning 60 days from the effective date of this Chapter, every Landlord shall cause all lease agreements for a Multi-Unit Residence regulated by this Chapter to meet the following requirements:
 - 1) The agreement must contain a provision stating all requirements in Section 419.1.070(d).
 - 2) For an agreement in effect on or before the effective date of this Chapter, the agreement shall be amended at the time the unit becomes vacant, is subleased, the original tenant(s) included in the lease no longer occupy the unit, or the original tenant(s) lease ends.
- b) Whether or not a Landlord complies with Section 419.1.080(a), this section shall be implied and incorporated by law into every agreement to which Section 418.1.080 (a) applies and shall become effective as of the earliest possible date on which the Landlord could have made the insertions pursuant to said section.
- c) A tenant who breaches a Smoking provision of a lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence, or who knowingly permits any other Person subject to the control of the tenant or present by invitation or permission of the tenant, shall be liable for the breach to the Landlord and liable to any occupant of the Multi-Residence who is exposed to Smoke or who suffers damages as a result of the breach.
- d) This Chapter shall not create additional liability for a Landlord to any Person for a tenant's breach of any Smoking provision in a lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Residence if the Landlord has fully complied with this Section.

419.1.100 EXCEPTION FOR DRUG, DEVICE, OR COMBINATION PRODUCT AUTHORIZED BY UNITED STATES FOOD AND DRUG ADMINISTRATION.

Notwithstanding any provision to the contrary, nothing in this Chapter shall be interpreted to restrict or otherwise regulate the use of a drug, device, or combination product authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act. This exception does not apply to tobacco products regulated by the United States Food and Drug Administration.

419.1.110 SMOKING AND SMOKE GENERALLY.

- a) The provisions of this Chapter are restrictive only and establish no new rights for a Person who engages in Smoking. Notwithstanding (1) any provision of this Chapter, (2) any failure by any Person to restrict Smoking under this Chapter, or (3) any explicit or implicit provision of this Chapter that allows Smoking in any place, nothing in the Chapter shall be interpreted to limit any Person's legal rights

under other laws with regard to Smoking, including for example, rights in nuisance, trespass, property damage, personal injury or other legal or equitable principles.

- b) Nonconsensual exposure to Smoke occurring on or drifting into residential property is a nuisance, and the uninvited presence of Smoke on residential property is a nuisance and a trespass.

419.1.120 PROHIBITIONS APPLY TO CANNABIS.

California Health and Safety Code Section 11362.3(a)(2) and 11362.79(a), as may be amended or renumbered from time-to-time, prohibits Smoking cannabis wherever Smoking tobacco is prohibited. Notwithstanding Section 419.1.120, the prohibitions on Smoking in Multi-Unit Residence found in this chapter expressly apply to the Smoking of Cannabis.

419.1.130 EDUCATION.

- a) The City shall educate community members about the requirements in this Chapter.
- b) The City shall establish and implement a process for issuing warnings. Each warning shall be accompanied by educational materials explaining the requirements of this Chapter.

419.1.140 PENALTIES AND ENFORCEMENT.

- a) The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.
- b) Enforcement of this Chapter shall be the responsibility of City Manager or his/her designee. In addition, the Director or any Enforcement Officer may also enforce this Chapter.
- c) Any violation of this Chapter shall be punishable by administrative citation, or infraction, and subject to fines as prescribed in Section 12.8.050 of the Torrance Municipal Code.
 - 1) The City shall not issue any administrative penalties upon a Person unless they have been issued at least three Notice of Violations. Such notice shall be provided by any means deemed adequate to the City, which includes but is not limited to, physical delivery, delivery by first class mail, delivery by overnight carrier service, or delivery by digital and shall include a copy of this Chapter and a statement describing the section(s) found to be violated.

- 2) The City, at its discretion, may pursue any and all legal and equitable remedies for the collection of unpaid administrative penalties, interest and penalties (e.g., private collection agencies, Franchise Tax Board (FTB) Interagency Intercept Collection (IIC) Program, etc.).
- d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.
- e) No person shall intimidate, harass, or otherwise retaliate against any person who seeks compliance with this Chapter.
- f) Any Person acting for the interests of itself, its members, or the general public may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this Chapter. Upon proof of the violations, a court shall grant all appropriate relief including awarding actual or statutory damages including court costs and attorney fees and issuing an injunction or conditional judgement.
- g) Enforcement of this Chapter is at the sole discretion of the City. Under no circumstances shall the City have any responsibility or obligation to enforce or seek any legal redress, at law or in equity, for any violation of this Chapter. Nothing in this Chapter shall create a right of action in any Person against the City or its agents to compel public enforcement of this Chapter against private parties.

419.1.150 TERMINATION OF TENANCY; REQUIREMENTS.

No Landlord may terminate a tenancy for a Multi-Unit Residence regulated by this Chapter based on a tenant's violation of this Chapter prohibiting Smoking unless the Landlord has included a no-smoking policy in the tenant's lease or rental agreement and the tenant has violated the associated agreement.

419.1.160 AUTHORITY TO ADOPT REGULATIONS TO IMPLEMENT THIS CHAPTER.

The Department may adopt rules and regulations that are necessary or appropriate to implement, administer, and enforce the provisions of this Chapter."

