

Smoke-Free Multi-Unit Housing in the City of Santa Clara

Brief Evaluation Report



Santa Clara County Department of Public Health Tobacco Free Communities Program

January 15, 2019

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Recommended Citation: Middleton, A.; Sanford, A.; Vannet, C.; Ahmad, I.; Coxe, N. and Tran, D. 2019. Smoke-Free Multi-Unit Housing in the City of Santa Clara, Brief Evaluation Report 2019. California: Santa Clara County Public Health Department Tobacco Free Communities Program.

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Made possible by funds received from the Tobacco Tax Health Protection Act of 1988 – Proposition 99, through the California Department of Public Health, California Tobacco Control Program (CTCP) Contract # CTCP-17-43, Contract Term 7/01/17 – 6/30/21.

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AIM AND OUTCOME

Given the prevalent and negative impact of secondhand smoke (SHS) in the county and with the home being the most common setting for recurring exposure, the Santa Clara County Public Health Department (SCC PHD) has made it a priority to promote policy solutions that prohibit smoking in multi-unit housing (MUH) complexes. However, each jurisdiction (i.e., city) within the county governs the smoking and tobacco restrictions within their respective boundaries. In the current Tobacco-Free Communities (TFC) project plan (2017-2021) the SCC PHD establishes goals to support implementation of city ordinances that comprehensively restrict smoking in outdoor and indoor areas of MUH settings.

Plan Objective 1: By June 30, 2021, at least two cities in Santa Clara County will adopt and implement a policy designating 100% of individual units and outdoor common areas of MUH complexes as entirely smoke-free.

In pursuit of this objective, the SCC PHD, supports cities across the county with funding and in-kind technical assistance to pass stricter tobacco-prevention policies. Through collaboration with multiple stakeholders, an ordinance incorporating MUH smoking restrictions was adopted in the city of Santa Clara in February 2019 and implemented in August 2019. SCC PHD TFC activities initiated and complemented policy development and

implementation activities led by the city, as described in this report.

BACKGROUND

The prevalence of cigarette smoking among adults in Santa Clara County is 10%.ⁱ The cost of smoking in Santa Clara County is an estimated \$367.4 million per year.ⁱⁱ Smoking in MUH complexes has become the primary source of exposure to SHS in California, and in Santa Clara County.ⁱⁱⁱ Exposure to SHS in MUH was even higher for Latino adults and low-income adults in the county.^{iv} More than 1 in 4 adults living in MUH reported being exposed to smoke drifting in from a neighboring apartment or from outside.^{iv}

The city of Santa Clara is located in the southern portion of the San Francisco Bay Area, California, bordered by the cities of San Jose, Cupertino, and Sunnyvale. The population is estimated to be just under 130,000 people.^v Forty-nine percent of city households live in multi-unit housing, and 55% of households are renters.^v

The SCC PHD's Healthy Cities Program identifies six strategies cities can use to guide programming and policy improvement to reduce exposure to SHS in indoor and outdoor settings (See **Appendix A** for a full list of all strategies targeted). SCC PHD began supporting ordinances addressing SHS exposure in housing in 2010, when the county Board of Supervisors passed an ordinance to make all MUH complexes in unincorporated county areas smoke-free. This success was followed in



2016 when the cities of Sunnyvale, Los Gatos, and Palo Alto received in-kind and funding support from the SCC PHD, and urging from community residents, to develop and expand smoking restrictions in their municipal code. All three cities added smoke-free MUH policies to their respective ordinances.

After witnessing the success of neighboring cities in 2016, and upon the urging of constituents and advocacy groups, who track and score local-level SHS policies, in 2017, a champion on the Santa Clara City Council requested meetings with SCC PHD, advocacy groups, and a policy consultant funded by the SCC PHD TFC to explore their options. They discussed the public health arguments in favor of a smoke-free MUH policy and potential barriers towards its adoption. At the time, however, other council priorities took precedence: “Back when we had initial meetings...the city just did not have the bandwidth to take this on, even if they were interested in the issue,” reported the policy consultant.

These initial explorations later facilitated a more structured process to engage community members and interest groups in conversations on their attitudes around smoking restrictions. This process was supported by the SCC PHD, which provided technical assistance, community engagement, and funding to support education and implementation activities. Their combined efforts led to successful passage of ordinance no. 1996 in February 2019.

EVALUATION METHODS AND DESIGN

To assess the development, adoption, and implementation of the ordinance, IMPAQ International, a third-party evaluation consultant, conducted a process evaluation from October-December 2019 using two key evaluation methodologies: **document review** and **key informant interviews**. IMPAQ used document review to understand who was involved in the adoption and implementation process, what types of discussion and debate helped frame the ordinance, how the county supported city staff, and when and how the city notified the landlords and MUH residents on the final ordinance changes and ramifications. Documents included progress reports, meeting notes, letters of support, strategic planning documents, technical assistance and media tracking logs, and education materials. All documents and sources reviewed are listed in **Appendix B** of this report.

Key informant interviews followed a RE-AIM framework to collect details on the **Reach**, **Effectiveness**, **Adoption**, **Implementation** of the ordinance and **Maintenance** going forward. IMPAQ conducted five interviews in October-November 2019 with city council members, a county-funded policy technical assistance consultant, and community members that participated in a MUH smoke-free workgroup active in the city. The interview guide is included in **Appendix C**.






This report documents the results of these two evaluation activities, as well as any implementation outcome measures discussed in the interviews. Core outcome evaluation activities documenting MUH environments and indicators related to tobacco control and SHS exposure will be reported in the SCC PHDs final report. Pre-assessments were conducted

in November 2018; post assessments of MUH environments in the city of Santa Clara are scheduled for the Fall of 2020.

DEVELOPMENT AND ADOPTION

The SCC PHD coordinated a number of activities to support community education and policymaker engagement around the issue, as

Exhibit 1. SCC PHD Technical Assistance and Support Activities

	Development & Adoption (August 2017 – February 2019)	Implementation (February 2019 – Present)
Coordination/ Collaboration 	<ul style="list-style-type: none"> Recruit members to a smoke-free MUH campaign workgroup Award Healthy Cities Initiative Campaign contracts Provide status updates on InfoHub & Spotlight On 	
Community Education & Educational Materials Development 	<ul style="list-style-type: none"> Hold community events in target jurisdictions Develop communications plan Conduct informational presentations to gain support for smoke-free MUH Collect signed endorsements from participants, organizations Educate the public through social marketing 	<ul style="list-style-type: none"> Hold community events in target jurisdictions Distribute decals and signs Create/update factsheets about adopted smoke-free MUH policies Mailers in utility notices (paid for by county) Maintain call center to assist residents/landlords on exposure, policy Educate the public through social marketing
Policy Activities 	<ul style="list-style-type: none"> Complete Midwest Academy Strategy Chart with community partners and stakeholders Present information to city officials Complete Midwest Academy Strategy Chart with community partners and stakeholders Present information to city officials Provide presentations/public comments at city council meetings 	
Training/Technical Assistance 	<ul style="list-style-type: none"> Train subcontractors, coalition members, workgroup members, and residents on how to communicate with city officials Provide technical assistance to MUH managers/landlords, law enforcement, and policymakers 	<ul style="list-style-type: none"> Provide technical assistance to MUH managers/landlords, law enforcement, and policymakers
Media 		<ul style="list-style-type: none"> Paid digital advertising



detailed in **Exhibit 1**. Key aspects crucial to development and adoption of the ordinance are described in this section.

