



"Great Apartments Start Here!"

Danielle Leidner-Peretz
Director, Government Affairs &
External Relations
danielle@aagla.org
213.384.4131; Ext. 309

July 30, 2020

Via Electronic Mail

Hon. Mayor Lindsey P. Horvath and Members of the City Council
West Hollywood City Hall
8300 Santa Monica Boulevard
West Hollywood, California 90069

Re: Smoking in Multi-Family Dwellings (Agenda Item 3.C.)

Dear Hon. Mayor Horvath and Members of the West Hollywood City Council:

At the August 3rd City Council meeting, the Council will be considering adoption of an ordinance prohibiting smoking in common areas and in new units within multifamily dwellings, and the establishment of a registration program to monitor units' smoking designations during the transition from being smoking units to non-smoking units.

As noted in our letter dated July 22, 2020, the Apartment Association of Greater Los Angeles' (AAGLA or Association) shares the health concerns associated with smoking and second-hand smoke, and the multitude of health benefits that may result following the implementation of a smoke-free housing policy. Accordingly, we support the City's development and implementation of a smoke-free multifamily dwelling program.

Our Association has a great deal of experience on the topic of smoke-free multifamily housing. Over the past five years, we have collaborated with the University of California at Los Angeles' (UCLA) Center for Health Policy Research and the Los Angeles Housing + Community Investment Department (HCID+LA) to conduct research on smoke-free housing and to help establish guidelines for adopting smoke-free multifamily housing policies. Nevertheless, our Association continues to have concerns with the registration program and administrative burdens that would be imposed on the City's multifamily rental housing providers.

The proposed ordinance would require property owners to register and survey all units in their building to determine if their renters wish to designate their unit as "smoking" or "non-smoking" by October 15, 2020. This survey is to be conducted through a written notice to all renters. Renters would then have a one-month period to notify property owners of their unit's designation. Should renters not respond timely, it is uncertain if property owners would then be obligated to continue requesting a designation. The owner would then finalize the smoking / non-smoking units' designation chart, circulate it to all residents and submit it to the City's Code Compliance Division.

Following this time consuming process, an owner must continue to maintain, update, recirculate and resubmit the chart, each time a unit turns over due to vacancy, and when a unit had been designated as a



“Great Apartments Start Here!”

smoking unit, it would automatically be designated as a non-smoking unit. In addition to the unit designation process, the owner must also provide current, new, and prospective renters, with a program information sheet provided by the City along with the building’s current smoking designation chart. Owners would also be required to post notice requirements and related signage in conspicuous locations in all common areas of the building.

Regarding enforcement, the City’s staff report summarizes the enforcement provisions, issuance of notices of warning and notices of violations to the renter and owner and citations of \$250.00 or more. It is unclear from the report whether the owner would be subject to such citations. The imposition of any citation should be exclusively to the renter who has violated the ordinance by smoking in a non-smoking unit or common area. AAGLA opposes the imposition of any citation on the owner based on the actions of the renter.

As noted above, we appreciate and support the City’s objective of transitioning multifamily dwellings to smoke-free housing. Cities such as neighboring Beverly Hills have implemented smoke-free ordinances very simply without placing this type of administrative burden on its property owners. The process, as proposed, would be administratively and unduly burdensome on owners who would be required to obtain the smoking designation information which must be continually updated, recirculated, and resubmitted to the City.

Most of our members and rental property owners in the City are individuals with regular “9 to 5 jobs” who do not have the time and resources to handle the requirements imposed by the process set forth in the proposed ordinance. During the COVID-19 pandemic, these administrative requirements are particularly concerning as many owners are working remotely. The pandemic has also resulted in many individuals reevaluating their circumstances and deciding to relocate. As unit turnover is becoming more frequent the ordinance as proposed will necessitate repeated chart updates and related owner administrative obligations. Furthermore, larger owners with 100’s of units in the City will truly be overburdened by such a proposal.

Moreover, rental property owners who are operating under severe rent control regulations, and significant reductions in rental revenues over the last five months resulting from the City’s temporary eviction moratorium and rent increase freeze, have no means to recover the costs associated with this process other than through the setting of higher initial rents following a unit vacancy, which only serves to increase the City’s overall rental rates. We urge the City Council to re-evaluate the proposed registration program, seek ways to minimize the administrative burdens that would be imposed on owners and look to smoke-free housing models in cities like Beverly Hills.

Thank you for your consideration of these matters. If you have any questions, please call me at (213) 384-4131; Ext. 309 or contact me via electronic mail at danielle@aagla.org.

Very truly yours,

Danielle Leidner-Peretz

Danielle Leidner-Peretz