SECTION 3

Any provisions of the Municipal Code or its appendices, or any other ordinances of the City of Torrance inconsistent with this ordinance to the extent of inconsistencies and no further, are repealed.

SECTION 4

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Torrance hereby declares that it would

have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or other portions might subsequently be declared invalid or unconstitutional.

SECTION 5

This ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). This ordinance is exempt pursuant to CEQA Guidelines 15378, because the activity undertaken involves general text amendments that would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and does not meet the definition of a "Project" under CEQA. The proposed Ordinance is also exempt from CEQA Guidelines under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. The ordinance consists only of bolstering public nuisance regulations. Adoption of this ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings.

SECTION 6

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED and **APPROVED** this _____ day _____ 2023.

ADOPTED and **PASSED** this _____ day of _____ 2023.

Mayor George Chen

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN, City Attorney

ATTEST:

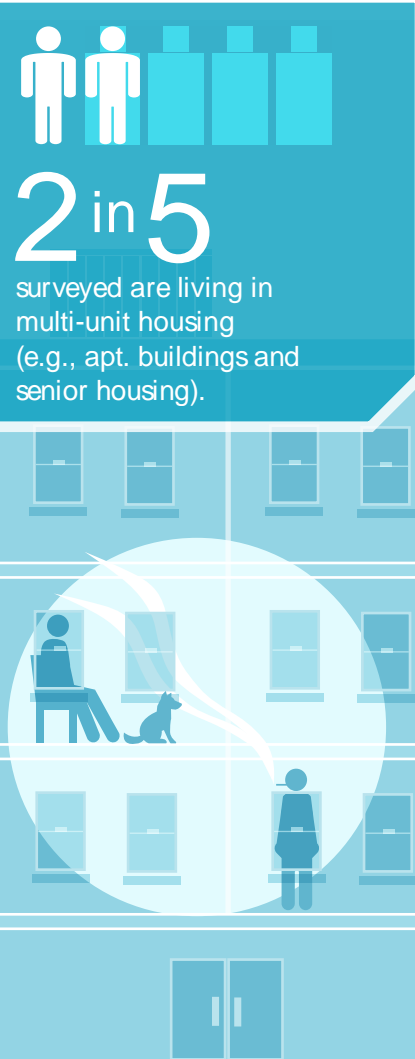
by _____
Tatia Y. Strader, Assistant City Attorney

Rebecca Poirier, City Clerk

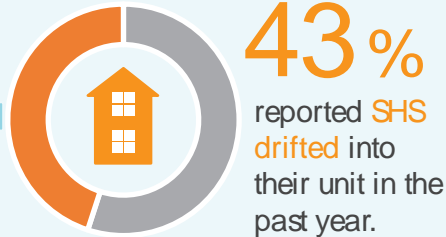
SMOKE-FREE MULTI-UNIT HOUSING

Torrance

Strong public support observed among Torrance residents for smoke-free multi-unit housing policies.



Torrance residents living in multi-unit housing...



94% of all residents surveyed support a law that bans smoking in at least one of the following areas:

Indoor Common Areas
(e.g., hallways, laundry rooms, etc.)



Indoor Private Spaces
(e.g., living rooms, bedrooms, etc.)



Outdoor Private Areas
(e.g., Balconies, patios, etc.)



Outdoor Common Areas
(e.g., courtyards, pools, etc.)



Source: 2020 Multi-unit Housing Public Opinion Survey. Tobacco Control & Prevention Program, Los Angeles County Department of Public Health.

This report presents public opinion survey data collected in the City of Torrance between March 24, 2019 through March 9, 2020. 1,110 residents completed the survey, representing persons of varied sex, age groups, racial/ethnic groups, and tobacco use status. This survey is based on a convenience sample of Torrance residents, and may not reflect the views of all residents.

18% of respondents are current tobacco users (n=196) & 82% of respondents are non-tobacco users (n=914).

For more information, please contact:

Dominga Pardo from Robert F. Kennedy Institute of Community and Family Medicine
at (310) 508-5578 or rfki.dpardo@gmail.com



Los Angeles County (4/4)

| | | | | | | | | | | | | | | | | | | | | | |
|----------|-----------|--------------|-------------|------------|-------------|------------------|--------------|--------------|-------------|----------------|------------|----------------|------------|----------|--------|--------|-------------|----------------|------------------|--------|-----------------------------------|
| Rosemead | San Dimas | San Fernando | San Gabriel | San Marino | Santa Clara | Santa Fe Springs | Santa Monica | Sierra Madre | Signal Hill | South El Monte | South Gate | South Pasadena | Tempe City | Torrance | Vernon | Walnut | West Covina | West Hollywood | Westlake Village | Winter | Los Angeles County Unincorporated |
|----------|-----------|--------------|-------------|------------|-------------|------------------|--------------|--------------|-------------|----------------|------------|----------------|------------|----------|--------|--------|-------------|----------------|------------------|--------|-----------------------------------|