To assist with community-supported policy development and adoption, SCC PHD facilitated the development and growth of a Smoke-Free MUH Workgroup in the City of Santa Clara. City staff who received complaints about SHS exposure from residents connected these residents with leaders of the workgroup, and county staff met with one condominium complex's SHS committee. Throughout 2017 and 2018, the workgroup met to discuss their policy priorities and the strategies to achieve them, and SCC PHD staff used their expertise to guide workgroup members towards effective advocacy. The 16-member workgroup completed a Midwest Academy Strategies Chart, Decision Maker Matrix, and Communications Plan to organize their approach. In addition, SCC PHD provided them with trainings on developing and delivering key messages to stakeholders.

With help from the workgroup, city staff were able to further administer an online Public Opinion Survey via iPads to people walking through downtown Santa Clara. The poll, administered in early 2018, explored which additional smoking restrictions city residents would support. This survey included one question about a smoking ban in multi-unit dwellings, including shared and private spaces. This ban was supported by over two-thirds of respondents; other expansions to smoking restrictions were supported by 77 to 89 percent

of respondents. Thus, public support for smoke-free protections was strong among residents.

With this record of the public's support, the city of Santa Clara developed a proposed policy that would update their tobacco code. Throughout 2018, the city held a few community meetings on its smoking ordinance policy. Prepared with training from SCC PHD staff, multiple community members provided public comment to express their support for the proposed policy. County staff attended some of these meetings to provide logistical and technical assistance, clarify covered locations, and address landlords' case-specific questions about implementation. Workgroup members also participated in community events, such as Santa Clara's annual Art and Wine Festival, to increase awareness about SHS exposure and collect endorsements from other residents. Workgroup members, interest groups, and county staff additionally educated key decision-makers about smoke-free MUH through meetings with the mayor, vice mayor, and councilmembers by presenting them with information about the health harms of SHS, recent successful policies in neighboring cities, and personal stories about SHS exposure.

When the ordinance was brought to official council discussion in early 2019, workgroup members provided public comment and submitted letters of support to the council. City councilmembers specifically noted the high level of resident support in their reasoning for why they pursued, and unanimously voted to adopt, the ordinance in February 2019.

Exhibit 2 provides a summary of the expanded restrictions included in the ordinance; the complete ordinance is included in **Appendix D**.

the amount of signage that could be ordered. The city limited the number of signs each property could receive, but landlords could also

Exhibit 2. City of Santa Clara Expanded 2019 Smoking Restrictions

Covered Locations	Landlord Obligations
<p>Any new or existing unit of an MUH residence, including:</p> <ul style="list-style-type: none"> ▪ Private balcony, porch, deck ▪ Inside the unit <p>Any common area of an MUH facility</p> <p>Within a 30-foot buffer zone of any door, window, opening, or vent</p> <p>Unenclosed public spaces, including:</p> <ul style="list-style-type: none"> • Farmers’ markets • Inside or within 100 feet of public parks <p>Outdoor dining areas and patios</p>	<p>Post “No Smoking” signage in every building</p> <p>Provide notice of requirements to tenants and guests</p> <p>Include in every new or renewed lease or rental agreement:</p> <ul style="list-style-type: none"> ▪ The full text of the city Smoking and Tobacco Regulations ▪ A descriptions of designated smoking areas ▪ A third-party beneficiary clause <p>Give written notice to violators</p>

purchase or create their own signage meeting ordinance specifications.

Eventually, SCC PHD was able to provide some additional signs to the city to address the need.

The city also reached out to landlords, owners, and property managers to inform them of the new restrictions and invite them to implementation workshops where they could learn about their responsibilities under

IMPLEMENTATION AND RESULTS

After the ordinance was adopted, the City and SCC PHD collaborated to conduct a number of education activities and developed informational resources to inform residents and property owners on their responsibilities, as described in **Exhibit 3**.

There was greater than expected interest in signage; the initial order mentioned above ran out quickly and more signs were ordered. Ultimately, funding was the main limitation on

the new ordinance, ask questions, and request signage. Five workshops were held for residents, landlords and property owners in June and July 2019. The county policy consultant led the implementation workshops at the request of the city manager’s office. She reported that 10-15 people attended each meeting and property managers had many questions about their new responsibilities. The ordinance requires “No Smoking” signage to be posted in common areas and near entryways of MUH complexes, and landlords needed

assistance determining how many signs were needed and exactly where to put them. Staff from the city manager’s office focused on educating landlords about these requirements and offered to follow up after the meeting with personalized assistance. Other landlords and property managers wanted clarification about their role in enforcement – would they get in trouble if tenants would not stop smoking?

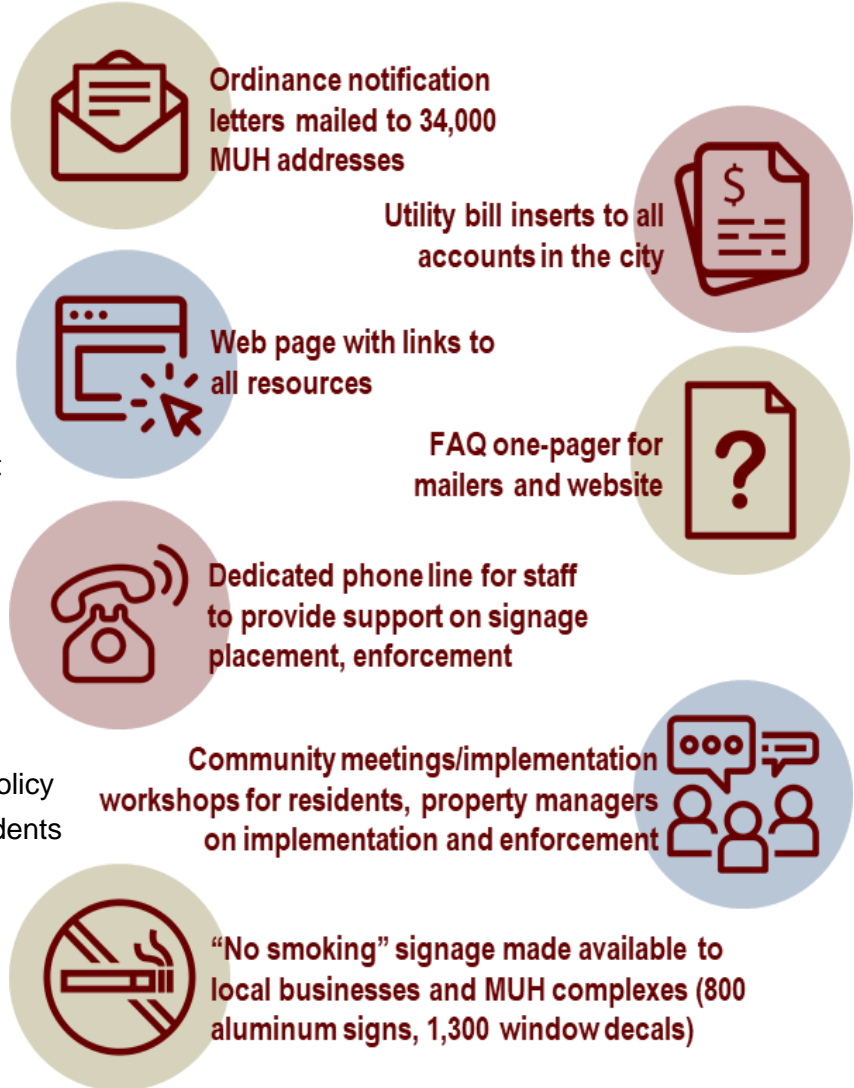
Should they call the police for assistance with enforcement? Would they be expected to evict tenants?

