



HOUSING COMMISSION

Agenda

Regular Meeting

Feb. 8, 2024, 4 p.m.

Council Chamber
1200 Carlsbad Village Dr.
Carlsbad, CA 92008
carlsbadca.gov

Welcome to the Housing Commission Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the Housing Commission and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website.

How to watch

In Person



City Council Chamber
1200 Carlsbad Village Drive

Online



Watch the livestream at
carlsbadca.gov/watch

How to participate

If you would like to provide comments to the Commission, please:

- Fill out a speaker request form, located in the foyer.
 - Submit the form to the Clerk before the item begins.
 - When it's your turn, the Clerk will call your name and invite you to the podium.
 - Speakers have three minutes, unless the presiding officer (usually the chair) changes that time.
 - You may not give your time to another person, but can create a group. A group must select a single speaker as long as three other members of your group are present. All forms must be submitted to the City Clerk before the item begins and will only be accepted for items listed on the agenda (not for general public comment at the beginning of the meeting). Group representatives have 10 minutes unless that time is changed by the presiding officer or the Commission.
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- **In writing:** Email comments to christian.gutierrez@carlsbadca.gov. Comments received by 1 p.m. the day of the meeting will be shared with the Commission prior to the meeting. When e-mailing comments, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record.

Reasonable accommodations

Reasonable Accommodations Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 442-339-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Tuesday before the meeting to make arrangements. City staff will respond to requests by noon on Thursday, the day of the meeting, and will seek to resolve requests before the start of the meeting in order to maximize accessibility.

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held on Jan. 11, 2024

PRESENTATIONS: None.

PUBLIC COMMENT: *The Brown Act allows any member of the public to comment on items not on the agenda. Please treat others with courtesy, civility, and respect. Members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The Commission will receive comments in the beginning of the meeting. In conformance with the Brown Act, no action can occur on these items.*

CONSENT CALENDAR: *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Commission votes on the motion unless members of the Commission, staff, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

PUBLIC HEARINGS: None.

DEPARTMENTAL REPORTS:

1. EDUCATION AND ENFORCEMENT OPTIONS TO HELP IMPLEMENT A POTENTIAL SMOKE-FREE MULTIFAMILY HOUSING ORDINANCE – Receive report and provide feedback. (Staff contact: Mike Strong, Community Development Department)

Recommended Action: Receive the report and provide feedback.

COMMISSION MEMBER COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

STAFF COMMENTS:

ADJOURNMENT:



HOUSING COMMISSION

Minutes

Jan. 11, 2024, 4 p.m.

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

CALL TO ORDER: 4 p.m.

ROLL CALL: Ydigoras, Horton, Collins, Chang.
Absent: Berger.

ANNOUNCEMENT OF CONCURRENT MEETINGS: None.

PLEDGE OF ALLEGIANCE: Chair Collins led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held on Dec. 14, 2023

Motion by Chair Collins, seconded by Commissioner Chang, to approve the minutes as presented.
Motion carried, 4/0/1 (Berger – Absent).

PRESENTATIONS: None.

PUBLIC COMMENT: None.

CONSENT CALENDAR: None.

PUBLIC HEARING: None.

DEPARTMENTAL REPORTS:

1. **HOUSING ELEMENT PROGRAM: UPDATE MINOR HOME REPAIR PROGRAM** – Adopt a resolution recommending that the City Council consider amending the city's Minor Home Repair Program. (Staff contact: Nicole Piano-Jones, Housing & Homeless Services Department)

Recommended Action: Adopt the resolution.

Senior Program Manager Nicole Piano-Jones reviewed a PowerPoint Presentation (on file with the Office of the City Clerk).

Commissioners received the report, asked questions and provided comments. Staff responded to Commissioners questions.

Motion by Commissioner Chang, seconded by Commissioner Ydigoras, to adopt Resolution No. 2024-001. Motion carried, 3/1/1 (Collins – No, Berger – Absent).

Commissioners resumed discussion and requested a friendly amendment to Attachment A of the adopted Resolution to prioritize elderly, disabled and veterans.

Motion by Commissioner Ydigoras, seconded by Commissioner Chang, to adopt Resolution No. 2024-001 as amended. Motion carried, 3/1/1 (Collins – No, Berger – Absent).