| Overall Tobacco Control Grade | C | F | A | C | F | F | F | A | B | F | C | F | B | B | F | F | C | D | A | F | F | B | |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|---|-----|---|-----|---|-----|-----|---|
| Total Points | 5 | 1 | 12 | 5 | 0 | 1 | 1 | 11 | 9 | 0 | 6 | 1 | 10 | 9 | 1 | 0 | 6 | 3 | 12 | 0 | 1 | 8 | |
| Smokefree Outdoor Air | D | D | A | D | F | D | D | A | D | F | C | D | B | A | D | F | D | F | C | F | D | C | |
| Dining | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 4 | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 4 | |
| Entryways | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Public Events | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Recreation Areas | 4 | 4 | 4 | 4 | 0 | 4 | 3 | 4 | 2 | 0 | 4 | 3 | 4 | 4 | 4 | 0 | 4 | 2 | 4 | 0 | 4 | 4 | |
| Service Areas | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 2 | |
| Sidewalks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Worksites | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Total Points | 4 | 4 | 20 | 4 | 0 | 4 | 3 | 18 | 6 | 0 | 8 | 3 | 17 | 20 | 4 | 0 | 4 | 2 | 10 | 0 | 4 | 10 | |
| Smokefree Housing | F | F | A | F | F | F | F | B | A | F | F | F | B | D | F | F | F | F | A | F | F | F | |
| Nonsmoking Apartments | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 2 | 4 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | |
| Nonsmoking Condominiums | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 2 | 4 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | |
| Nonsmoking Common Areas | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 4 | 2 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | |
| Total Points | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 8 | 12 | 0 | 0 | 0 | 8 | 2 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 0 | |
| Reducing Sales of Tobacco Products | A | F | A | A | F | F | F | A | A | F | A | F | A | A | F | F | A | B | A | F | F | A | |
| Tobacco Retailer Licensing | 4 | 0 | 4 | 4 | 0 | 0 | 0 | 4 | 4 | 0 | 4 | 4 | 4 | 4 | 0 | 4 | 3 | 4 | 0 | 0 | 0 | 4 | |
| Total Points | 4 | 0 | 4 | 4 | 0 | 0 | 0 | 4 | 4 | 0 | 4 | 4 | 4 | 4 | 0 | 4 | 3 | 4 | 0 | 0 | 0 | 4 | |
| Restrictions on Flavored Tobacco Products | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | Y | N/A | Y | N/A | Y | N/A | N/A | Y |
| Flavored Tobacco Products | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | |
| Total Points | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | |
| Emerging Issues Bonus Points | | | | | | | | | | | | | | | | | | | | | | | |
| Emerging Products Definition - Secondhand Smoke | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | |
| Emerging Products Definition - Licensing | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | |
| Retailer Location Restrictions | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | |
| Sale of Tobacco Products in Pharmacies | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Minimum Price of Cigarettes | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Minimum Pack Size of Cigarettes | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 1 | |
| Total Points | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 2 | 0 | 0 | 2 | 0 | 2 | 2 | 1 | 0 | 1 | 1 | 3 | 0 | 0 | 4 | |



AMERICAN NONSMOKERS' RIGHTS FOUNDATION

U.S. Laws for 100% Smokefree Multi-Unit Housing

January 1, 2023

This list represents communities with laws that regulate smoking in **private units** of multi-unit housing.

As of January 1, **77 municipalities** have enacted a law at the city or county level that prohibits smoking in **100% of private units** of rental multi-unit housing properties. Of these municipalities, **70** have laws that prohibits smoking in **100% of private units** of both rental **and** owner-occupied multi-unit housing properties. The vast majority of the laws—66 municipalities—apply to properties with 2 or more units.

For public housing policies, see [U.S. Public Housing Authority Policies Restricting or Prohibiting Smoking](#).

See Definitions and Explanatory Notes starting on page 4.

Visit our smokefree multi-unit housing page at no-smoke.org/at-risk-places/homes/ for more information.

Municipalities with Laws for 100% Smokefree Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that prohibit smoking in **100% of private units** of all specified types of multi-unit housing. These laws apply to both privately-owned and publicly-owned multi-unit residences, as well as all existing and future buildings, and do not permit current residents to continue smoking in the building (i.e. no “grandfather” clause). Most, but not all, municipal laws include condominiums and other owner-occupied properties.

Municipalities marked with # require multi-unit buildings to be 100% smokefree when the law is in full effect as of the listed Final Effective Date. Municipalities marked **Some** under “% of Units Currently Smokefree” will be 100% when the law is in full effect.

| Municipality | State | % of Units Currently Smokefree | Final Effective Date | Minimum Number of Units | Includes Patio/Balcony | Includes Condos |
|-------------------------|-------|--------------------------------|----------------------|-------------------------|------------------------|-----------------|
| 1. Alameda | CA | 100% | 1/1/2013 | 2 | Yes | Yes |
| 2. Alameda County | CA | 100% | 7/1/2022 | 2 | Yes | Yes |
| 3. Albany | CA | 100% | 3/24/2018 | 2 | Yes | Yes |
| 4. Bell Gardens | CA | 100% | 6/1/2021 | 3 | Yes | Yes |
| 5. Belmont | CA | 100% | 1/8/2009 | 2 | Yes | Yes |
| 6. Belvedere | CA | 100% | 11/9/2017 | 2 | Yes | Yes |
| 7. Benicia | CA | 100% | 9/2/2020 | 2 | Yes | Yes |
| 8. Berkeley | CA | 100% | 5/1/2014 | 2 | Yes | Yes |
| 9. Beverley Hills | CA | 100% | 1/1/2019 | 2 | Yes | Yes |
| 10. Brisbane | CA | 100% | 6/3/2017 | 2 | Yes | Yes |
| 11. Burlingame | CA | 100% | 2/13/2016 | 2 | Yes | Yes |
| 12. Clayton | CA | 100% | 5/1/2019 | 2 | Yes | Yes |
| 13. Compton | CA | 100% | 1/1/2013 | 3 | Yes | Yes |
| 14. Concord | CA | 100% | 1/1/2021 | 2 | Yes | Yes |
| 15. Contra Costa County | CA | 100% | 7/1/2019 | 2 | Yes | Yes |
| 16. Corte Madera | CA | 100% | 6/17/2022 | 2 | Yes | Yes |
| 17. Cotati | CA | 100% | 1/1/2017 | 2 | Yes | Yes |