The policy consultant, county staff, and city staff member emphasized that in the first six months to a year, implementation activities will focus on education rather than strict enforcement.

In addition, the city held outreach meetings for the general public in the weeks leading up to the August 5th implementation date. Like the landlord workshops, these meetings were co-led by a city staff member and the county policy consultant. City and county staff developed the presentations which were then reviewed by the policy consultant. Some Santa Clara residents attended these meetings to give feedback about the new ordinance, but as it had already been adopted, there was little that the city could do in response to their feedback. The city manager’s

office also developed a “Frequently Asked Questions” sheet to address common concerns. This FAQ was shared online on the city’s website. Still, the office received dozens of calls per day in June and July 2019 from landlords, business owners, and residents who had questions and concerns. The calls decreased after implementation, with the office receiving only few calls per week as of October 2019.

Exhibit 3. Resources Supporting Implementation



CHALLENGES AND BARRIERS

Medical Marijuana

An unexpected issue related to cannabis use arose during the adoption and implementation of the ordinance. California state law requires smoking cannabis (whether for recreational or medical use) to be banned in any place where smoking tobacco is banned. Therefore, all new city of Santa Clara smoking restrictions must apply to cannabis smoking as well. While it was straightforward to clarify that the ordinance applied to smoking marijuana recreationally, it was less clear how to address medical use. At least one Santa Clara resident complained that they smoked medical marijuana in their apartment to alleviate symptoms of a disability and are unable to smoke outside. City and county officials discussed whether an exception could be written into the ordinance for this type of situation, however their hands were tied due to the California state law. At this point, it is unclear how this situation will be handled.

Challenges Posed by the Purchase, Use, and Possession Clause

One of the main barriers to the successful passage of the ordinance was the unexpected inclusion of a youth purchase, use, and possession (PUP) clause. Youth possession laws are not proven to be effective in reducing youth smoking. Public health groups, including the Santa Clara County Public Health Department and other public health advocacy groups, often reject these laws in favor of punishments for retailers who sell tobacco to underage people because they see youth using tobacco as victims rather than criminals. PUP laws are also unevenly enforced, and are not a proven strategy for reducing tobacco use. In addition, it is thought that criminalizing possession further stigmatizes youth smokers and may make them less likely to seek help from adults.

In general, it made sense to bundle the smoke-free MUH policy with other updates to the city's tobacco code. However, inclusion of the PUP clause put all other proposed regulations at risk. Public health officials and advocacy groups could not support the ordinance as written because of the penalties for youth possession. Some of those who wrote and spoke to the council qualified their support, stating that they would only back the ordinance if the PUP clause was removed. The president of the local chapter of the NAACP expressed concerns that this policy will give law enforcement an additional reason to stop and search youth of color and that penalties will disproportionately burden communities already suffering the effects of Big Tobacco's predatory tactics. The Tobacco-Free Coalition of Santa Clara County will seek to have the PUP clause removed as it pursues further tobacco control efforts with the city.

The inclusion of the PUP clause also highlights a misunderstanding between various stakeholders about the effectiveness of PUP clauses, and an overall assumption that it was a state requirement to include in local ordinances. In fact, no other local tobacco control regulation in the state of California includes a youth enforcement clause. While some members of the city council were uncomfortable with the inclusion of a youth possession clause, they were eager to get the ordinance approved as soon as possible and decided against sending the ordinance back for revision, opting instead to monitor how the regulation would be implemented to ensure youth would not be unduly punished and to ensure enforcement would be equitable.

Enforcement may be relaxed in specific situations. Staff from the city manager's office recommended that other cities wishing to implement tobacco restrictions think carefully about potential solutions to this issue, as it is likely to come up again.



Responsibility and Enforcement

Property managers were concerned about the liability the ordinance might introduce, and wondered how they might enforce the policy when it can be difficult to discern which tenants are smoking inside their unit.

Informational workshops with landlords were a helpful venue to walk worried landlords through the steps and responsibilities of each party, as codified in the ordinance. Landlords and property managers would be responsible for including the full policy in each lease or home owners' association document. The tenant or owner is then obligated to comply, and the landlord or property manager then needs to make sure tenants are complying with the restrictions similar to any other provision of the lease/HOA document.

As the consultant explained, "nothing in the ordinance requires [property managers] to evict tenants. Think about how you would approach this if a tenant was violating any other lease provision, you would probably start with a warning, you would probably have a conversation with them. You know, and then you decide, as a property owner, how quickly you want to escalate [the issue]. There's no requirement that you evict people and that certainly is not the goal of the ordinance to evict people." These types of conversations and concerns were important to clarify before implementation, noting that the key goal of the policy is to shift social norms, make it easier for those that want to quit have a supportive

environment in which to quit, and to drastically reduce non-smokers to second- and third-hand smoke.

FACILITATORS OF SUCCESS

Policy Champion

In 2017, the lung health advocacy organization Breathe California urged the Santa Clara city council to update the city's smoking policies for outdoor areas and MUH given the policy was almost 10 years old. One Councilmember was particularly moved by the lag in updates to smoking restrictions and also received complaints from her constituents about SHS in their homes and the effects on their health and the health of their children. She championed the policy consistently over the two years leading up to adoption. She regularly met with health advocacy groups to hear their suggestions on implementation and coordinated meetings with interest groups supporting landlords to identify where they could adjust the ordinance to meet their concerns. By staying current on the topic and the City's status on published smoke-free standards, she was able to present compelling arguments in support of the ordinance once it was reviewed by the Council.

Community Engagement

One facilitator of success mentioned by both city and county staff was community involvement. Members of the smoke-free MUH workgroup assisted with nearly every aspect of the ordinance. Resident complaints about SHS were one of the original stimuli for the city



council to work towards developing and adopting an ordinance. Workgroup members assisted with gauging support of potential policies, and later with collecting endorsements of the policies. Their consistent involvement has helped the city develop strategies and determine where to focus their attention. Residents offered compelling feedback at city council meetings, which pushed councilmembers to adopt the ordinance. Their complaints have also encouraged the city to keep track of opportunities for additional landlord education and reinforcement.

Easing Implementation with Community Outreach

All residents and property managers received notices through utility bills. In addition, by collaborating with city departments to obtain a list of all MUH domiciles and lists of all property managers licensed by the city, the city manager was able to invite concerned residents and property managers to public meetings to assuage their concerns. All communications

Exhibit 4. Utility Bill Insert

A graphic representing a utility bill insert. It has a white background with a red arrow pointing right at the top left. The title "New Smoking Regulations" is in red. Below the title is a large red letter "O" followed by text in black. The text describes a city ordinance adopted in Feb. 5, 2019, regarding smoking restrictions in public areas and multi-unit residences. It lists prohibited areas like open air dining, public parks, and ATMs, and states that smoking is also prohibited in enclosed residential areas with two or more units. It ends with a URL: SantaClaraCA.gov/smokefreesantaclara.

