



CITY HALL

California's Center for Tobacco Policy & Organizing

## Matrix of Local Smokefree Housing Policies

July 2009

Smokefree housing is the next frontier in California's ongoing effort to protect its citizens from secondhand smoke. Although California has made great progress in getting secondhand smoke out of workplaces, for the many Californians who live in multi-unit housing breathing secondhand smoke which drifts from neighboring units, balconies and outdoor areas has become a real health problem.

This Matrix of Local Smokefree Housing Policies is intended to help you understand the current state of this complex policy issue. **Smokefree housing policies have been adopted in twenty-five California communities** – Richmond, Martinez, Rohnert Park, Dublin, Glendale, Rancho Cordova, Plumas County, Loma Linda, Albany, Alameda, Novato, Woodland, Port Hueneme, Oxnard, Calabasas, Oakland, Belmont, Temecula, Sacramento County, Thousand Oaks, City of Sacramento, Emeryville, Rancho Mirage, City of Santa Barbara, and Madera. This Matrix details each policy with information about major provisions, enforcement provisions, and a discussion of strengths and weaknesses. The policies are listed in reverse chronological order from the most recently passed and are divided into three sections:

- (1) **City/County Ordinances** that require a certain percentage of units to be declared nonsmoking, that require landlords to disclose information about smoking policies and the location of smoking and nonsmoking units and/or that declare secondhand smoke exposure a nuisance (Page 2)
- (2) **Housing Authority/Affordable Housing Policies** that require the creation of nonsmoking units in low-income, senior or other types of affordable housing (Page 11)
- (3) **City/County Resolutions** that encourage landlords to designate a certain percentage of units as nonsmoking (Page 14)

To be included on the Matrix, a smokefree housing policy must in some way address the issue of drifting secondhand smoke from neighboring units. Therefore, policies that only address common areas are not included on this Matrix. However, restricting smoking in multi-unit housing common areas can be an important component to smokefree housing policies. The Center has produced a comprehensive list of communities that have adopted a smokefree outdoor common areas policy and we can provide a list upon request of the more than 70 communities that prohibit smoking in all indoor common areas.

The twenty-five cities and counties listed on this Matrix have led the way on this emerging issue and are building momentum for other legislative action around the state. Please call the Center at (916) 554-5864 for more information about any of these policies or for campaign assistance in passing a smokefree housing policy. The Center's website, [www.Center4TobaccoPolicy.org/localpolicies-smokefreehousing](http://www.Center4TobaccoPolicy.org/localpolicies-smokefreehousing), contains all of our housing documents, including the outdoor common areas document, a detailed comparison of the ordinances that prohibit smoking in units and a document with tough questions and answers on smokefree housing policies. For sample ordinance language on smokefree housing, please visit the Technical Assistance Legal Center's (TALC) website at <http://www.phpnet.org>.

