

Prince George's County Council

Agenda Item Summary

Meeting Date: 7/24/2012
Reference No.: CB-024-2012
Draft No.: 2
Proposer(s): Patterson
Sponsor(s): Patterson, Harrison, Davis, Franklin, Lehman, Olson, Toles
Item Title: A Bill for the purpose of restricting smoking inside of public and senior citizen housing.

Drafter: Leroy D. Maddox, Jr., Legislative Officer
Resource Personnel: Ellis F. Watson, Chief of Staff District 8

LEGISLATIVE HISTORY:

Date Presented:	4/24/2012	Executive Action:	8/3/2012 S
Committee Referral:	5/24/2012 - HEHS	Effective Date:	9/17/2012
Committee Action:	6/12/2012 - FAV(A)		
Date Introduced:	6/19/2012		
Public Hearing:	7/24/2012 - 10:00 AM		
Council Action (1)	7/24/2012 - ENACTED		
Council Votes:	WC:A, DLD:A, MRF:A, AH:A, ML:A, EO:A, OP:A, IT:A, KT:A		
Pass/Fail:	P		
Remarks:			

AFFECTED CODE SECTIONS:

19-135, 19-136, 19-137, 19-138

COMMITTEE REPORTS:

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE

Date 6/12/2012

Committee Vote: Favorable with amendments, 5-0 (In favor: Council Membrs Davis, Toles, Campos, Franklin and Turner)

Staff provided a summary of the legislation and referral comments that were received. CB-24-2012 proposes to restrict smoking inside of public and senior citizen housing and responds to the U.S. Department of Housing and Urban Development's notices that encourage local housing authorities to implement non-smoking policies in some or all of their public housing units.

The sponsor explained that the intent of the legislation is to promote a healthier life style by not smoking in public senior housing thereby reducing harm to themselves and their neighbors. The sponsor expressed concern with second-hand smoke inhaled by those who may have respiratory ailments.

The Legislative Officer provided amendments that would remove all language pertaining to fines and fees on page 2, Section 19-143, enforcement and penalties, lines 21 thru 31. On page 3, Section 2, lines 1 thru 3 were amended and language was added making the Housing Authority of Prince George's County the enforcing entity.

The Director of the Department of Housing and Community Development indicated that the Housing Authority

Board, which consists of seven (7) members, would act as the enforcing entity. It may require an amendment to the residents lease and the manager of the property would be the point of contact.
A Council Member expressed concern with potential violation of constitutional rights.

The Department of Environmental Resources representative indicated that they currently do not have authority or inspect public senior housing and therefore would not be responsible for enforcement.

The Office of Audits and Investigations provided additional information to the Committee.

The Office of Law determined that CB-24-2012 was in proper legislative form.

The Office of Audits and Investigation indicated that there are 296 public and senior housing units in the County that would be affected by this legislation. There will not be an adverse impact as a result of adopting CB-24-2012.

BACKGROUND INFORMATION/FISCAL IMPACT:

(Includes reason for proposal, as well as any unique statutory requirements)

There have been numerous issues with second hand smoke in public housing and senior housing. Federal Housing and Urban Development (HUD) have sent at least two notices [Notice Nos. PIH-2009-21 (HA) and H 2010-21] encouraging local public housing authorities to implement non-smoking policies in some or all of their public housing units. While these notices have expired, staff from HUD states that the notices have not been superseded and therefore are still in full force and effect. Currently, there are approximately 296 public and senior housing units in the County that would be affected by this legislation. Participants in the Section 8 Housing Voucher Program and the Department of Housing and Community Development HOME Program are not affected by this legislation.

CODE INDEX TOPICS:

INCLUSION FILES:
