

Smokefree Apartment House Registry

10722 White Oak Avenue, Suite 5, Granada Hills, CA 91344

818/363-4220 — FAX: 818/363-2260

E-Mail - smokefreeapartments@pacificnet.net • <http://www.smokefreeapartments.org>



NEWS RELEASE

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Contact: Esther Schiller, 818/363-4220
818/427-8921 Cell
Or Jack Nicholl, 805/236-7200

City Creates Non-Smoking Sections in New Affordable Housing

The City of Thousand Oaks is the first city in California, and perhaps the nation, to adopt a policy to protect apartment residents from drifting tobacco smoke. Based on the Resolution adopted by the City Council on Tuesday, September 14, all new affordable apartments funded in part or entirely by the city will have one third of the units as non-smoking.

The 5-0 decision came at the end of a year-long process ordered by the council. During the year, Assistant City Manager Scott Mitnick facilitated sometimes stormy study sessions to negotiate the one third compromise among health advocates, housing officials, and other community agencies.

City staff obtained two important legal opinions from the law firm of McDonough Holland & Allen, outside legal counsel for the Thousand Oaks Redevelopment agency. The opinions state that the city has the right to take this action, and that the Resolution does not violate privacy rights and is not discriminatory.

“For the first time, applicants for affordable housing will be given the choice of a smoking or non-smoking unit,” says Esther Schiller, Director of Smokefree Air For Everyone (S.A.F.E.), and spokesperson for the health advocate group that promoted the measure, the Ventura County Coalition for Smokefree Housing.

— more —

The Smokefree Apartment House Registry is administered by S.A.F.E. (Smokefree Air For Everyone) and Community Partners, Los Angeles. The Registry is made possible by funds through the Proposition 99 Tax Initiative.

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Thousand Oaks Creates Non-Smoking Sections in Apartment Buildings page 2

The coalition includes the American Lung Association, the American Cancer Society and the American Heart Association. The Ventura County Health Department's Tobacco Education Program provided staffing and technical support for the coalition.

"The courage of this council and dedication of city staff have provided not only an example to other cities, but the legal tools to help those cities move forward," asserts Jack Nicholl, President of the American Lung Association's Santa Barbara/Ventura County chapter. "The thorny issues of a city's right to restrict smoking in affordable housing, and questions about the right of privacy were effectively laid to rest with two expert legal opinions."

The issue of smoking in city-subsidized housing first emerged in Thousand Oaks in late 2001 when Councilmembers Claudia Bill-de la Peña and Bob Wilson asked that smoking be regulated in the planned Oak Creek Senior Villas. Although not covered by the new policy, the 55-unit building will open with a voluntary policy based on the requests of prospective residents.

Council members agreed to revisit the new city policy in a year, based on the fact that only 14% of Ventura County residents identify themselves as smokers.

"Right now, every apartment building is a smoking-permitted building," says May Lee Berry, region health promotions director of the American Cancer Society. "If you live in a private home, you cannot imagine how disabling it can be for apartment residents to breathe a neighbor's smoke. Separate smoking and non-smoking sections just make sense. It works in hotels, and it's essential in apartments."

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