

Marin Independent Journal

Marin County moves to ban smoking in multi-unit residences

By [Richard Halstead](#) | rhalstead@marinij.com | Marin Independent Journal
PUBLISHED: August 17, 2021

Marin County is moving to prohibit all smoking and vaping in multi-unit residences.

On Tuesday, supervisors approved a new smoking ordinance that extends the smoking and vaping ban to 100% of units in multi-unit properties and eliminates the exception for cannabis. The ordinance requires a second vote, set for Sept. 14, to become effective.

“We realize that people have a right to smoke, whether it be tobacco or cannabis,” said Bob Curry, the head of the county tobacco-related disease program and staff liaison for the Smoke-Free Marin Coalition, “but we need to have them smoke where it is not going to impact the health of other unwilling individuals.”

In 2012, supervisors passed an ordinance that limited smoking to just 80% of the units in any given multi-unit property. That ordinance allowed the discrete smoking of medical marijuana throughout properties.

Curry said when the county and municipalities throughout the county severely limited smoking in multi-use residences nine years ago, “We thought it was pretty good.”

It turned out, however, that the ordinance wasn’t as effective as hoped.

“The 20% who were allowed to smoke could be dispersed throughout the entire complex,” Curry said, “so that even though only 20% were still smoking apartments, it was drifting into other units.”

The medical marijuana exception also became difficult to enforce. Under the 2012 ordinance, medical marijuana smoke was supposed to be allowed only if it was undetectable to people living in adjoining units.

But to enforce that rule, complainants had to track down a law or code enforcement officer, and the officer had to be able to detect the cannabis smoke. By the time the complainant returned with the officer, the smoke had often dissipated.

“It wasn’t workable,” Curry said.

After Proposition 64 legalized recreational use of cannabis, complaints increased. And the number of complaints jumped again following the COVID-19 stay-at-home order in the spring of 2020.

“Children were definitely on the minds of a lot of the people,” Curry said. “Some complained that their kids were up at night because the smoke was going into their bedrooms.”

Second-hand smoke can pass through the cracks in walls, through electrical outlets, and enter through open windows, patios and balconies. It can be a particular problem during warm summer days and nights when people need to retreat to their balconies or open a window to cool down.

Curry said tobacco and related products remain the leading cause of preventable death.

“There is no risk-free level of second-hand smoke exposure,” he said, “Second-hand smoke is in the category of the worst industrial air pollutants with 69 cancer-causing chemicals. And cannabis second-hand smoke contains many of the same cancer-causing and toxic chemicals that are in a regular cigarette.”

A number of Marin residents voiced their support for the county’s tougher policy during Tuesday’s meeting.

“This is a social justice issue to us as many residents in the Canal are Latinx and live in these apartment complexes,” said Yavar Amidi, a representative for the San Rafael Alcohol and Drug Coalition and Alcohol Justice, a San Rafael nonprofit.

Olivia Gerraty, a recent Tamalpais High School graduate, said, “Residents in our multi-unit housing should not have to worry about their safety and health while in their own homes.”

Anita Renzetti, the current chairperson of RxSafe Marin, said she fielded complaints about second-hand smoke during the shutdown last year.

“I spent many hours talking to older people in particular who were basically stuck not being able to move,” Renzetti said. “It is really heartbreaking when you’re talking to someone dealing with drifting marijuana or nicotine smoke, and you do not have the rules in place to help them out of their situation.”

Curry said that the Larkspur City Council is scheduled to finalize a similar multi-unit smoking ban on Wednesday. He said Fairfax and Sausalito are the only Marin municipalities left that have not yet banned all smoking and vaping in their multi-unit residences.