▶ New Smoking Regulations

On Feb. 5, 2019, the Santa Clara City Council adopted an Ordinance that expanded smoking restrictions in many public areas and multi-unit residences. Public areas where smoking is prohibited under the new ordinance include open air dining areas, public parks, around ATMs and transit stops, and public places being used for a public event. Smoking is also prohibited in all enclosed areas of residential structures with two or more units. To learn more about smokefree Santa Clara, visit SantaClaraCA.gov/smokefreesantaclara.

were shared online as well. This process of informing and educating, the consultant noted, through multiple forms of communication, can greatly lower the stress policy implementation can take on the community, and diminish the overall burden on staff fielding complaints and concerns from the public. The policy consultant noted that often policymakers anticipate that enforcing public health policies will be a lot of work for their city staff. However, by letting residents and landlords know there has been a change—early and often – all stakeholders can begin to prepare prior to the implementation date, thus avoiding drawn out or emotional transition periods.

Outside Policy Consultant

Support from the policy consultant was particularly helpful. Since she had previously worked at ChangeLab Solutions and on MUH policy implementation in the city of Sunnyvale, she had a lot of practical knowledge to share with the city of Santa Clara. She collaborated with the city on most educational materials and provided technical assistance in responding to complaints and feedback from residents. Because she is not on staff at the city or county, she can maintain a position of neutrality as topics are discussed.

CONCLUSIONS

The development, adoption, and implementation of an ordinance to update smoking restrictions in the city of Santa Clara was dependent on cooperation between multiple groups. The partnership between the



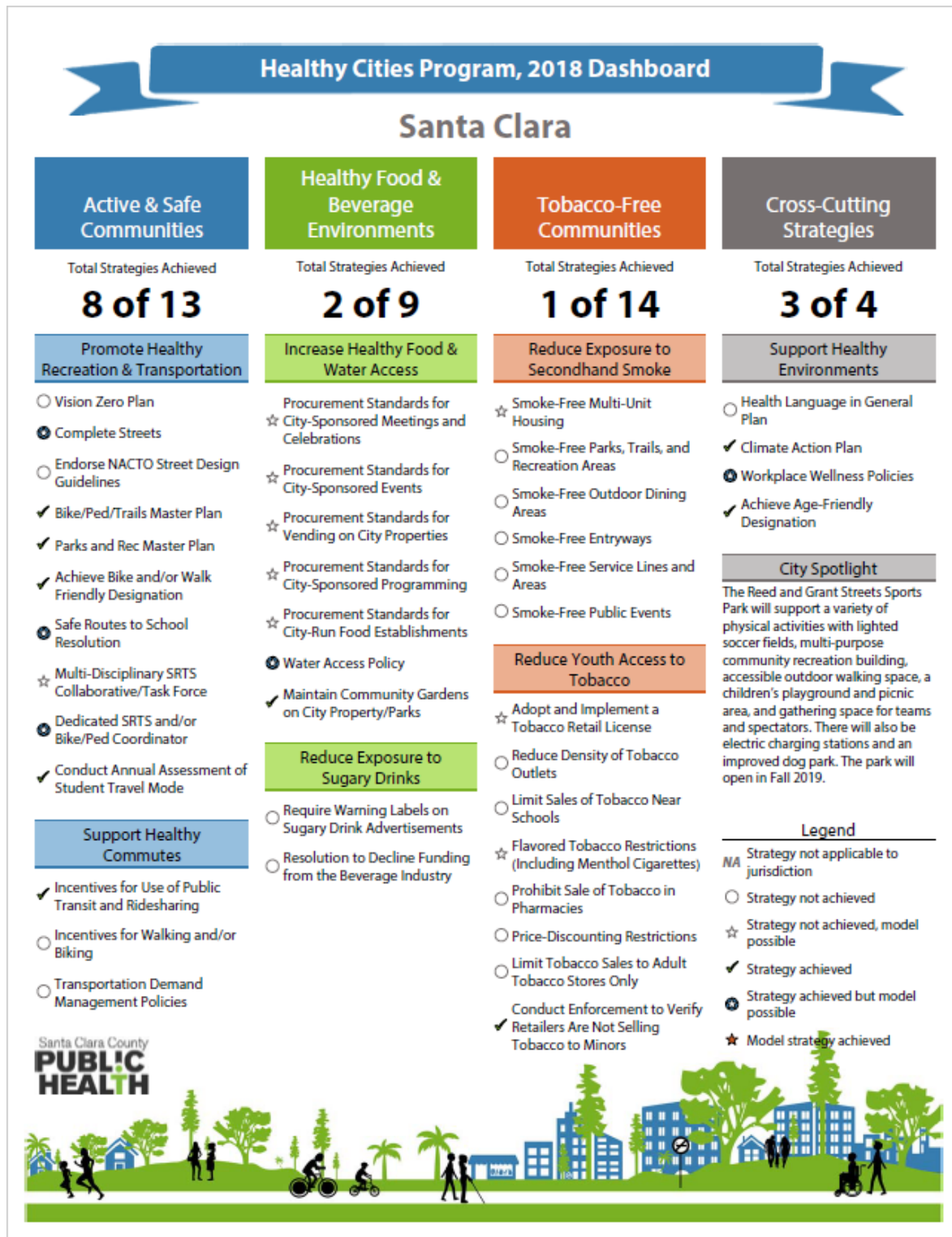
county and the city of Santa Clara resulted in valuable information exchange between cities with successful implementation that may not have been possible otherwise. SCC PHD staff were able to fill gaps in city staff's knowledge about the health effects of secondhand smoke and about community engagement strategies. In addition, the county-funded consultant provided crucial policy expertise and technical assistance to the city's efforts. County grant funding was used to purchase materials for education and to ease the implementation burden on property- and business-owners. Furthermore, the grant's contractual obligations kept the city accountable and prevented these much-needed tobacco restrictions from once again slipping through the cracks. Dedicated community members gathered support for the ordinance and demonstrated to the city council just how much their constituents care about this issue.

The inclusion of a PUP clause in the ordinance was extremely controversial. Cities wishing to adopt smoking restrictions should consider how to educate decision-makers about the flaws of youth possession laws. They should also promote communication between departments to ensure that provisions do not come as a surprise to anyone. Cities should anticipate a barrage of calls and emails during the implementation period and ensure there are sufficient staff and time to address residents' concerns. It may be helpful to work out an enforcement plan early in the policy development process, as this remains challenging. A Santa Clara city staff member suggested that the county could provide technical assistance and training with mediation as a way to maintain policy compliance.