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## City/County Ordinances

Community/Date Passed	Major Provisions	Enforcement Provisions	Discussion
<p><b>Richmond</b> July 2009</p>	<p>The City Council adopted an ordinance that prohibits smoking in 100% of the multi-unit housing in the city. For all existing apartments and condominiums with 2 or more units, there will be no smoking allowed in any units after January 1, 2011. Landlords can make all units nonsmoking prior to January 1, 2011. All new units that become occupied after the ordinance goes into effect (August 20, 2009) are nonsmoking. A unit includes patios and balconies. Tenants of existing housing units who smoke are not grandfathered in, meaning that they will not be able to continue to smoke in their unit after January 1, 2011.</p> <p>The new law also requires the lease of all units to contain language that states the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term.</p> <p>The ordinance also prohibits smoking in indoor and outdoor common areas, except that a landlord may create an outdoor designated smoking area that meets certain restrictions.</p> <p>Landlords must maintain and provide to tenants a diagram showing the location of any designated smoking areas with any new lease agreement after January 1, 2011. Landlords and condo sellers will be required to disclose the ordinance requirements to all prospective and existing tenants and buyers beginning 90 days after ordinance takes effect.</p>	<p>Violations of the ordinance are punishable by the city with a \$100 fine. The City Manager is responsible for enforcement and any peace officer or code enforcement official can enforce the ordinance.</p> <p>The ordinance also allows any member of the public to bring legal action against another person to enforce these provisions.</p>	<p>This is the strongest smokefree housing ordinance in the nation. It is the only ordinance to prohibit smoking in 100% of all units, which includes all apartments and condominiums with 2 or more units. The smokefree housing ordinance in Belmont, California also prohibits smoking in 100% of units, but the definition of units does not include single story multi-unit housing.</p> <p>Another strong provision in the Richmond ordinance is the fact that it does not grandfather in current smokers. This means that when the implementation date comes, there will be no smoking in the units regardless of whether a current smoker still resides in their same unit.</p>
<p><b>Martinez</b> April 2009</p>	<p>The City Council adopted an ordinance with several smokefree housing provisions. First, all apartment landlords will be required to disclose information about the smoking regulations for the property to prospective tenants. All landlords, including landlords that do not have any designated nonsmoking units, would be required to maintain a list of designated nonsmoking units and a floor plan identifying those units and give tenants these documents for all new leases or other agreements entered into on or after June 1, 2010.</p> <p>The ordinance prohibits smoking in all private outdoor</p>	<p>Landlords that have knowledge of violations of the smoking provisions are responsible for taking reasonable steps to enforce the regulations including, informing the tenant of the violation and the course of action if the violation is not corrected. Other tenants are able to bring legal action to</p>	<p>This ordinance effectively addresses the issue of secondhand smoke drifting from outdoors into a tenant's unit by prohibiting smoking in outdoor common areas and prohibiting smoking on balconies and patios of units.</p> <p>The disclosure policy brings awareness to the issue of restricting smoking in apartments and provides tenants with information about the</p>

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	<p>spaces of multi-unit housing, including apartments and condominiums, with 4 or more units. Private outdoor spaces includes the balconies, patios, decks, entry porches and carports of individual units. Smoking would still be allowed inside the individual units.</p> <p>The ordinance also prohibits smoking in indoor and outdoor common areas, except that a landlord may create an outdoor designated smoking area that meets certain restrictions. These provisions all go into effect June 1, 2010.</p> <p>The new law requires the leases of all units to contain language that states that smoking is prohibited in common areas and private outdoor spaces and that other tenants in the building may enforce the no-smoking lease term.</p> <p>Finally, the ordinance declares secondhand smoke exposure a public nuisance.</p>	<p>enforce the provisions.</p>	<p>location of smoking and nonsmoking units. This allows tenants to make an informed decision about where they can live to find protection from drifting secondhand smoke.</p> <p>However, this ordinance does not prohibit smoking inside of any units. This means that tenants could still suffer from drifting secondhand smoke from another unit.</p>
<p><b>Rohnert Park</b> April 2009</p>	<p>The City Council adopted an ordinance that prohibits smoking inside the units of both new and existing multi-unit housing, which includes apartments and condominiums. For new apartment buildings (those that are built after June 1, 2009) with 2 or more units, 75% of the units must be designated as nonsmoking. For all existing apartments with 2 or more units, 50% of the units must be designated as nonsmoking. New units are required to be designated as nonsmoking immediately. Existing units must be declared nonsmoking by June 1, 2011. For both new and existing housing, the definition of a unit includes patios and balconies, and all nonsmoking units must be grouped together to the maximum extent possible. Current tenants of existing housing who smoke will be grandfathered in, meaning that they may continue to smoke inside their unit for as long as they continuously reside in that unit, even if that unit is designated as nonsmoking. For both new and existing apartments, landlords may designate 100% of the units as nonsmoking.</p> <p>The ordinance also prohibits smoking in indoor and outdoor common areas, except that a landlord may</p>	<p>Violations of the ordinance are punishable as an infraction. No specific city staff is designated to enforce the ordinance. Any private person can bring legal action for damages or relief against a tenant who violates the ordinance.</p>	<p>A strong provision in this ordinance is that the nonsmoking units requirements apply to all multi-unit housing with 2 or more units, which can help protect tenants in all sizes of multi-unit housing. Also, the provision to require a higher percentage of new units to be designated as nonsmoking makes sense because it is easier to create nonsmoking units in new housing.</p> <p>However, the ordinance does allow grandfathering. This means that a tenant who lives next to a tenant who smokes could still be exposed to secondhand smoke even after the smoker's unit is designated as nonsmoking.</p> <p>Also the ordinance does not declare secondhand smoke a nuisance but rather declares smoking in an area</p>

