

## **RESOLUTION NO. 8529**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, ENCOURAGING OWNERS OF MULTI-UNIT RESIDENTIAL HOUSING COMPLEXES TO PROHIBIT THE USE OF SMOKED TOBACCO PRODUCTS IN RESIDENTIAL UNITS**

**WHEREAS**, secondhand smoke (“SHS”) is the combination of smoke from the burning end of a smoked tobacco product and the smoke exhaled by smokers. This combination has been found by the CDC to contain upwards of 7,000 chemicals, hundreds of which are considered toxic and about 70 are found to be carcinogenic. Chemicals and toxins in commercial tobacco smoke include benzene, butane, ammonia, toluene, cadmium, hydrogen cyanide, and more; and

**WHEREAS**, there is no safe level of exposure to SHS. Even brief exposure has been found to cause serious health problems. SHS can cause coronary heart disease, stroke, and lung cancer in nonsmoking adults, as well as a number of other illnesses. An estimated 490,000 deaths attributable to smoked tobacco products and exposure to SHS occur in the United States each year, accounting for about one in five of all deaths in the United States. Each year, more than 41,000 nonsmoking adults and 400 infants die from exposure to SHS. Infants and young children are further impacted by health problems caused by SHS inhalation because their bodies are still growing and are less able to process and filter out toxins. Per the CDC, children exposed to SHS are at higher risk for slowed lung growth, respiratory symptoms, more frequent and severe asthma, middle ear disease, acute respiratory infections such as pneumonia and bronchitis, and sudden infant death syndrome (SIDS); and

**WHEREAS**, in the United States, approximately 58 million individuals who do not smoke are exposed to SHS. It is estimated that about 15 million U.S. children aged 3-11 years old are exposed to SHS.

**WHEREAS**, the home is the primary source of SHS exposure for children and adults. Nearly 1 of 5 children aged 3-11 years old live with someone who smoked inside the home, compared with 1 of 20 nonsmoking adults. Children who live in homes where smoking is allowed have higher levels of biological markers for SHS exposure than children who live in homes where smoking is not allowed. Almost 3 million children in the United States under the age of 6 years old breathe SHS at home at least 4 days a week. Children are more likely than nonsmoking adults to live with someone who smokes inside the home and are more likely to be exposed SHS. Breathing in SHS at home or at work increases a person’s chances of getting lung cancer by 20-30 percent; and

**WHEREAS**, people are more likely to be exposed to SHS if they live in apartments, condominiums, co-ops, townhomes, and public housing facilities, than on a single lot or parcel. In these multi-unit residential housing complexes (“MRHC”), SHS can infiltrate units from other units or shared areas where smoking is permitted. The operation of a heating, ventilating, and air conditioning system can distribute SHS throughout a building. There are currently no engineering approaches, including ventilation, air cleaning, and air filtration, that can fully eliminate the risk

of SHS exposure. Exposure to SHS may vary depending on building structure, building age, where smoking is allowed, ventilation systems, and other factors; and

**WHEREAS**, an estimated 80 million people—25 % of the population of the United States—live in MHRCs. Among residents of MHRCs with smoke-free home rules, an estimated 27.6-27.9 million are exposed to SHS infiltration from neighboring units or shared areas in the building. Among U.S. residents with smoke-free home rules, about 44% of MHRC inhabitants report SHS infiltration in their apartments each year. Residents of nonsmoking households in MHRCs have higher levels serum cotinine, a metabolite of nicotine used to assess tobacco exposure, than people who live in single-family homes; and

**WHEREAS**, SHS costs the U.S. economy an estimated \$7 billion per year due to premature death. SHS exposure at home for children alone resulted in an excess of 101,570 emergency room visits in 2010, amounting to \$62.9 million in excess annual healthcare costs. Nationwide, Medicaid spends more than \$68.3 billion in healthcare costs for smoke-related diseases each year—more than 20.3% of Medicaid spending. In 2018, smoking cost the United States more than \$600 billion, including more than \$240 billion in health care spending, nearly \$185 billion in lost productivity from smoking-related illnesses and health conditions, nearly \$180 billion in lost productivity from smoking-related premature death; and

**WHEREAS**, the Surgeon General has reported that establishing a 100% smoke-free environment is the only effective way to fully protect nonsmokers from SHS. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to SHS; and

**WHEREAS**, on December 14, 2021 the City Council of the City of Hawthorne adopted Ordinance No. 2227 repealing Chapter 8.48 and replacing it with a new Chapter 8.48 relating to smoking in commercial zones, within multi-family housing, smoking distance from doors, windows and similar openings, and outdoor dining establishments.

**WHEREAS**, to provide for the public health, safety, and welfare by protecting nonsmokers, especially children, from the harmful effects of SHS and to protect the public from nonconsensual exposure to SHS in and around their homes, the City of Hawthorne strongly recommends that landlords of Multi-Unit Residential Housing Complexes prohibit the use of smoked tobacco products in residential units.

**WHEREAS**, landlords of residential dwelling units may prohibit smoking in all areas of their property, including any dwelling unit, portion of the building, interior or exterior area, or the premises on which the unit is located through the terms of lease agreements; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hawthorne does hereby find, determine and order as follows:

**Section 1.** The City Council of the City of Hawthorne, California, hereby incorporates by reference all the recitals herein.

**Section 2.** The Council of the City of Hawthorne, California hereby encourages landlords of Multi-Unit Residential Housing Complexes prohibit the use of smoked tobacco products in residential units to protect the health, safety, and welfare of their residents.

**Section 3.** The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and her certification to be entered in the Book of Resolutions of the Council of the City.

**Section 4.** This resolution shall be in full force and effect immediately upon its passage and adoption thereof.

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**ALEX VARGAS, Mayor**  
**City of Hawthorne, California**

**ATTEST:**

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**DAYNA WILLIAMS-HUNTER, City Clerk**  
**City of Hawthorne, California**

**APPROVED AS TO FORM:**

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**ROBERT M. KIM, City Attorney**  
**City of Hawthorne, California**