Appendices

- A. Healthy Cities Program Dashboards, City of Santa Clara
 - 2018 Dashboard – Pre-Ordinance Implementation
 - 2019 Dashboard – Post-Ordinance Implementation
- B. Document Review Data Sources
- C. Key Informant Interview Protocol
- D. Final Ordinance: Chapter 8.35 (“Smoking and Tobacco Regulations”) of the Santa Clara Municipal Code
- E. References

Appendix A. Healthy Cities Program Dashboards, City of Santa Clara





Healthy Cities Program, 2019 Dashboard

City of Santa Clara

Promoting policies and environments that support racial health equity

Active & Safe Communities

Total Strategies Achieved

5 of 9

Promote Healthy Recreation & Transportation

- Vision Zero Action Plan
- Complete Streets
- NACTO Street Design Guidelines
- Bicycle Master Plan
- Pedestrian Master Plan
- Parks, Trails, and Recreation Areas Master Plan
- Achieve Bike and/or Walk Friendly Designation
- Safe Routes to School Resolution and Coordination
- Transportation Demand Management Policies

Healthy Food & Beverage Environments

Total Strategies Achieved

2 of 9

Increase Healthy Food & Water Access

- Procurement Standards for City-Sponsored Meetings and Celebrations
- Procurement Standards for City-Sponsored Events
- Procurement Standards for Vending on City Properties
- Procurement Standards for City-Sponsored Programming
- Procurement Standards for City-Run Food Establishments
- Drinking Water Access Policy
- Community Gardens on City Property/Parks

Reduce Exposure to Sugary Drinks

- Require Warning Labels on Sugary Drink Advertisements
- Resolution to Decline Funding from the Beverage Industry

Tobacco-Free Communities

Total Strategies Achieved

6 of 12

Reduce Exposure to Secondhand Smoke

- Smoke-Free Multi-Unit Housing
- Smoke-Free Parks, Trails, and Recreation Areas
- Smoke-Free Outdoor Dining
- Smoke-Free Entryways
- Smoke-Free Service Areas
- Smoke-Free Public Events

Reduce Youth Access to Tobacco

- Adopt and Implement a Tobacco Retail License
- Reduce Density of Tobacco Outlets
- Flavored Tobacco Restrictions (Including Menthol Cigarettes)
- Price-Discounting Restrictions
- Limit Tobacco Sales to Adult Tobacco Stores Only
- Conduct Enforcement to Verify Retailers Are Not Selling Tobacco to Minors

Cross-Cutting Strategies

Total Strategies Achieved

3 of 4

Increase Access to Healthy & Safe Environments

- Health Language in General Plan
- Climate Action Plan
- Workplace Wellness Policies
- Age-Friendly Community

City Spotlight

Since fall 2018, Santa Clara has been working to develop the City's first Pedestrian Master Plan. In coordination with the Bicycle and Pedestrian Advisory Committee (BPAC) and other stakeholders, a final draft is being considered that will make walking a more viable transportation option in Santa Clara and will reduce environmental impacts while making the community healthier and safer.

Legend

- A model level policy or strategy is **possible** but jurisdiction has not met criteria to earn a star
- Jurisdiction has met criteria to earn a check and achieved this policy or strategy
- Jurisdiction has met criteria to earn a star and achieved a model level policy or strategy

Santa Clara County
PUBLIC HEALTH





Appendix B. Document Review Data Sources

Process Evaluation Data Sources Reviewed

1. Santa Clara City Council Meeting recordings, transcripts and submitted documents
 - a. January 15, 2019 Meeting: Agenda, Assistant City Manager's Presentation, Resident Endorsements, Letters of Support
 - b. February 5, 2019 Meeting: Letters
2. Funding Announcement for Healthy Cities Program – Tobacco-Free Communities Strategies (*This announcement notifies the Santa Clara City Manager of the award of TFC grant funding*)
3. American Lung Association State of Tobacco Control 2019 – California Local Grades, Santa Clara County (<https://www.lung.org/local-content/california/documents/state-of-tobacco-control/2019/counties/santa-clara-countypdf.pdf>)
4. Santa Clara County Public Health Department Media Record Review Form (*includes descriptions of and links to media coverage on the ordinance*)
5. Policy Consultant Monthly Progress Report August 2018-September 2019
6. Santa Clara City Public Opinion Poll Results
7. Santa Clara MUH Workgroup Midwest Academy Strategy Chart
8. Ordinance:
 - a. Santa Clara City Code 8.35 and re-formatted one-page Summary of City Code for Leases
 - b. Santa Clara Police Department Cite and Release Policy
9. Santa Clara County Secondhand Smoke Technical Assistance Log
10. Conference Presentation about City-County Partnership

Education and Technical Assistance Materials Reviewed

1. Handout: Understanding Santa Clara County MUH Ordinance
2. City Manager's *Smokefree Santa Clara* Web Page
<https://www.santaclaraca.gov/our-city/government/governance/city-initiatives/smokefree-santa-clara>



Appendix C. Key Informant Interview Protocol: MUH Smoke Free Policy

Date:

Interview conducted by:

Interview conducted (circle one): In person By phone

Interview start time:

Duration of interview:

Key Informant's Full Name:

Key Informant's Organization:

Key Informant's Position/ Title:

Email Address:

Phone Number:

BACKGROUND: Good morning/afternoon. My name is [name] and I am from IMPAQ International. We are working with the Santa Clara County Public Health Department Tobacco Free Communities Program. First, let me begin by thanking you for giving us the opportunity to talk with you today.

The Tobacco Free Communities Program of Santa Clara County is interested in learning more about the City of Santa Clara ordinance implemented on August 1, 2019 (ordinance number 1996), specifically the components that pertain to smoke-free multi-unit housing. You were selected for an interview because we want to learn more about your experiences, opinions and future goals around smoke-free multi-unit housing policy or tobacco policy more broadly.

The interview will take about 30-45 minutes to complete. Your responses will remain anonymous. You may skip any questions or stop the interview at any time. Before we begin, do you have any questions?

We would like to ask your permission to record this interview – this will help us ensure we capture your responses fully.

[If yes, begin recording.]

*We want to start by getting some more information about your background and role over the course of the implementation of the **City of Santa Clara smoke-free multi-unit housing ordinance**.*

BACKGROUND

1. Can you please state your name and your current position at [organization]? How long have you been in the position?
2. What role did you serve in the policy development and passage process?
 - a. *[Probe]* What were your formal roles? Did you have any more informal roles?
3. Can you provide a high-level description of the policy development and passage process?

REACH

4. Are there specific priority populations you have targeted with tobacco control policies this year?
5. Which communities and constituencies are most impacted by City Ordinance 1996? *[Probe: this could be particular age groups, demographics, regions, retailers, suppliers]*
6. How do you anticipate they will be impacted?
7. Can you describe how these populations were involved in the policy development and passage efforts, if at all?

Great, now let's discuss how the policy was developed and the activities leading up to final passage.

ADOPTION

1. What barriers or challenges were encountered while developing and passing City Ordinance 1996?
 - a. How could these barriers be mitigated for future policy efforts?
 - b. Were any constituent groups or policy makers opposed to the policy? Why?
2. What facilitators helped develop and pass City Ordinance 1996?
 - a. *[Probe]* Which key players were influential in getting City Ordinance 1996 passed?
3. Are there any additional facilitators you think would have been helpful to develop and pass Ordinance 1996?

Great, now we would like to learn more about what efforts have been done to implement the policy.