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	<p>create an outdoor designated smoking area that meets certain restrictions.</p> <p>Landlords must maintain and provide to tenants a floor plan identifying the smoking and nonsmoking units as well as the location of any designated smoking areas.</p>		<p>where smoking is prohibited as a nuisance. This limits where an individual can use the nuisance declaration to protect themselves and means an individual who lives next to a smoking unit, would not be able to use the nuisance designation to protect themselves from secondhand smoke exposure.</p>
<p><b>City of Dublin</b> December 2008/ September 2006</p>	<p>The City Council adopted an ordinance that prohibits smoking inside 50% of the apartment units for apartment complexes that have 16 or more units. Landlords are required to designate nonsmoking units by January 1, 2011. A unit includes patios and balconies, and all nonsmoking units must be grouped together to the maximum extent possible. Current tenants who smoke are not grandfathered in, meaning that they will not be able to continue to smoke in their unit after January 1, 2011 if their unit is designated as nonsmoking. Landlords are required to notify tenants within 90 days of the implementation plan for their unit. Landlords may designate 100% of the units as nonsmoking.</p> <p>The ordinance also prohibits smoking in indoor and outdoor common areas, except that a landlord may create an outdoor designated smoking area that meets certain restrictions.</p> <p>Landlords must maintain and provide to tenants a floor plan identifying the smoking and nonsmoking units as well as the location of any designated smoking areas.</p> <p>The new law also requires the lease of nonsmoking units to contain language that states the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term.</p> <p>Two years earlier in September 2006, the City passed an ordinance that declared secondhand smoke a nuisance.</p>	<p>The city manager is responsible for enforcement and violations are punishable as an infraction. A private person may also bring legal action to enforce these provisions.</p>	<p>A strong provision in this ordinance is that it does not grandfather in current tenants who smoke. This means that once a unit is designated as nonsmoking, no one can smoke in that unit, even if the current tenant still lives there and previously smoked in that unit.</p> <p>However, the ordinance only restricts smoking in apartment buildings with 16 or more units, so this will leave people that live in smaller apartment complexes unprotected from secondhand smoke.</p>
<p><b>City of Glendale</b> October 2008</p>	<p>The City Council adopted a broad secondhand smoke ordinance that includes several smokefree housing</p>	<p>A violation of this ordinance occurs when a person is</p>	<p>The disclosure policy brings awareness to the issue of restricting</p>