2. FISCAL YEAR 2023 HOUSING TRUST FUND ANNUAL REPORT – Adopt a resolution that the City Council approve the Fiscal Year 2023 Housing Trust Fund Annual Report. (Staff contact: Mandy Mills, Housing & Homeless Services Department)

Recommended Action: Adopt the resolution.

Housing & Homeless Services Director Mandy Mills reviewed a PowerPoint Presentation (on file with the Office of the City Clerk).

Commissioners received the report, asked questions and provided comments. Staff responded to Commissioners questions.

Motion by Commissioner Chang, seconded by Commissioner Ydigoras, to adopt Resolution No. 2024-002. Motion carried, 4/0/1 (Berger – Absent).

COMMISSION COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

Commissioner Ydigoras brought up the need for a vehicle for the La Posada shelter and to contact their staff for donations.

Commissioner Chang asked about city-owned land for affordable housing use. Director Mills recalled the Housing Element plan from the Dec. 14, 2023 meeting and sites that are being rezoned for development.

Commissioner Chang asked if new housing legislation affects the City of Carlsbad. Director Mills responded yes, some effective Jan. 1, 2024 and that staff is working on updates. A legislative update will be presented at the May Housing Commission meeting.

Commissioner Ydigoras recommended that the Senior Center's digital bulletin be marketed to low income residents for future affordable housing availability.

ANNOUNCEMENTS: Director Mills announced and explained the annual Point in Time Count coming up on Jan. 25, 2024 and let Commissioners and the public know how they can volunteer. Director Mills added that results would be in the annual homelessness report on a future agenda.

STAFF COMMENTS: None.

ADJOURNMENT: 5 p.m.

Leah Sorensen
Administrative Secretary



HOUSING COMMISSION

Staff Report

Meeting Date: Feb. 8, 2024

To: Housing Commission

From: Mike Strong, Assistant Director of Community Development

Staff Contact: Mike Strong, Assistant Director of Community Development
mike.strong@carlsbadca.gov, 442-339-2721

Subject: Education and Enforcement Options to Help Implement a Potential Smoke-Free Multifamily Housing Ordinance

District: All

Recommended Action

Receive report and provide feedback.

Executive Summary

Every city in California is required to have a current Housing Element in its General Plan. The Housing Element is a plan that provides an analysis of a community's housing needs for all income levels, along with strategies to respond to and provide for those housing needs. In addition to policies, programs and objectives that encourage housing development, the Housing Element also includes programs that promote safe and healthy living environments. The City Council adopted an update to Carlsbad's Housing Element in 2021 that included numerous programs the city is required to implement.

Specifically, Program 1.12 directs the city to consider the adoption of a smoke-free ordinance for multifamily housing by December 2023. To fulfill this requirement, on Aug. 22, 2023 the City Council considered several options to develop a smoke-free multifamily housing ordinance and provided direction to staff to pursue a smoke-free multifamily housing ordinance. The City Council also expressed interest in reviewing potential education and enforcement options, while minimizing impacts to staffing resources. The purpose of the Feb. 8, 2024 Housing Commission meeting is to consider potential education and enforcement options and provide feedback to staff.

Explanation & Analysis

Smoking is not currently prohibited on private residential property. However, state law already prohibits smoking in most indoor common areas of apartments and condominium complexes, such as a laundry room or lobby areas with mailboxes. For tenants and owners of multifamily housing, such as apartments and common interest communities, tobacco smoke from a neighboring unit that infiltrates their homes can pose a daily problem. As a result, many local governments have taken proactive steps to prevent or eliminate secondhand smoke from

infiltrating living spaces. Although many cities have enacted ordinances prohibiting smoking in all rental multi-unit housing properties (75+ California cities and counties), no municipalities in the San Diego region, including the County of San Diego, have adopted laws that partially or wholly restrict smoking in multi-unit housing.

On Aug. 22, 2023, the City Council received a presentation regarding smoke-free multifamily housing policy options and directed staff to pursue an ordinance to prohibit smoking in multifamily housing. During the Aug. 22, 2023 discussion about the potential ordinance, some concerns were raised about staffing resources. The Code Enforcement Division and Police Department currently have minimal resources to conduct additional enforcement efforts. Although the City Council has already expressed concerns about staff resources and a city role in enforcement, it is important to note that sufficient education mechanisms can increase compliance rates and reduce the need for active enforcement. In response to City Council's direction, staff is preparing the smoke-free multifamily housing ordinance that addresses previous comments from the City Council.

