



for Tobacco Policy  
& Organizing

AMERICAN LUNG ASSOCIATION  
IN CALIFORNIA

## Smokefree Housing

# Comparison of Nonsmoking Housing Units Ordinances

October 2010

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 in these areas, and most importantly within units in multi-unit housing.

There are now thirteen jurisdictions in California (Contra Costa County, Sebastopol, South Pasadena, Pinole, Pleasant Hill, Richmond, Rohnert Park, Dublin, Loma Linda, Novato, Calabasas, Belmont and Temecula) that have adopted an ordinance that prohibits smoking within a certain percentage of units in multi-unit housing. The policy and enforcement provisions in these ordinances vary greatly and some ordinances have several provisions that could be strengthened. Nonetheless, all thirteen of these groundbreaking ordinances go a long way towards protecting tenants from secondhand smoke exposure.

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 thirteen jurisdictions. This table makes it easier to learn more about and understand in detail these thirteen 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.

If you have any questions about any of these ordinances or smokefree housing in general, please give the Center a call at (916) 554-5864. The Center's website, [www.Center4TobaccoPolicy.org/localpolicies-smokefreehousing](http://www.Center4TobaccoPolicy.org/localpolicies-smokefreehousing), has additional resources on smokefree housing, including a Matrix of Local Smokefree Housing Policies (that details all the types of smokefree housing policies beyond just polices that prohibit smoking in units) and a List of Communities that Restrict Smoking in Outdoor Common Areas of Multi-Unit Housing.

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## BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES

CITY	POLICY PROVISIONS						
	Date Passed/ Population	What percentage of units is required to be designated as nonsmoking?	Do the nonsmoking unit requirements apply to existing housing, new housing or both?	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 size multi-unit housing complex is required to have nonsmoking units?
CONTRA COSTA COUNTY	October 2010 170,310	100% new	Only new	All new multi-unit housing that receives building permit after Jan. 1, 2011	N/A	Yes	4 or more units
SEBASTOPOL	August 2010 7,734	100%	Both	14 months	No	Yes	2 or more units
SOUTH PASADENA	August 2010 25,832	100%, but for existing units up to 20% may be designated as smoking units	Both	3 years	No	Yes	2 or more units
PINOLE	April 2010 19,383	100% new	Only new	Immediately	N/A	Yes	2 or more units
PLEASANT HILL	April 2010 33,547	50% existing, 100% new	Both	5 years from January 2011 when nonsmoking unit designations begin	No	No	4 or more units
RICHMOND	July 2009 103,577	100%	Both	17 months for existing units; new units when completed	No	Yes	2 or more units
ROHNERT PARK	April 2009 43,062	50% existing, 75% new	Both	25 months for existing units; new units when completed	Yes	Yes	2 or more units
DUBLIN	December 2008 46,934	50%	Both	25 months	No	No	16 or more units
LOMA LINDA	June 2008 22,632	70%	Both	3 1/2 years	Yes	No	2 or more units
NOVATO	April 2008 52,737	50% existing, 75% new	Both	90 days	Yes	Yes	10 or more units
CALABASAS	January 2008 23,725	80%	Both	4 years	Yes	No	2 or more units
BELMONT	October 2007 26,078	100%	Both	14 months	No	Yes	2 or more units that share a common floor and/or ceiling
TEMECULA	May 2007 101,057	25%	Both	5 years, up to 8 years with extensions	Yes	No	10 or more units

## BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (continued)

CITY	POLICY PROVISIONS					
	Is smoking prohibited on balconies, patios and porches of nonsmoking units?	Is smoking prohibited within a certain distance of an opening to a nonsmoking unit (including on balconies and patios of a smoking unit)?	Are nonsmoking units required to be grouped together and/or in a separate building?	Is smoking prohibited in outdoor common areas of apartments and condominiums?	What size multi-unit housing complex is required to have smoking prohibited in outdoor common areas?	Are designated smoking areas that meet certain criteria allowed in outdoor common areas?
CONTRA COSTA COUNTY	Yes	Yes	N/A	Yes	4 or more units	Yes
SEBASTOPOL	Yes	Yes	N/A	Yes	2 or more units	Yes
SOUTH PASADENA	Yes	Yes	Yes	Yes	2 or more units	Yes
PINOLE	Yes	Yes	N/A	Yes	2 or more units	Yes
PLEASANT HILL	Yes	Yes	Yes	Only apartments	4 or more units	Yes
RICHMOND	Yes	Yes	N/A	Yes	2 or more units	Yes
ROHNERT PARK	Yes	Yes	Yes	Yes	2 or more units	Yes
DUBLIN	Yes	Yes	Yes	Only apartments	16 or more units	Yes
LOMA LINDA	Yes	Yes	Yes	Only apartments	2 or more units	Yes
NOVATO	Yes	Yes	Yes	Yes	2 or more units	Yes
CALABASAS	Yes	Yes	Yes	Only apartments	2 or more units	Yes
BELMONT	Yes	Yes	Yes	Yes	2 or more units	Yes
TEMECULA	Yes	Yes	Yes	Only apartments	2 or more units	Yes

## BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (continued)

CITY	POLICY PROVISIONS				ENFORCEMENT PROVISIONS	
	Are landlords required to post "No Smoking" signs?	Are landlords required to include language in leases that states whether the unit is smoking or nonsmoking?	Are landlords required to disclose to tenants the location of smoking and nonsmoking units and/or other information about the smoking policy?	Are landlords required to give a map or list of smoking and nonsmoking units to the city?	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 related to violations of the smoking restrictions?
CONTRA COSTA COUNTY	Yes	Yes	Yes	No	No	Yes, the landlord may evict upon receipt of two letters of complaints
SEBASTOPOL	Yes	Yes	Yes	N/A	Yes	No
SOUTH PASADENA	Yes	Yes	Yes	Yes	Yes	No
PINOLE	Yes	No	No	No	No	No
PLEASANT HILL	Yes	No	Yes	Yes	Yes	No
RICHMOND	Yes	Yes	Yes	N/A	No	No
ROHNERT PARK	Yes	No	Yes	No	No	No
DUBLIN	Yes	Yes	Yes	Yes	Yes	No
LOMA LINDA	Yes	Yes	Yes	Yes, until 70 percent of units are designated nonsmoking	Yes	Yes, the landlord may evict upon receipt of letters of complaints from two individuals
NOVATO	Yes	Yes	Yes	No	Yes, in a place of human habitation	No
CALABASAS	Yes	Yes	Yes	Yes, until 80 percent of units are designated nonsmoking	Yes	Yes, the landlord may evict upon receipt of letters of complaints from two individuals
BELMONT	Yes	Yes	No	N/A	Yes	No
TEMECULA	Yes	No	Yes	Yes	No	No

## BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (continued)

CITY	ENFORCEMENT PROVISIONS				
	Are there ways for landlords to limit their liability for tenants violating the nonsmoking provisions, such as meeting the lease language requirements in the ordinance?	Can a tenant affected by smoke drifting from a tenant who is violating the nonsmoking provisions enforce the lease provisions against the violating tenant?	Is there a private enforcement provision that allows the public (including the affected tenant) to enforce the nonsmoking law against violating parties?	How are violations of the ordinance punishable by the city/county?	Which city staff can enforce the nonsmoking provisions?
CONTRA COSTA COUNTY	Yes	No	No	Any means allowed by the municipal code	Director of health services
SEBASTOPOL	Yes	Yes	Yes, as long as proper notice is given to the city and the city is not pursuing a civil action	Infraction with a fine of \$100	Police department, city attorney, any peace officer or code enforcement official
SOUTH PASADENA	Yes	Yes	Yes	Infraction with a fine of \$100	City manager, community improvement coordinator, code enforcement official and any peace officer
PINOLE	No	N/A	No	Infraction with fines starting at \$100	City manager
PLEASANT HILL	Yes	N/A	No	Any means allowed by the municipal code	No specific staff designated
RICHMOND	Yes	Yes	Yes	\$100 fine	City manager and any peace officer or code enforcement official
ROHNERT PARK	No	No	Yes	Infraction	No specific staff designated
DUBLIN	Yes	Yes	Yes	Infraction with fines starting at \$100	City manager
LOMA LINDA	Yes	Yes	No	Infraction	City prosecutor, city attorney, any peace officer or code enforcement officer
NOVATO	Yes	Yes	Yes	Infraction with fines starting at \$100. The County Department of Public Health must provide a warning letter before any civil penalties are levied	City manager
CALABASAS	Yes	Yes	Yes, as long as proper notice is given to the city and the city is not pursuing a civil action	Misdemeanor or infraction and subject to civil action by the city	City prosecutor, city attorney, any peace officer and any code enforcement officer
BELMONT	Yes	Yes	No	Infraction subject to a \$100 penalty and civil action by the city	Any peace officer or code enforcement officer
TEMECULA	No	No	No	All penalties outlined in the municipal code and subject to civil action by the city	Police officers or code enforcement officers