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	<p>provisions. The first provision requires apartment landlords to disclose information about the smoking regulations for the property to prospective tenants. Landlords would be required to disclose whether smoking is allowed in the prospective unit and if the unit was designated as smoking or nonsmoking for the previous tenant. In addition, landlords would need to provide a map with the location of smoking and nonsmoking units, the location of all common areas where smoking is prohibited and the location of any areas where smoking is allowed.</p> <p>Secondly, while the ordinance does not require a landlord to create any nonsmoking units, it does specifically give landlords the authority to create nonsmoking units or to make an entire property nonsmoking.</p> <p>Finally, the ordinance prohibits smoking in all indoor and outdoor common areas, except that a landlord may create an outdoor designated smoking area that meets certain restrictions.</p>	<p>warned to stop smoking or to move away from a smoking prohibited area, but continues to smoke in that area. Violations are punishable pursuant to the municipal code.</p> <p>The city manager, director of parks, recreation and community services, any police officer, any park ranger, neighborhood services administrator, or city clerk license investigator can enforce this ordinance.</p> <p>Violations of a smoking policy in multi-unit housing, through either smoking in a common area where smoking is prohibited or smoking in a unit that the landlord has declared nonsmoking, are added to the list of reasons whereby a landlord can evict a tenant.</p> <p>Both the city attorney and private individuals can bring legal action to enforce these provisions.</p>	<p>smoking in apartments and provides tenants with information about the location of smoking and nonsmoking units. This allows tenants to make an informed decision about where they can live to find protection from drifting secondhand smoke. The ordinance also makes it easier for landlords to enforce voluntary nonsmoking policies by adding violations of a landlord's nonsmoking policy to the list of reasons landlords can evict tenants.</p> <p>However, since there is no requirement for landlords to create nonsmoking units, which is the best way to protect tenants from drifting secondhand smoke in multi-unit housing, the smoking policies could change at any time.</p> <p>Finally, neither the disclosure requirements nor the smoking restrictions in common areas apply to condominiums. Several other cities with similar disclosure and common areas provisions do require condominiums to meet those requirements.</p>
<p><b>City of Loma Linda</b> June 2008</p>	<p>The City Council passed an ordinance that requires landlords to prohibit smoking in at least 70 percent of the units of new and existing apartments, including patios and balconies. Nonsmoking units must be grouped together vertically, horizontally and in separate buildings to the maximum extent possible.</p> <p>Landlords have until January 1, 2012 to permanently designate at least 70 percent of units as nonsmoking.</p>	<p>Tenants who smoke in a nonsmoking unit may be subject to eviction if a landlord receives two letters of complaints from different individuals. However, eviction is up to the discretion of the landlord.</p>	<p>This ordinance continues the momentum of similar local ordinances that have created nonsmoking units. Loma Linda is now the fifth city in California to require landlords to create nonsmoking units. This ordinance is very similar to the one adopted in Calabasas; the major difference being that the Loma Linda ordinance</p>

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	<p>Until they do so, landlords must submit an annual report to the city that shows the number and location of nonsmoking and smoking units, identifies any units where residents have been grandfathered, and shows the location of any designated smoking areas.</p> <p>The ordinance also prohibits smoking in all indoor and outdoor common areas in multi-unit housing, except for designated areas.</p> <p>Landlords must also present every potential tenant with a floor plan of the smoking and nonsmoking units and the location of a designated smoking area. Finally, landlords are required to create an outdoor designated smoking area, but can get an exemption from the city if there is no suitable place for an outdoor designated smoking area on the property.</p> <p>The ordinance allows current tenants to have their unit grandfathered in as a smoking unit past the January 1, 2012 date as long as they continuously live in that unit and provide proper notification to their landlord.</p> <p>The new law also requires the lease of nonsmoking units to contain language that states the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term.</p> <p>Finally, the ordinance declares secondhand smoke exposure a public nuisance.</p>	<p>Violations of the law are punishable as an infraction.</p> <p>The city prosecutor, city attorney, any peace officer or any city code enforcement officer may enforce the provisions in this ordinance.</p>	<p>requires 70 percent, instead of 80 percent , of units to be nonsmoking.</p>
<p><b>City of Albany</b> June 2008</p>	<p>The City Council passed a broad secondhand smoke ordinance that contains two smokefree housing provisions. First, landlords and sellers of condominiums will be required to disclose the smoking policy of the units they manage or sell. For apartments, landlords must maintain and provide to tenants a list of designated nonsmoking units, a list of designated smoking units and a floor plan that identifies the location of smoking and nonsmoking units, as well as any designated smoking areas. Sellers of condominiums must disclose to potential buyers whether smoking is permitted in the unit and what the smoking policy is for the complex.</p>	<p>Violations are punishable as an infraction and subject to a fine of between \$50 - \$100 for a first violation, \$100 - \$250 for a second violation, and \$250 - \$500 for any additional violation.</p> <p>The police department is responsible for enforcement, but any peace officer or code enforcement officer may</p>	<p>The disclosure policy brings awareness to the issue of restricting smoking in apartments and provides tenants with information about the location of smoking and nonsmoking units. This allows tenants to make an informed decision about where they can live to find protection from drifting secondhand smoke.</p> <p>Despite these benefits, since there is no requirement for landlords to create nonsmoking units, the smoking</p>