IMPLEMENTATION

1. Can you describe the implementation process overall?
 - a. *[Probe]* First let's discuss what occurred immediately preceding and following the implementation date of August 1, 2019. Could include meetings with community groups, mailers to landlords, outreach to residents, surveys with residents, training or protocols for city inspectors.
 - b. *[Probe]* Can you describe any ongoing implementation activities the City of Santa Clara is engaging in?
 - c. *[Probe]* Are there any publicly available resources or trainings for landlords or MUH owners?
2. Can you identify any facilitators that have contributed to the success of implementation?
 - a. *[Probe]* What types of in-kind resources (e.g., signage, policy consultant support) did your city or organization receive from the county? Were they helpful? How could in-kind resources for implementation be improved?

- b. *[Probe]* What types of direct funding did your city or organization receive from the county? Was it sufficient? How was that funding used to improve planning or implementation?
3. Can you identify any challenges that have made implementation burdensome?
 - a. *[Probe]* Are there additional challenges that may make implementation burdensome for community members, for example issues cited via public complaints or comments?
 - b. *[Probe]* Are there additional challenges that make implementation burdensome to city staff?
 - c. *[Probe]* Are there additional challenges that make implementation burdensome to landlords, property managers, and MUH owners?
 - d. *[Probe]* How can these challenges be mitigated in future implementations?

EFFECTIVENESS

1. Can you describe how the City of Santa Clara will benefit from the implementation of a smoke-free multi-unit housing policy?
2. What impacts on the community have you seen so far?
3. Have there been any unintended impacts the policy development team did not anticipate (positive or negative)?
4. Are there any areas where the policy may fall short?
5. Are there additional strategies which may be helpful to address smoking in MUH?
 - a. *[Probe]* Are there additional strategies that you have been considering to address tobacco use and secondhand smoke exposure in your community?

Perfect, now let's discuss your plans for maintaining the policy going forward.

MAINTENANCE

1. How does the City of Santa Clara plan to maintain and enforce this ordinance over time?
 - a. *[Probe]* What types of in-kind County- or State-developed resources would be helpful in maintaining this policy?
 - b. *[Probe]* What funding is available to support enforcement going forward?

Thank you very much for your time. Your feedback is incredibly valuable.



Appendix D. Final Ordinance and Purchase, Use and Possession Regulations

Chapter 8.35

SMOKING AND TOBACCO REGULATIONS

Sections:

8.35.010 Purpose.

8.35.020 Definitions.

8.35.030 Application to City-owned facilities.

8.35.040 Prohibition of smoking in enclosed public places and places of employment.

8.35.045 Prohibition of smoking in open-air dining areas.

8.35.048 Prohibition of smoking in unenclosed public areas.

8.35.050 Smoking policy in places of employment.

8.35.060 Smoking-optional areas.

8.35.070 Placement of signs.

8.35.080 Enforcement.

8.35.090 Nonretaliation.

8.35.110 Other applicable laws.

8.35.120 Multiunit residences.

8.35.130 Possession of tobacco by persons under twenty-one (21) years of age.

8.35.140 Smoking of cannabis.



8.35.010 Purpose.

The purposes of this chapter are:

- (a) To protect public health, safety, and general welfare by prohibiting smoking in various specific locations, as set forth in this chapter;
- (b) To reduce litter, wastes and pollution; and
- (c) To reduce exposure to secondhand smoke, which has been shown to cause negative health effects.

The provisions of this chapter shall not apply to any establishment regulated under Chapter [8.37](#) SCCC (“Smoking Lounges”) or to those areas designated under SCCC [9.05.160\(o\)](#). (Ord. 1996 § 1, 2-5-19).

8.35.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (a) “Employee” means any natural person who is employed by any employer in consideration for direct or indirect monetary wages or profits, including but not limited to temporary, permanent, part-time, and full-time employees and independent contractors, as defined under applicable law.
- (b) “Employer” means any person, as defined in this section, who employs the services of one or more persons.
- (c) “Enclosed” means closed in by a permanent roof and the exterior walls with appropriate openings for ingress, egress, and ventilation.
- (d) “Hotel” means hotel, motel, motor inn, bed and breakfast, boarding house, and other similar establishments in which the operator has the status of an innkeeper.
- (e) “Multiunit residence” means property containing two or more attached units, except the following, which are specifically excluded:
 - (1) A campground;
 - (2) A hotel or motel satisfying the requirements of State and local law;
 - (3) A single-family home; and
 - (4) A single-family home with a detached or attached in-law or second unit.



(f) “Open-air dining area” means any portion of an eating establishment that contains seating for members of the public, including streets and sidewalks, to consume food or drink in an area which is out-of-doors, covered, or otherwise outside the confines of the interior premises.

(g) “Person” means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, municipal corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(h) “Place of employment” means any area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, offices, work areas, hallways, lobbies, employee lounges, conference rooms, employee cafeterias, locker rooms, dressing areas, or eating places. A private residence is not a place of employment for purposes of this chapter, unless it is used as a child care facility, health care facility, or community care facility.

(i) “Public parks” means any park, playground, swimming pool, recreation center or any other area in the City, owned and used by the City, and devoted to active or passive recreation.

(j) “Reasonable distance” means a distance of thirty (30) feet in any direction.

(k) “Smoking” means the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, including any type of electronic and/or battery operated cigarette or vaporizer device (regardless of product name or descriptor), the use of which may resemble smoking, which can be used to deliver an inhaled dose of tobacco, nicotine or other substances.

(l) “Sports arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, pool halls, and other similar places where members of the public assemble indoors to engage in physical exercise, participate in athletic competition, or witness sports events.

(m) “Service area” means any publicly or privately owned enclosed or unenclosed area, including streets and sidewalks, that is designed to be used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not the service or transaction includes the exchange of money. The term “service area” includes, but is not limited to, areas including or within reasonable distance of information kiosks, automatic teller machines (ATMs), ticket lines, transit stops or shelters, mobile vendor lines, and taxi lines.

(n) “Unenclosed” means any area that is not an enclosed area.



(o) “Unit” means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use enclosed area or unenclosed area, such as, for example, a private balcony, porch, deck, or patio. “Unit” includes, but is not limited to, an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a hotel or motel room; a room in a single room occupancy (“SRO”) facility; or a room in a homeless shelter. (Ord. 1996 § 1, 2-5-19).

8.35.030 Application to City-owned facilities.

All facilities owned and controlled by the City, including but not limited to jails, cafeterias, libraries, public parks, offices, and any council, board, commission, and agency meeting area, shall be subject to the provisions of this chapter. (Ord. 1996 § 1, 2-5-19).

8.35.040 Prohibition of smoking in enclosed public places and places of employment.

Except as otherwise provided in SCCC [8.35.060](#), smoking shall be prohibited in all enclosed public places and places of employment within the City of Santa Clara, including, but not limited to, the following places. The use of the phrase “public place” in this chapter is intended to be expansive. The following examples are illustrative of places deemed public for purposes of this chapter. The prohibition in this chapter is not limited to the list of examples.

(a) Elevators.

(b) Restrooms.

(c) Service lines.

(d) Laundromats.

(e) Retail stores and all areas in shopping malls inside and outside of retail stores, restaurants, bars, restrooms, and offices.

(f) Areas available to or open to and customarily used by the general public in all business and nonprofit entities, including, but not limited to, offices (such as the offices of attorneys, doctors, accountants, other professionals, and service providers) and banks.