| Municipality | State | % of Units Currently Smokefree | Final Effective Date | Minimum Number of Units | Includes Patio/Balcony | Includes Condos |
|----------------------|-------|--------------------------------|----------------------|-------------------------|------------------------|-----------------|
| 18. Crescent City | CA | 100% | 1/1/2022 | 2 | Yes | Yes |
| 19. Cudahy | CA | 100% | 1/3/2020 | 2 | Yes | Yes |
| 20. Culver City | CA | 100% | 5/26/2016 | 2 | Yes | Yes |
| 21. Cupertino | CA | 100% | 10/1/2021 | 2 | Yes | Yes |
| 22. Daly City | CA | 100% | 1/21/2014 | 2 | Yes | No |
| 23. Danville | CA | 100% | 5/1/2016 | 3 | Yes | Yes |
| 24. El Cerrito | CA | 100% | 10/1/2015 | 2 | Yes | Yes |
| 25. El Monte | CA | 100% | 8/19/2017 | 3 | Yes | Yes |
| 26. Emeryville | CA | 100% | 7/1/2019 | 2 | N/S | Yes |
| 27. Firebaugh | CA | 100% | 7/1/2019 | 2 | Yes | Yes |
| 28. Foster City | CA | 100% | 11/5/2015 | N/S | Yes | Yes |
| 29. Fresno | CA | 100% | 1/1/2022 | 2 | No | No |
| 30. Guadalupe | CA | 100% | 8/27/2020 | 2 | Yes | Yes |
| 31. Half Moon Bay | CA | 100% | 1/15/2020 | 2 | Yes | Yes |
| 32. Healdsburg | CA | 100% | 5/6/2020 | 2 | N/S | Yes |
| 33. Hercules | CA | 100% | 6/13/2020 | 10 | Yes | Yes |
| 34. Huntington Park | CA | 100% | 7/1/2013 | 2 | Yes | Yes |
| 35. Larkspur | CA | 100% | 9/17/2022 | 2 | Yes | Yes |
| 36. Los Gatos | CA | 100% | 6/25/2017 | 2 | Yes | No |
| 37. Manhattan Beach | CA | 100% | 5/5/2017 | 3 | Yes | Yes |
| 38. Marin County | CA | 100% | 10/14/2021 | 2 | Yes | Yes |
| 39. Mill Valley | CA | 100% | 11/18/2016 | 2 | Yes | Yes |
| 40. Millbrae | CA | 100% | 1/1/2020 | 2 | Yes | Yes |
| 41. Milpitas | CA | 100% | 1/1/2022 | 2 | Yes | Yes |
| 42. Monte Sereno | CA | 100% | 10/1/2020 | 2 | Yes | Yes |
| 43. Moorpark | CA | 100% | 2/1/2019 | 2 | Yes | No |
| 44. Morro Bay | CA | 100% | 8/1/2020 | 2 | Yes | Yes |
| 45. Mountain View | CA | 100% | 1/1/2022 | 3 | Yes | Yes |
| 46. Novato | CA | 100% | 1/1/2018 | 2 | Yes | Yes |
| 47. Pacific Grove | CA | 100% | 10/1/2021 | 2 | Yes | Yes |
| 48. Pacifica | CA | 100% | 10/9/2020 | 2 | Yes | Yes |
| 49. Palo Alto | CA | 100% | 1/1/2018 | 2 | Yes | Yes |
| 50. Pasadena | CA | 100% | 1/1/2013 | 2 | Yes | Yes |
| 51. Petaluma | CA | 100% | 1/1/2014 | 2 | Yes | Yes |
| 52. Pleasanton | CA | 100% | 10/4/2018 | 2 | Yes | No |
| 53. Rancho Cordova | CA | 100% | 11/4/2021 | 2 | N/S | Yes |
| 54. Redwood City | CA | 100% | 1/1/2019 | 2 | Yes | Yes |
| 55. Richmond | CA | 100% | 1/1/2011 | 2 | Yes | Yes |
| 56. Rohnert Park | CA | 100% | 4/23/2018 | 2 | Yes | Yes |
| 57. Ross | CA | 100% | 2/9/2020 | 2 | Yes | Yes |
| 58. San Anselmo | CA | 100% | 1/8/2016 | 2 | Yes | Yes |
| 59. San Bruno | CA | 100% | 2/22/2018 | 2 | Yes | Yes |
| 60. San Carlos | CA | 100% | 7/8/2020 | 2 | Yes | Yes |
| 61. San Mateo | CA | 100% | 11/14/2015 | 2 | Yes | Yes |
| 62. San Mateo County | CA | 100% | 2/4/2016 | 2 | Yes | Yes |
| 63. San Pablo | CA | 100% | 7/1/2021 | 2 | Yes | No |
| 64. San Rafael | CA | 100% | 11/14/2013 | 3 | Yes | Yes |
| 65. Santa Clara | CA | 100% | 8/1/2019 | 2 | Yes | Yes |