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	<p>Secondly, the ordinance prohibits smoking in indoor and outdoor common areas, except that a landlord may create an outdoor designated smoking area that meets certain restrictions.</p>	<p>enforce this ordinance.</p>	<p>policies could change at any time. While tenants would have to be informed of changes, units that would originally be protected from drifting secondhand smoke, could later be impacted by drifting secondhand smoke if management changes the smoking policies.</p>
<p><b>City of Novato</b> April 2008</p>	<p>The City Council adopted an ordinance that prohibits smoking inside the units of both new and existing apartments. For new apartments with 10 or more units, 75% of the units must be designated as nonsmoking. For all existing apartments with 10 or more units, 50% of the units must be designated as nonsmoking. For both new and existing housing, a unit includes patios and balconies, and all nonsmoking units must be grouped together to the maximum extent possible. Current tenants who smoke will be grandfathered in, meaning that they may continue to smoke inside their unit for as long as they continuously reside in that unit. For both new and existing apartments, landlords may designate 100% of the units as nonsmoking.</p> <p>The new law also requires all new leases to contain language that states whether the unit is nonsmoking or smoking and that other tenants in the building may enforce the no-smoking lease term.</p> <p>The ordinance also prohibits smoking in indoor and outdoor common areas, except that a landlord may create an outdoor designated smoking area that meets certain restrictions.</p> <p>Landlords must maintain and provide to tenants a floor plan identifying the smoking and nonsmoking units as well as the location of any designated smoking areas.</p> <p>Finally, the ordinance declares secondhand smoke exposure in a place of human habitation a nuisance.</p>	<p>The city manager is responsible for enforcement. The Marin County Department of Health and Human Services is responsible for writing the initial warning letter. Any resident can initiate enforcement by notifying the city manager. A resident may also bring private action to enforce these provisions.</p> <p>The penalty for a first violation is a fine not exceeding \$100 and/or five days of community service. A second violation within one year is punishable by a fine of up to \$200 and/or ten days of community service. A third violation within one year is punishable by a fine of up to \$500 and/or fifteen days of community service.</p>	<p>A strong provision in this ordinance is that it requires units to be designated as nonsmoking on the date the ordinance goes into effect, which is 90 days after it was passed on April 23. This is much faster than in other cities that have passed ordinances creating nonsmoking units in multi-unit housing.</p> <p>The provision to require a higher percentage of new units to be designated as nonsmoking makes sense because it is easier to create nonsmoking units in new housing.</p> <p>The ordinance restricts smoking in apartment buildings with 10 or more units, so this could leave people that live in smaller apartment complexes unprotected from secondhand smoke. However, they would have the nuisance provision available to use if secondhand smoke exposure becomes a problem. The nuisance provision in this ordinance is unique because it only declares secondhand smoke a nuisance in a place of human habitation.</p>
<p><b>City of Calabasas</b> January 2008/ February 2006</p>	<p>In January 2008, the city passed an ordinance that requires landlords to prohibit smoking in at least 80 percent of the units of new and existing apartments,</p>	<p>Tenants who smoke in a nonsmoking unit may be subject to eviction if a</p>	<p>Prohibiting smoking in 80 percent of apartment units is a strong provision that will protect many residents from</p>