If a smoke-free multifamily housing ordinance is adopted, implementation of the ordinance includes all the steps necessary for the city to administer its smoke-free housing law. Both education and enforcement are important to ensure effective compliance of smoke-free multifamily housing policies. At the Feb. 8, 2024 Housing Commission meeting, the Housing Commission should consider how education and enforcement should be considered as part of any smoke-free ordinance and provide feedback to staff. A list of the potential steps for education and enforcement are included below. The menu of options reflects concerns received at prior meetings and City Council direction to minimize the city's role with ordinance enforcement.

A. Education

1. Educate the public and provide notice about the new policy.
 - Make information available online, through social and local media, and at community meetings. This information should include an explanation of the new law, a summary of the provisions, the effective date, and resources on smoking cessation.
 - City website. The website may also include additional resource information and links to the websites of advocacy groups.
 - Press releases.
 - Identify stakeholders: Chamber of Commerce, industry associations, advocacy groups, rental or property management companies, property owners, and residents.
 - Target outreach to relevant stakeholders, including homeowners' associations and landlord and tenant groups.
 - In-person visits
 - Host public education workshops
 - Mailers
 - Social media
2. Provide resources for property management companies and property owners.
 - Provide sample smokefree or "No Smoking" signage.

- Provide sample notification letters explaining the new law for tenants and condominium owners.
 - Provide sample language for leases and/or covenants, conditions, and restrictions (CCRs).
 - Provide sample warning letters (for use by property owners and homeowners' associations)
3. Provide resources for tenants and condominium owners.
 - Provide information on how to comply with the new law (in different languages as appropriate).
 - Provide sample complaint forms (for use by residents).
 - Provide smoking cessation resources.
 - Prepare informational materials to be mailed encouraging and providing them the tools to implement smoke-free policies by highlighting the benefits of these policies.
 4. Set up a system to provide up-to-date information and handle complaints.
 - Identify the department and staff that will respond to questions and handle complaints.
 - Establish a phone number, e-mail address, and/or web-based form for questions and complaints.
 - Establish procedure for responding to complaints, ensuring interagency collaboration where appropriate (e.g., the Police Department, City Manager's Office, local Department of Public Health, etc.).

B. Enforcement Options (Refined to Minimize Staff Impacts)

1. Graduated enforcement by the landlord.
 - Taking tiered steps to violations such as verbal or written warnings to tenants, informal conferences, or requiring written acknowledgement of the policy.
 - Providing cessation materials.
2. Administrative enforcement against the property management company or property owner (enforcement through lease).
 - The city can use existing administrative enforcement procedures to enforce a smokefree housing ordinance. Civil fines for violations can be effective at incentivizing enforcement by landlords rather than the city.
3. Private Enforcement.
 - The city may include a provision in its smokefree housing law that allows enforcement by private individuals. An individual may then enforce the ordinance by bringing a civil suit on behalf of himself or herself, or on behalf of the general public.

Fiscal Impacts

Receiving this report has no fiscal impact. Developing an ordinance will require staff time to develop the code amendments. Implementing a smoke-free multifamily housing ordinance may have resource impacts on city staff time and financial resources depending on the level of enforcement and/or outreach required. Based on other California cities with city-wide smoke-

free multifamily policies, the enforcing agency may field 1-10 complaints per month in the initial 12-month period after the policy goes into effect. However, with proper education and outreach prior to the policy going into effect, and consistent education when complaints are received, that number decreases over time.

Next Steps

Community Development staff will implement the direction received from the City Council and return to the City Council with a proposed smoke-free multifamily housing ordinance for the council's consideration in the spring. Feedback from the Housing Commission will be considered as part of the ordinance's development and any feedback provided will be summarized to the City Council for review and consideration.

Environmental Evaluation

This is a discussion item only. Under Public Resources Code section 21065, this action does not constitute a project within the meaning of the California Environmental Quality Act (CEQA) in that it has no potential to cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and therefore, does not require environmental review.

Exhibits

None.