| Municipality | State | % of Units Currently Smokefree | Final Effective Date | Minimum Number of Units | Includes Patio/Balcony | Includes Condos |
|-------------------------|-------|--------------------------------|----------------------|-------------------------|------------------------|-----------------|
| 66. Santa Clara County | CA | 100% | 2/9/2012 | 2 | Yes | Yes |
| 67. Santa Rosa | CA | 100% | 8/7/2016 | 2 | Yes | Yes |
| 68. Saratoga | CA | 100% | 9/16/2016 | 4 | Yes | Yes |
| 69. Sebastopol | CA | 100% | 11/2/2011 | 2 | Yes | Yes |
| 70. Sonoma | CA | 100% | 12/12/2016 | 2 | Yes | Yes |
| 71. Sonoma County | CA | 100% | 1/12/2013 | 2 | Yes | Yes |
| 72. South San Francisco | CA | 100% | 11/9/2017 | 2 | N/S | Yes |
| 73. Sunnyvale | CA | 100% | 9/23/2016 | 2 | Yes | Yes |
| 74. Tiburon | CA | 100% | 10/16/2018 | 4 | Yes | Yes |
| 75. Union City | CA | 100% | 2/23/2012 | 2 | Yes | No |
| 76. Walnut Creek | CA | 100% | 1/30/2014 | 2 | Yes | Yes |
| 77. Windsor | CA | 100% | 8/15/2017 | 2 | Yes | Yes |

= Law requires multi-unit buildings to be 100% smokefree, but the law is not yet fully in effect.

Municipalities with Laws that Partially Restrict Smoking in Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that **restrict smoking in some private units** of multi-unit housing, but do not require multi-unit buildings to be 100% smokefree.

The trend is now for communities to adopt laws that require multi-unit properties to be 100% smokefree, as listed in the chart above. It is not recommended that communities adopt the types of partial laws represented in the chart below.

Municipalities marked **Some** under “All Units Currently Smokefree?” have some buildings that are required to be 100% smokefree. Often, these laws prohibit smoking in all newly occupied buildings or newly leased units, but either do not address smoking in existing buildings or only apply to a certain percent of units in existing buildings.

Municipalities marked **No** under “All Units Currently Smokefree?” have no buildings required to be 100% smokefree now or in the future. These laws may apply to only a certain percent of units in existing and future buildings, or permit current residents to continue smoking in the building indefinitely (a “grandfather” clause).

Additionally, communities not represented on this list may have local laws that do not address smoking in private units, but restrict smoking in multi-unit housing to a lesser extent, such as by prohibiting smoking in indoor common areas or only on patios and balconies.

| Municipality | State | All Units Currently Smokefree? | Min. % of Units Currently Smokefree | Initial Effective Date | Final Effective Date | Min. # of Units | Includes Condos |
|-----------------|-------|--------------------------------|-------------------------------------|------------------------|----------------------|-----------------|-----------------|
| 1. Baldwin Park | CA | Some | 80% | 6/21/2012 | Not Specified | 2 | Yes |
| 2. Burbank | CA | No | N/S | | 5/1/2011 | N/S | Yes |
| 3. Calabasas | CA | No | N/S | | Not Specified | 2 | No |
| 4. Dublin | CA | No | 75% | | 1/1/2013 | 16 | N/S |
| 5. Fairfax | CA | No | 75% | | 9/1/2012 | 4 | N/S |
| 6. Fremont | CA | Some | N/S | 2/1/2017 | Not Specified | 2 | Yes |
| 7. Glendale | CA | Some | N/S | 6/27/2013 | Not Specified | 2 | Yes |

| Municipality | State | All Units Currently Smokefree? | Min. % of Units Currently Smokefree | Initial Effective Date | Final Effective Date | Min. # of Units | Includes Condos |
|--------------------|-------|--------------------------------|-------------------------------------|------------------------|----------------------|-----------------|-----------------|
| 8. Jurupa Valley | CA | Some | N/S | | Not Specified | 3 | No |
| 9. Lafayette | CA | Some | N/S | 2/10/2014 | Not Specified | 3 | Yes |
| 10. Loma Linda | CA | No | N/S | | Not Specified | 2 | No |
| 11. Oakley | CA | No | N/S | 4/1/2014 | 4/1/2014 | 2 | Yes |
| 12. Pinole | CA | Some | N/S | 5/20/2010 | Not Specified | 2 | Yes |
| 13. Pleasant Hill | CA | Some | N/S | 5/5/2010 | Not Specified | 4 | No |
| 14. Santa Monica | CA | Some | N/S | 11/22/2012 | Not Specified | N/S | Yes |
| 15. Sausalito | CA | Some | 80% | 2/27/2014 | Not Specified | 2 | Yes |
| 16. South Pasadena | CA | Some | 80% | 3/3/2011 | Not Specified | 2 | Yes |
| 17. Temecula | CA | No | 25% | | 6/7/2012 | 10 | N/S |
| 18. West Hollywood | CA | Some | N/S | 5/19/2021 | 7/15/2021 | 3 | Yes |

Definitions and Explanatory Notes:

Communities on the two charts of municipal laws adopted a municipal ordinance to regulate smoking in all (first chart) or some (second chart) types of multi-unit housing.