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	<p>including patios and balconies. Nonsmoking units must be grouped together vertically, horizontally and in separate buildings to the maximum extent possible.</p> <p>Landlords have until January 1, 2012 to permanently designate at least 80 percent of units as nonsmoking. Until they do so, landlords must submit an annual report to the city that shows the number and location of nonsmoking and smoking units.</p> <p>Landlords must also present to every potential tenant a floor plan of the smoking and nonsmoking units and the location of a designated smoking area. Finally, landlords are required to create an outdoor designated smoking area, but can get an exemption from the city if there is no suitable place for an outdoor designated smoking area on the property.</p> <p>The ordinance allows current tenants to have their unit grandfathered in as a smoking unit past the January 1, 2012 date as long as they continuously live in that unit and provide proper notification to their landlord.</p> <p>The new law also requires the lease of nonsmoking units to contain language that states the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term.</p> <p>Two years earlier, in February 2006, the city prohibited smoking in all indoor and outdoor common areas in multi-unit housing (lobbies, hallways, swimming pools, outdoor eating areas, play areas, etc).</p> <p>That ordinance also declared that exposing others to secondhand smoke is a public nuisance.</p>	<p>landlord receives two letters of complaints from different individuals. However, eviction is up to the discretion of the landlord.</p> <p>Violations of the law are subject to punishment as a misdemeanor.</p> <p>The city prosecutor, city attorney, peace officer, or city code enforcement officer may enforce the provisions in this ordinance. The ordinance requires business owners to enforce these provisions in their establishments. Residents of Calabasas can also report any violations of the law to the code enforcement unit.</p> <p>The ordinance also allows any member of the public to sue another person to enforce these provisions.</p>	<p>drifting secondhand smoke and create momentum for other cities to follow. The city worked with and gained the support of the California Apartment Association for this ordinance.</p> <p>However, landlords are given up to four years to designate these nonsmoking units. This is a long compliance period and could leave tenants unprotected from drifting secondhand smoke for years if landlords do not voluntarily designate nonsmoking units sooner.</p> <p>The February 2006 ordinance was the first ordinance in California to declare secondhand smoke a public nuisance. A nuisance policy can provide protection to residents from secondhand smoke on an individual basis, but only if a tenant uses the declaration to bring a lawsuit against his/her neighbor. The creation of nonsmoking units will better protect residents from drifting secondhand smoke, but this nuisance policy could be useful before these units are officially designated as nonsmoking.</p>
<p><b>City of Oakland</b> December 2007</p>	<p>Two smokefree housing provisions were included in a broader secondhand smoke ordinance passed by the city. First, landlords and sellers of condominiums will be required to disclose the smoking policy of the units they manage or sell. For apartments, landlords must disclose to prospective tenants if the unit is smoking or nonsmoking, which units in the complex are smoking units, and what the smoking policy is for the complex.</p>	<p>To implement the disclosure requirements, the city placed language about the smoking policies within a notice to tenants that all landlords were already required to give to tenants each year. This</p>	<p>The disclosure requirements are a new policy direction in California. By requiring landlords to inform potential tenants of the smoking restrictions in the apartment complex, it will provide information about whether drifting secondhand smoke could be a problem in the unit they are about to</p>

Community/Date Passed	Major Provisions	Enforcement Provisions	Discussion
	<p>Sellers of condominiums must disclose to potential buyers whether smoking is permitted in the unit and what the smoking policy is for the complex.</p> <p>Secondly, the ordinance prohibits smoking in all indoor and outdoor common areas of multi-unit housing.</p>	<p>results in an automatic annual reporting of these disclosures.</p> <p>The City Administrator is responsible for enforcement. Any citizen can register a complaint with the City Administrator to initiate enforcement.</p> <p>Private citizens can bring legal action to enforce these provisions.</p> <p>Violators that smoke in a prohibited area are guilty of an infraction and can be punished by a fine of up to \$100 for a first violation, up to \$200 for a second violation within one year, and up to \$500 for each additional violation within one year.</p>	<p>rent. This empowers tenants to make informed decisions about where they want to live based on the smoking policies of apartment complexes.</p> <p>Despite these benefits, since there is no requirement for landlords to create nonsmoking units, the smoking policies could change at any time. While tenants would have to be informed of changes, units that would originally be protected from drifting secondhand smoke, could later be impacted by drifting secondhand smoke if management changes the smoking policies.</p>
<p><b>City of Belmont</b> October 2007</p>	<p>The city passed an ordinance that prohibits smoking in all new and existing apartments and condominiums that share a common floor and/or ceiling. For current tenants who smoke, there is a 14 month grace period during which time they are still allowed to smoke in their unit.</p> <p>The new law also requires every lease of a unit where smoking is prohibited to contain language that states the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term. The same grace period of 14 months applies to the new lease terms for current tenants who smoke. Landlords are not required to enforce the new no-smoking lease terms nor are they required to evict a tenant who smokes in a nonsmoking unit.</p> <p>The ordinance also declares secondhand smoke a</p>	<p>Each violation is an infraction subject to a \$100 fine. Violations are also subject to civil action brought by the city, with a fine of between \$250 and \$1000.</p> <p>This ordinance can be enforced by any peace officer or code enforcement official.</p> <p>The city attorney can also bring a civil action to remedy violations, including nuisance abatement proceedings,</p>	<p>This ordinance makes Belmont the first city to prohibit smoking in almost all multi-unit housing units. By prohibiting smoking in 100% of units that share common floors and/or ceilings, residents in Belmont will be protected from deadly secondhand smoke in the place where they spend the most time, their homes.</p> <p>However, the way that multi-unit housing is defined is not ideal. It will leave residents that live in certain condominiums, town homes, and one-story apartment buildings partly unprotected from secondhand smoke. These residents will still have the ability to use the nuisance declaration</p>