(g) Restaurants.

(h) Hotels.



- (i) Aquariums, amusement parks, galleries, libraries, arcades, or museums when open to the public.
- (j) Facilities that are primarily used as theaters, auditoriums, or halls; or that are used for exhibiting motion pictures, stage dramas, musical performances, ballets, lectures, debates, or other similar performances, except when smoking is part of any such performance.
- (k) Waiting rooms, hallways, wards, and rooms and offices of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices, and dentists' offices.
- (l) Sports arenas, convention halls, banquet rooms, and meeting rooms.
- (m) Retail food marketing establishments, including grocery stores, convenience stores, warehouse stores, and supermarkets.
- (n) Rooms, chambers, places of meeting or public assembly, including, but not limited to, school buildings under the control of any board, council, commission, committee (including joint committees), or agencies of the City, or any political subdivision of the State during such time as a public meeting is in progress, to the extent that such place is subject to the jurisdiction of the City.
- (o) Lobbies, hallways, and other common areas in apartment buildings, condominiums, senior citizen residences, nursing homes, and other multiple-unit residential facilities.
- (p) Lobbies, hallways, and other common areas in multiple-unit commercial facilities.
- (q) Polling places.
- (r) Private clubs. (Ord. 1996 § 1, 2-5-19).

8.35.045 Prohibition of smoking in open-air dining areas.

Smoking is prohibited in all open-air dining areas located on private or public property, including the public right-of-way. In addition, smoking is prohibited within reasonable distance of an open-air dining area, except while actively passing on the way to another destination. (Ord. 1996 § 1, 2-5-19).

8.35.048 Prohibition of smoking in unenclosed public areas.

Except as otherwise provided in SCCC [8.35.060](#), smoking shall be prohibited in all unenclosed public places within the City of Santa Clara, including, but not limited to, the following places. The use of the phrase "public



place” in this chapter is intended to be expansive. The following examples are illustrative of places deemed public for purposes of this chapter. The prohibition in this chapter is not limited to the list of examples.

(a) Public parks.

(b) Service areas.

(c) Public places, when being used for a public event, including a farmer’s market, parade, craft fair, concert, or any event which may be open to or attended by the general public, except that smoking is permitted on streets and sidewalks being used in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by law.

(d) Reasonable distance from any operable doorway, window opening, or vent into an enclosed area in which smoking is prohibited, except while the person smoking is actively passing on the way to another destination and provided smoke does not enter any enclosed area in which smoking is prohibited.

(e) Reasonable distance from any unenclosed areas in which smoking is prohibited, except while the person smoking is actively passing on the way to another destination and provided smoke does not enter any unenclosed area in which smoking is prohibited. (Ord. 1996 § 1, 2-5-19).

8.35.050 Smoking policy in places of employment.

(a) Within ninety (90) days of the effective date of the ordinance codified in this chapter, each employer located within the City of Santa Clara shall adopt, implement, make known, and maintain a written smoking policy that shall contain the following requirements:

Except as set forth in SCCC [8.35.060](#), smoking shall be prohibited in all enclosed facilities within a place of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, locker rooms, dressing areas, and all other enclosed facilities. In addition, smoking shall be prohibited in unenclosed areas of employment, such as open air dining areas, public parks, service areas, and public places when being used for a public event.

(b) The smoking policy shall be communicated to all employees within three weeks of its adoption.

(c) All employers shall comply with the provisions of this section and shall be responsible for implementation of its provisions in their place(s) of employment.



(d) “No Smoking” signs shall be conspicuously posted at building entrances and in employee lounges, restrooms, locker rooms, dressing areas, cafeterias, and lunchrooms. The minimum size of signs posted under this section shall be six inches by four inches.

(e) All employers shall supply a written copy of the smoking policy to all employees.

(f) Places of employment exempt from the prohibition on smoking in SCCC [8.35.060](#) shall also be exempt from this section. (Ord. 1996 § 1, 2-5-19).

8.35.060 Smoking-optional areas.

(a) Notwithstanding any other provision of this chapter, the following areas shall not be subject to the smoking restrictions of this chapter, unless smoking or the use of combustible materials is otherwise regulated by the City Code or any other provision of law or regulation:

(1) Private residences, except when used as a child care facility, health care facility, or community care facility. If the private residence is within a multiunit residence, then the residence is subject to the provisions of SCCC [8.35.120](#).

(2) Smoking-optional hotel rooms rented to guests, which shall not include meeting and banquet facilities. Hotels shall reserve and maintain no less than eighty percent (80%) of the enclosed areas of guest rooms as smoke-free rooms.

(3) Retail or wholesale stores that deal exclusively in the sale of tobacco and smoking paraphernalia. (Insignificant sales of nontobacco items shall not disqualify a retail store under this provision.)

(4) Vehicles, except as otherwise limited under applicable law.

(5) Enclosed areas, while bingo games are being conducted pursuant to Penal Code Section [326.5](#) and with a valid conditional use permit; provided, that: (A) no person under the age of twenty-one (21) years is present on the premises; (B) physically separate smoke-free room(s) are provided to patrons; (C) a separate ventilation system is provided for the smoke-free room(s); and (D) the location and operation do not constitute a “place of employment” under applicable State law. The operator of a bingo game shall comply with the requirements of this chapter within six months of the effective date of the ordinance codified in this chapter.



(b) Notwithstanding any other provision of this chapter, any owner, operator, manager, or other person who controls any property may prohibit smoking within the entire property or a portion of the property. (Ord. 1996 § 1, 2-5-19).

8.35.070 Placement of signs.

“No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently, and conspicuously posted in every building, as well as on entrances at eye level, or other places where smoking is prohibited by this chapter, by the owner, operator, manager, or other person having control of such building or other place. The minimum size of signs posted under this section shall be six inches by four inches. (Ord. 1996 § 1, 2-5-19).

8.35.080 Enforcement.

(a) Notice of these regulations shall be given to all applicants for a business license.

(b) The City Manager or his/her designee shall require, while a premises or establishment is undergoing otherwise mandated inspections or certification from the owner, manager, operator, or other person having control of such establishment, that all requirements of this chapter have been complied with, including but not limited to the requirements of SCCC [8.35.050](#) and [8.35.070](#).

(c) Owners, operators, property managers, and officers of homeowners’ associations for residential properties, whether rental or owner-occupied, are required to post signs, provide notice to residents or tenants or their guests of the requirements of the law prohibiting smoking, and give written notice to violator(s) of this chapter that the violator(s)’ actions are in violation of the law prohibiting smoking. If the owners, operators, property managers, and officers of homeowners’ associations for residential properties have satisfied these requirements, they shall not be responsible for violations of the requirements of this chapter by tenants or residents, or guests of tenants or residents.

(d) Owners, operators, and property managers of commercial rental properties shall not be responsible for violations of the requirements of this chapter by tenants, or the guests of tenants, if they have posted signs in accordance with the provisions of this section and have given written notice to violator(s) of this chapter that the violator(s)’ actions are in violation of the law prohibiting smoking.

(e) An owner, operator, or manager (“owner”) of a commercial establishment shall not be responsible for violations of this chapter within an area under owner’s control, by a patron or other member of the public (“patron”); provided, that the owner:



- (1) Has posted signs in accordance with this chapter;
- (2) Has verbally asked the patron not to smoke; and
- (3) Has warned the patron that his/her actions may be a violation of the law prohibiting smoking.