= Law will require all multi-unit buildings to be 100% smokefree as of a future date, but currently the law provides partial coverage.

Minimum Percent of Units Currently Smokefree:

The percent of specified multi-unit housing that is currently required to be smokefree:

100%: All units in specified multi-unit housing must be smokefree.

Another stated %: The stated percent of units in specified multi-unit housing must be smokefree.

N/S = Not Specified: The law does not specify the percent of units currently required to be smokefree or the percent of units currently required to be smokefree cannot be determined by how the law is written, such as: applying only to new multi-unit buildings but not to existing multi-unit buildings or designating a certain percentage of units as nonsmoking or limiting smoking to certain buildings or permitting current residents to continue to smoke indefinitely.

Initial Effective Date:

The date when some multi-unit housing must be 100% smokefree. For example, Baldwin Park, CA (marked as Some for *All Units Currently Smokefree*) requires that all newly occupied buildings must be 100% smokefree as of 6/21/2012, which is the Initial Effective Date. Baldwin Park also requires that at least 80% of units in all existing buildings be smokefree. Because existing buildings may never be fully smokefree, the Final Effective Date is "Not Specified."

Final Effective Date:

For communities marked as Yes or Some for All Units Currently Smokefree, the Final Effective Date is when all buildings must be 100% smokefree. For communities marked as No for All Units Currently Smokefree, the Final Effective Date is when the strongest provisions of the law go into effect.

Not Specified:

The law does not specify when all multi-unit buildings must be completely smokefree, due to provisions such as: law permits current residents to continue smoking indefinitely **or** law applies only to newly constructed buildings **or** law applies only to a certain percent of existing units.

ANR Foundation is actively collecting additional laws. **If you know of local laws that you think should be included on the list**, or want to inquire about additional information on particular laws, please contact the ANR Foundation at info@no-smoke.org or 510-841-3032.

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[LS-41]

Duncan, Nora

From: Cortez, Leslie
Sent: Wednesday, June 14, 2023 10:00 AM
To: Ramirez, Michelle
Subject: FW: Apartment smoking ordinance

Hi Michelle,
This was one of the attendees of the virtual workshop.

Thanks
Leslie

From: anthony lim <[REDACTED]>
Sent: Wednesday, June 14, 2023 9:53 AM
To: Cortez, Leslie <LCortez@TorranceCA.gov>
Subject: Apartment smoking ordinance

You don't often get email from [REDACTED]. [Learn why this is important](#)

To Council member and all the officials in Torrance,

I'm Anthony Lim. A residence of Torrance since 2002. I'd like to bring up some concerns to your attention as part of your comment gathering process.

My concerns are as follows,

1. I hope that this ordinance would not cause the property owners to have to allocate a designated smoking area. It should be treated the same as non-smoking ordinance in restaurants which we all have accustomed to.
2. I support this ordinance because if the renters are able to ask the city to help them with rent control, the city is entitled to regulate other aspects of apartment renters as well. It is in the positive health interest of the public as well.

thank you.

Anthony Lim

Duncan, Nora

From: Ramirez, Michelle
Sent: Friday, June 16, 2023 6:43 PM
To: [REDACTED]
Cc: Cortez, Leslie; Valenciano, Isela
Subject: RE: No smoking meeting

Good Afternoon Ms. Goetz ~

My name is Michelle Ramirez and I'm the Community Development Director for the City of Torrance. Staff is in receipt of your below email. If you would like more information on the proposed ordinance to prohibit smoking in and around multi-unit residences, please feel free to contact me. I would be happy to go over the information with you. I can be reached at (310) 618-5990 or via email at MRamirez@TorranceCA.Gov. You can also stay up-to-date on the proposed ordinance by visiting <https://www.torranceca.gov/our-city/community-development/no-smoking-in-multi-unit-residential>. I look forward to hearing from you.

MICHELLE G. RAMIREZ

Community Development Director – Community Development Department

City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.5990 | 310.618.5829 fax | MRamirez@TorranceCA.Gov | www.TorranceCA.Gov | www.TorranceCA.Gov/SocialMedia | www.TorranceCA.Gov/WhyTorrance | www.TorranceCA.Gov/Apps



From: SandraG <[REDACTED]>
Sent: Thursday, June 15, 2023 1:14 PM
To: Chen, George <GChen@TorranceCA.gov>; Kaji, Jon <JKaji@TorranceCA.gov>; Mattucci, Aurelio <AMattucci@TorranceCA.gov>; Lewis, Bridgett <BLewis@TORRANCECA.GOV>; Kalani, Sharon <SKalani@TorranceCA.gov>; Griffiths, Mike <MGriffiths@TorranceCA.gov>; Sheikh, Asam

<ASheikh@TorranceCA.gov>; Chaparyan, Aram <AChaparyan@TorranceCA.gov>

Subject: No smoking meeting

Good morning,

Really not sure how you're supposed to participate if you don't "do Zoom," and I'm pretty sure I'm not the only one. The era of covid forced a whole lot of people into following brand new and different processes, but the older folks like me either don't get it, or don't WANT to get it. So we're left feeling disenfranchised.

