



for Tobacco Policy
& Organizing

† AMERICAN LUNG ASSOCIATION.
IN CALIFORNIA

Smokefree Housing

Comparison of Nonsmoking Housing Units Ordinances

November 2011

Cities and counties in California have led the way on many secondhand smoke issues throughout the years by passing groundbreaking local ordinances to restrict smoking in certain areas. On the issue of smokefree housing, California's communities are once again paving the way. Secondhand smoke exposure in multi-unit housing is a serious health threat because secondhand smoke drifts into housing units from other units, balconies, patios and common areas. The most effective way to address this problem is to pass a policy that restricts smoking within units, which includes balconies and patios, in multi-unit housing.

There are now 23 jurisdictions in California that have adopted an ordinance that prohibits smoking within a certain percentage of units in multi-unit housing. The table on the following pages lists questions about policy and enforcement provisions of smokefree housing ordinances and provides the answers for each of the 23 jurisdictions. This table makes it easier to learn more about and understand in detail these ordinances, as well as providing some guidance on the types of issues that need to be addressed by other communities working on a smokefree housing ordinance. The 23 cities and counties are listed in reverse chronological order on the following three pages.

Page 2 - Alameda, Baldwin Park, Compton, Sonoma County, Tiburon, Pasadena, Fairfax, Larkspur and Union City

Page 3 - Santa Clara County, Contra Costa County, Sebastopol, South Pasadena, Pinole, Pleasant Hill and Richmond

Page 4 - Rohnert Park, Dublin, Loma Linda, Novato, Calabasas, Belmont and Temecula

More information about all of these policies can be found in the Center's Matrix of Local Smokefree Housing Policies, which contains the full details on all of the policy and enforcement provisions in each smokefree housing ordinance. These documents and other smokefree housing documents are all available on the Center's website, www.Center4TobaccoPolicy.org/localpolicies-smokefreehousing.

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BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted from November 2010 to the present)

| | POLICY PROVISIONS | | | | | | ENFORCEMENT PROVISIONS | | | | |
|---------------|----------------------------|--|---|---|--|--|--|--|--|--|---|
| | Date Passed/ Population | What percentage of units is required to be designated as nonsmoking? | When do the nonsmoking units restrictions go into effect? | Are current tenants who smoke grandfathered in, that is, allowed to smoke in their current unit past the implementation date? | Do the nonsmoking unit requirements apply to condominiums? | What is the minimum size multi-unit housing that is required to have nonsmoking units? | Is secondhand smoke declared a nuisance? | All landlords are able to evict for violations of a local law. Does this ordinance contain any additional eviction provisions? | Can a tenant enforce the nonsmoking lease provisions against a violating tenant? | Is there a private enforcement provision that allows the public to enforce the nonsmoking law against violating parties? | How are violations of the ordinance punishable by the city/county? |
| ALAMEDA | November 2011/ 74,081 | 100% | 14 months for existing, new when completed | No | Yes | 2 units | No | No | Yes | Yes | Infraction with fines starting at \$100 |
| BALDWIN PARK | November 2011/ 75,664 | 100%, up to 20% of existing units may be designated as smoking units | 3 years for existing, 6 months for new | No | Yes | 2 units | Yes | No | Yes | Yes | Infraction with fines starting at \$500 |
| COMPTON | October 2011/ 96,925 | 100% | 14 months for existing, new when completed | No | Yes | 3 units | No | No | Yes | Yes | Infraction with a fine of \$100 |
| SONOMA COUNTY | September 2011/ 146,238 | 100% | 14 months for existing units; 6 months for new | No | Yes | 2 units | No | No | No | No | Infraction with fines starting at \$100 and subject to civil action |
| TIBURON | July 2011/ 9,031 | 100% | 35 months for existing; new when completed | No | No | 4 units | No | No | Yes | Yes | Infraction with a fine up to \$100 |
| PASADENA | July 2011/ 138,915 | 100% | 18 months for existing units; new when completed | No | Yes | 2 units | No | No | No | No | In accordance with the citation schedule in the municipal code |
| FAIRFAX | May 2011/ 7,497 | 75% | 14 months | No | Yes | 4 units | Yes | No | Yes | Yes | In accordance with the town code; a written warning must be provided before a civil penalty is assessed |
| LARKSPUR | April 2011/ 12,014 | 100%, up to 20% of existing units may be designated as smoking units | 13 months for existing; new when completed | No | Yes | 2 units | Yes | No | Yes | Yes | Infraction with a fine of \$100 and subject to civil enforcement |
| UNION CITY | November 2010/ 69,850 | 100% | 14 months for existing; new when completed | No | No | 2 units | Yes | No | Yes | Yes | Infraction with a fine of \$100 and subject to civil action by the city |

BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted from July 2009 to November 2010)

| | POLICY PROVISIONS | | | | | | ENFORCEMENT PROVISIONS | | | | |
|---------------------|----------------------------|--|---|---|--|--|--|--|--|--|---|
| | Date Passed/ Population | What percentage of units is required to be designated as nonsmoking? | When do the nonsmoking units restrictions go into effect? | Are current tenants who smoke grandfathered in, that is, allowed to smoke in their current unit past the implementation date? | Do the nonsmoking unit requirements apply to condominiums? | What is the minimum size multi-unit housing that is required to have nonsmoking units? | Is secondhand smoke declared a nuisance? | All landlords are able to evict for violations of a local law. Does this ordinance contain any additional eviction provisions? | Can a tenant enforce the nonsmoking lease provisions against a violating tenant? | Is there a private enforcement provision that allows the public to enforce the nonsmoking law against violating parties? | How are violations of the ordinance punishable by the city/county? |
| SANTA CLARA COUNTY | November 2010/ 85,669 | 100% | 14 months for existing; new when completed | No | Yes | 2 units | No | No | Yes | No | Infraction with fines starting at \$100 and subject to civil action by the county |
| CONTRA COSTA COUNTY | October 2010/ 161,143 | 100% new | All new multi-unit housing that receives building permit after Jan. 1, 2011 | N/A | Yes | 4 units | No | Yes | No | No | Any means allowed by the municipal code |
| SEBASTOPOL | August 2010/ 7,423 | 100% | 14 months | No | Yes | 2 units | Yes | No | Yes | Yes | Infraction with a fine of \$100 |
| SOUTH PASADENA | August 2010/ 25,692 | 100%, up to 20% of existing units may be designated as smoking units | 3 years | No | Yes | 2 units | Yes | No | Yes | Yes | Infraction with a fine of \$100 |
| PINOLE | April 2010/ 18,460 | 100% new | Immediately | N/A | Yes | 2 units | No | No | No | No | Infraction with fines starting at \$100 |
| PLEASANT HILL | April 2010/ 33,279 | 50% existing, 100% new | 5 years from January 2011 when nonsmoking unit designations begin | No | No | 4 units | Yes | No | No | No | Any means allowed by the municipal code |
| RICHMOND | July 2009/ 104,220 | 100% | 17 months for existing; new units when completed | No | Yes | 2 units | No | No | Yes | Yes | \$100 fine |

BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted prior to July 2009)

| | POLICY PROVISIONS | | | | | | ENFORCEMENT PROVISIONS | | | | |
|--------------|--|--|---|---|--|--|--|--|--|--|--|
| | Date Passed/ Population | What percentage of units is required to be designated as nonsmoking? | When do the nonsmoking units restrictions go into effect? | Are current tenants who smoke grandfathered in, that is, allowed to smoke in their current unit past the implementation date? | Do the nonsmoking unit requirements apply to condominiums? | What is the minimum size multi-unit housing that is required to have nonsmoking units? | Is secondhand smoke declared a nuisance? | All landlords are able to evict for violations of a local law. Does this ordinance contain any additional eviction provisions? | Can a tenant enforce the nonsmoking lease provisions against a violating tenant? | Is there a private enforcement provision that allows the public to enforce the nonsmoking law against violating parties? | How are violations of the ordinance punishable by the city/county? |
| ROHNERT PARK | April 2009/ 41,194 | 50% existing, 75% new | 25 months for existing; new when completed | Yes | Yes | 2 units | No | No | No | Yes | Infraction |
| DUBLIN | December 2008 (updated July 2011)/ 46,743 | 75% | 25 months | No | No | 16 units | Yes | No | Yes | Yes | Infraction / fines starting at \$100 |
| LOMA LINDA | June 2008/ 23,395 | 70% | 3 1/2 years | Yes | No | 2 units | Yes | Yes | Yes | No | Infraction |
| NOVATO | April 2008/ 52,311 | 50% existing, 75% new | 90 days | Yes | Yes | 10 units | Yes, in a place of human habitation | No | Yes | Yes | Infraction with fines starting at \$100; a warning letter must be provided before civil penalties are assessed |
| CALABASAS | January 2008/ 23,134 | 80% | 4 years | Yes | No | 2 units | Yes | Yes | Yes | Yes | Misdemeanor or infraction and subject to civil action by the city |
| BELMONT | October 2007/ 26,031 | 100% | 14 months | No | Yes | 2 units that share a common floor and/or ceiling | Yes | No | Yes | No | Infraction subject to a \$100 penalty and civil action by the city |
| TEMECULA | May 2007/ 101,657 | 25% | 5 years, up to 8 years with extensions | Yes | No | 10 units | No | No | No | No | All penalties outlined in the municipal code and subject to civil action by the city |