This limitation shall not limit the liability of an employer for the actions of employees in places of employment, or any other violation of this chapter by the employer.

(f) A private citizen may bring a civil action to enforce the provisions of this chapter.

(1) In the event a third-party beneficiary to a lease agreement described in SCCC [8.35.120](#) wishes to avail him or herself of the private right of action provided thereunder, he or she must first provide written notice of the violation to both the violating party and the property owner or manager, by certified mail, and provide them with sixty (60) days within which to cure the violation (i.e., cease the violating behavior, terminate the violating tenant, etc.). Satisfaction of this notice requirement shall be a prerequisite to initiation of the civil action. Presentation of proof that the violation has been fully cured shall be sufficient to except the recipient of such a notice from liability.

(2) Proof of satisfaction of subsection (c) or (d) of this section is sufficient to except the property owner, operator or manager from liability, except as otherwise allowed by applicable State law.

(g) Enforcement of this chapter may be accomplished by the City, in the exercise of its prosecutorial discretion, in any manner authorized by the chapter or by any other law, including but not limited to issuance of criminal citations, civil penalties or administrative penalties, as under SCCC [1.05.070](#). (Ord. 1996 § 1, 2-5-19).

8.35.090 Nonretaliation.

No person or employer shall discharge, refuse to hire on, or in any manner retaliate against any employee or applicant for employment because such employee or applicant makes a complaint regarding violation of this chapter or exercises any rights granted to him or her under this chapter. No person or landlord shall terminate a tenancy, or modify the terms of a tenancy, or in any manner retaliate against any tenant because such tenant makes a complaint regarding violation of this chapter or exercises any rights granted to him or her under this chapter. (Ord. 1996 § 1, 2-5-19).

8.35.110 Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by any other applicable laws. (Ord. 1996 § 1, 2-5-19).

8.35.120 Multiunit residences.

(a) Beginning August 1, 2019, smoking is prohibited and no person shall smoke inside any new or existing unit of a multiunit residence, in any enclosed or unenclosed common area of a multiunit residence, or within a reasonable distance of any operable doorway, window, opening, or vent of a multiunit residence.

(b) Smoking is prohibited in multiunit residences as provided in subsection (a) of this section, except that a person with legal control over a common area, or authorized representative, may designate a portion of the common area as a designated smoking area; provided, that at all times the designated smoking area complies with subsection (c) of this section.

(c) Designated Smoking Areas in Multiunit Residences. A designated smoking area shall:

- (1) Be located in an unenclosed and clearly delineated area totaling not more than ten percent of the total unenclosed area of the multiunit residence for which it is designated;
- (2) Be located at least a reasonable distance away from any operable doorway, window, opening, or other vent into an enclosed area. This requirement is not limited to the doors, windows, openings or other vents in the same multiunit residence. Rather, it is intended to apply to any doors, windows, openings, or other vents within the reasonable distance radius, whether on the same property or otherwise;
- (3) Have receptacles designed for and primarily used for disposal of tobacco waste and that are maintained free of tobacco-related litter including, but not limited to, cigarette butts;
- (4) Be at least a reasonable distance from, and shall not include, unenclosed areas primarily used by children or that facilitate physical activity, including, for example, playgrounds, parks, swimming pools, and school campuses.

(d) Common Areas Free from Smoking Waste. Persons with legal control over common areas in multiunit residences, and their authorized representatives, shall ensure that all common areas except those meeting the requirements of subsection (c) of this section remain free of smoking and tobacco waste, and ash trays, ash cans, or other receptacles designed for or primarily used for disposal of smoking and tobacco waste.

(e) Signage. “No smoking” signs shall be posted as required by SCCC [8.35.070](#) of this chapter, but are not required inside any unit of a multiunit residence. Signs shall be maintained by the person or persons with legal control over the common areas or the authorized representative of such person.



(f) Lease Terms. Every lease or other rental agreement for the occupancy of a new or existing unit in a multiunit residence entered into, renewed, or continued month-to-month after the effective date of the ordinance codified in this chapter shall include the following:

(1) A true and correct copy of the full text of this chapter.

(2) A description of and/or image depicting the location(s) of any designated smoking area(s) on the property, if any.

(3) A clause expressly conveying third-party beneficiary status to all occupants of residences or residence units within reasonable distance, as to the smoking provisions of the lease or other rental agreement, such that an aggrieved third-party beneficiary may institute a private civil action as against violator(s) to enforce the provisions of this chapter.

(g) Whether or not a landlord complies with subsection (f) of this section, the clauses required by that subsection shall be implied and incorporated by law into every agreement to which subsection (f) of this section applies and shall become effective as of the earliest possible date on which the landlord could have made the insertions pursuant to subsection (f) of this section.

(h) 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 multiunit residence if the landlord has fully complied with the provisions of this chapter, except as otherwise allowed by applicable State law.

(i) The prohibitions contained in this section do not apply to a person who is smoking while actively passing on the way to another destination. (Ord. 1996 § 1, 2-5-19).

8.35.130 Possession of tobacco by persons under twenty-one (21) years of age.

It shall be unlawful for persons under the age of twenty-one (21) years to possess tobacco or tobacco products (including electronic smoking devices and e-liquids whether or not they contain nicotine or tobacco), as defined in Penal Code Section [308](#) and Business and Professions Code Section [22950.5](#), in the City of Santa Clara. This section shall not apply to active duty military personnel of at least eighteen (18) years of age. (Ord. 1996 § 1, 2-5-19).



8.35.140 Smoking of cannabis.

It shall be unlawful for persons to smoke cannabis wherever the smoking of tobacco is prohibited under this chapter and/or State law. (Ord. 1996 § 1, 2-5-19).



Santa Clara Police Department Cite and Release Policy

Excerpt on Juvenile Citations

411.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the exception of misdemeanor traffic violations of the Vehicle Code.

Violations of tobacco or tobacco product possession (Santa Clara City Code § 8.25.130) by juveniles should be documented with an informational Juvenile Contact Report for referral to the Juvenile Probation Officer for education and diversion. No criminal or administrative citations shall be issued to juveniles for tobacco related violations. Under **NO** circumstances shall a juvenile be taken into custody for a violation of tobacco product possession.

All other misdemeanor violations for juveniles shall be documented in a Juvenile Contact Report and the case should be referred to the Investigations Division for further action including diversion.



Appendix E. References

ⁱ Santa Clara County Behavioral Risk Factor Survey, 2013-2014.

ⁱⁱ Healthy Stores for a Healthy Community. <http://healthystoreshealthycommunity.com/counties/santa-clara/>. Accessed December 12, 2019.

ⁱⁱⁱ The Center for Tobacco Policy & Organizing. Local California Smokefree Housing Policies: Detailed Analysis. <http://center4tobaccopolicy.org/wp-content/uploads/2017/04/Smokefree-MUH-Detailed-Analysis-2017-04-14.pdf>. Published April 2017. Accessed December 6, 2019.

^{iv} Santa Clara County Behavioral Risk Factor Survey, 2013-2014.

^v U.S. Census Bureau, American Community Survey 5-Year Estimates Cities: 2006-2010