This is obviously more government control "creep." Where does it end? we have people doing drugs, or laying out on the street on drugs, people smoking pot everywhere, nobody does anything about it, yet you want to control people smoking in their own home. What comes after that? That's a serious question. They are already talking about forcing us to give up gas stoves. Telling us how much water and electricity we can use. Don't get me started on the trash rules. I think the people have grown tired of hearing about more controls, especially after the 2+ years from hell we just lived through.

Thank you

Sandra Goetz

[City of Torrance CA Government](#)

[tpoSordsne 748PfJfcf149a0fh 3Mtia:u1eg91 i860na1c070987lc51](#) ·

We want to hear from you! We are hosting a series of virtual workshops to discuss a proposed ordinance to prohibit smoking in and around multi-unit residences. No reservation is necessary.

Join the conversation June 13th at 7 p.m.: <https://us06web.zoom.us/j/81652610047...>

For further questions or to be added to the City's email list related to the proposed ordinance, please contact Leslie Cortez, Senior Administrative Analyst, at (310) 618-5990 or LCortez@TorranceCA.Gov, [#TorranceCA](#)

Duncan, Nora

From: Chaparyan, Aram
Sent: Wednesday, June 28, 2023 1:06 PM
To: Ramirez, Michelle
Cc: Chen, LeAnne; Valenciano, Isela
Subject: FW: Letter of support for smokefree multi-unit housing
Attachments: Letter to Torrence CA_06.27.23.pdf

FYI Michelle. To include in materials.

ARAM CHAPARYAN

City Manager – Office of the City Manager

City of Torrance | 3031 Torrance Boulevard | Torrance CA 90503 | 310.618.5880 | 310.618.5891 fax | ACHaparyan@TorranceCA.Gov | www.TorranceCA.Gov | www.TorranceCA.Gov/SocialMedia | www.TorranceCA.Gov/WhyTorrance | www.TorranceCA.Gov/Apps

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- TorranceCA.Gov
- Facebook.com/TorranceCA
- @TorranceCA
- @CityOfTorranceCA

From: Liz Williams <[REDACTED]>
Sent: Wednesday, June 28, 2023 1:02 PM
To: CityCouncil <CityCouncil@torranceca.gov>
Subject: Letter of support for smokefree multi-unit housing

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Dear Mayor Chen and members of the Torrance City Council,

Americans for Nonsmokers' Rights would like to submit the attached letter of support for smokefree multi-unit housing, which would protect the health and safety of Torrance's multi-unit residents.

Sincerely,

Liz Williams (she/her)

Project & Policy Manager

Americans for Nonsmokers' Rights | nonsmokersrights.org

American Nonsmokers' Rights Foundation | no-smoke.org

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June 27, 2023

Mayor George Chen
Torrance City Council
3031 Torrance Blvd.
Torrance, CA 90503

Dear Mayor Chen and members of the Torrance City Council,

Americans for Nonsmokers' Rights is writing to express our support for the proposed 100% smokefree multi-unit housing ordinance to protect the health and safety of multi-unit residents in Torrance. **Taking action on this important public health issue will help ensure everyone's right to a smokefree living environment.**

Torrance has the opportunity to be a public health leader by protecting residents from the harmful effects of secondhand tobacco and marijuana smoke by prohibiting smoking in all multi-unit residences, including apartments and condominiums. Smokefree multi-unit housing is a powerful way to have a broad, positive community impact by reducing secondhand exposure where people spend much of their time—especially children, the elderly, and people with disabilities—and can suffer from persistent levels of exposure.

The established best practice and expectation is for smokefree multi-unit housing laws to **apply to all residents** living in multi-unit properties, including residents who have lived in their units for a long time. Allowing an exemption for existing residents does nothing to protect the health of other residents in the buildings, and creates a compliance and enforcement challenge. Of the 96 California jurisdictions that regulate smoking in private units of multi-unit housing, 93% include both existing and new residents.

It is also very important that Torrance's proposed ordinance covers all types of smoking and vaping. In order to have 100% smokefree multi-unit housing, the law must prohibit the smoking and vaping of both tobacco and marijuana/cannabis products.

Residents in Torrance should be able to breathe air that is free from all types of secondhand smoke exposure. Secondhand smoke from combusted marijuana contains fine particulate matter which is a form of indoor air pollution, which can be breathed deeply into the lungs and can cause lung irritation, asthma attacks, and makes respiratory infections more likely.^{i,ii} Exposure to fine particulate matter can exacerbate health problems especially for people with respiratory conditions like asthma, bronchitis, or Chronic Obstructive Pulmonary Disease (COPD).^{iii,iv}

The current body of science shows that both tobacco and marijuana smoke have similar chemical composition and suggests that they may have harmful cardiovascular health effects, such as heart attack, atherosclerosis (partially blocked arteries), and stroke.^v In peer-reviewed research studies, tobacco and marijuana smoke have both been shown to impair blood vessel function^{vi} and secondhand marijuana smoke contains many of the same carcinogens and toxic chemicals as secondhand tobacco smoke.^{vii}

Marijuana should not be smoked or vaped inside multi-unit residences, just like it should not be smoked or vaped inside workplaces, because marijuana secondhand smoke and aerosol are a source of indoor pollution that poses health risks to non-users. **While marijuana is now legal, it should not be used in ways that harm other people.**

It's important to note that **residents can still consume marijuana**, just not by smoking or vaping it in multi-unit residences. Strong smokefree laws protect residents from breathing secondhand smoke from either tobacco or marijuana, for the simple reason that it drifts through buildings and creates a significant health risk for other residents.

Torrance's ordinance should reiterate California state law, which prohibits marijuana smoking wherever tobacco smoking is prohibited by law. Rather than creating an exemption for marijuana smoking or vaping inside multi-unit residences, communities should instead **explore opportunities for outdoor use** that could both meet the access and safety needs of marijuana consumers while also reducing exposure to drifting secondhand smoke to protect the health of multi-unit residents.

The Centers for Disease Control and Prevention (CDC) estimates that nearly 5 million California multi-unit housing residents who keep a smokefree home are still exposed to a neighbor's secondhand smoke. The U.S. Surgeon General confirmed that there is **no risk-free level of exposure to secondhand smoke**, and that exposure can have both short and long term health risks, especially for people with existing health conditions like asthma and other respiratory conditions, heart disease, and cancer.

Smokefree multi-unit housing can help address health disparities faced by low-income residents and communities of color living in multi-unit residences. The CDC reports that 2 in every 5 children—including 7 in 10 black children—remain exposed to secondhand smoke, and the U.S. Surgeon General confirmed that the home is the primary place children are exposed.

Smokefree multi-unit buildings create a healthier living environment for all residents, including people who smoke and their families. It's important to note that a smokefree building does not mean that people who smoke have to quit and it does not require people who smoke to move out. People who smoke simply need to go outdoors to appropriate areas to do so.

All residents in Torrance deserve a stable and healthy living environment, including the right to breathe smokefree air at home, regardless of their financial situation.

Thank you for your leadership and desire to make Torrance the best place to live, work, and visit. Please feel free to contact me at [REDACTED] if you have questions, comments, or feedback.

Sincerely,



Cynthia Hallett, MPH
President and CEO

Americans for Nonsmokers' Rights is a national, member-based, not-for-profit organization based in Berkeley, CA that is dedicated to helping nonsmokers breathe smokefree air since 1976.

ⁱ Hillier, FC.; et al. "Concentration and particle size distribution in smoke from marijuana cigarettes with different Δ9-tetrahydrocannabinol content." *Fundamental and Applied Toxicology*. Volume 4, Issue 3, Part 1, June 1984, Pages 451-454. <http://www.sciencedirect.com/science/article/pii/0272059084902021>

ⁱⁱ "Air and Health: Particulate Matter." National Environmental Public Health Tracking Network, U. S. Environmental Protection Agency. <http://ephtracking.cdc.gov/showAirHealth.action#ParticulateMatter>

ⁱⁱⁱ Grana, R; Benowitz, N; Glantz, S. "[Background Paper on E-cigarettes](#)," Center for Tobacco Control Research and Education, University of California, San Francisco and WHO Collaborating Center on Tobacco Control. December 2013.

^{iv} Brook, R.D.; et al. Particulate matter air pollution and cardiovascular disease: An update to the scientific statement from the American Heart Association. *Circulation*. 2010; 121: 2331-78.

<https://www.ncbi.nlm.nih.gov/pubmed/20458016>

^v Springer, M.L.; Glantz, S.A." Marijuana Use and Heart Disease: Potential Effects of Public Exposure to Smoke," University of California at San Francisco. April 13, 2015.

<https://tobacco.ucsf.edu/sites/tobacco.ucsf.edu/files/u9/MSHS%20fact%20sheet%20for%20CA%204-13-15.pdf>

^{vi} Wang, X., et al., "Brief exposure to marijuana secondhand smoke impairs vascular endothelial function" (conference abstract). *Circulation* 2014; 130: A19538.

http://circ.ahajournals.org/content/130/Suppl_2/A19538.abstract

^{vii} Moir, D., et al., A comparison of mainstream and sidestream marijuana and tobacco cigarette smoke produced under two machine smoking conditions. *Chem Res Toxicol* 21: 494-502. (2008).

<http://www.ncbi.nlm.nih.gov/pubmed/18062674>

Duncan, Nora

From: Cortez, Leslie
Sent: Thursday, June 29, 2023 7:16 AM
To: Duncan, Nora; Ramirez, Michelle
Subject: Fwd: Proposed ordinance to prohibit smoking in and around multi-unit residences.

Good morning Nora,
Please include this correspondence. Thanks
Leslie

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From: Janet Closs <[REDACTED]>
Sent: Thursday, June 15, 2023 8:10 PM
To: Cortez, Leslie <LCortez@TorranceCA.gov>
Subject: Proposed ordinance to prohibit smoking in and around multi-unit residences.

You don't often get email from [REDACTED]. [Learn why this is important](#)

Dear Ms. Cortez,

Please stop wasting time on petty bureaucracy. There are many large issues facing our city and we shouldn't have time to waste on something small minded like this.

I'm not a smoker. I don't like cigarettes or all of the other available options that can now legally be smoked due to silly voting choices.

However, the fact that the city is exerting energy and spending time on such a matter when we have crises like homelessness, businesses leaving the city, crime, carjacking, unchecked shoplifting, etc. etc etc. is insane.

Please redirect city resources to issues that really add value to the quality of life in our city.

Regards,
Janet Closs
Torrance City Resident