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	<p>nuisance.</p> <p>Finally, the ordinance bans smoking in indoor and outdoor common areas, with landlords allowed to create designated smoking areas that meet certain restrictions (i.e. 20 feet away from entrances and windows).</p>	<p>code enforcement proceedings or suits for injunctive relief.</p>	<p>to protect themselves from exposure, but will not be protected from drifting secondhand smoke under the new smokefree housing law.</p>
<p><b>City of Temecula</b> May 2007</p>	<p>This city passed an ordinance that requires landlords to designate 25 percent of their units as nonsmoking in all new and existing multi-unit residences with 10 or more units (it does not apply to condominiums). These nonsmoking units must be grouped together horizontally and vertically and in a separate building to the maximum extent possible.</p> <p>For new multi-unit housing, landlords must submit a floor plan to the city that identifies the smoking and nonsmoking units within six months of enactment of this ordinance.</p> <p>Landlords of existing multi-unit residences must submit a floor plan to the city that identifies the smoking and nonsmoking units within one year. Landlords have up to five years to actually designate these units as nonsmoking and may apply for up to three, one-year extensions to comply, with the exception of senior housing.</p> <p>This ordinance also prohibits smoking in all indoor and outdoor common areas for all multi-unit residences (any residence with two or more units).</p>	<p>Violations of this ordinance are enforceable by the city and subject to penalties outlined in the Temecula municipal code.</p>	<p>This ordinance is the first in California to require a certain amount of units to be set aside as nonsmoking for market rate housing within a city. By requiring these units to be separate from smoking units, it will provide important protection from secondhand smoke to the residents of Temecula.</p> <p>However, the five-year compliance period (and up to eight-year period with extensions), is too long for implementation. Hopefully landlords will comply sooner, but this could mean that residents that move into a nonsmoking unit could still be surrounded by a smoking unit for many years.</p>
<p><b>City of Emeryville</b> December 2006</p>	<p>The ordinance bans smoking in indoor and outdoor common areas of multi-unit housing.</p> <p>The ordinance also declares secondhand smoke a nuisance, which allows a citizen to take private legal action. However, the ordinance states that the city cannot be a party in that legal action or have legal action brought against it for non-enforcement of the smoking ordinance. Further, it states that no owners, managers, or employers who operates premises controlled by the smoking restrictions can be found guilty or held liable for the nuisance provisions.</p>	<p>Enforcement will be handled by the City Manager. Citizens can register a complaint with the City Manager to initiate enforcement.</p>	<p>The nuisance provision is substantially weaker than the nuisance provisions in Dublin and Calabasas. While it declares secondhand smoke a nuisance, the ordinance renders that declaration almost useless by exempting the individuals and situations where a nuisance law would be most useful.</p>

## Housing Authority/Affordable Housing Policies

Community/Date Passed	Major Provisions	Enforcement Provisions	Discussion
<p><b>Plumas County</b> July 2008</p>	<p>The Board of Supervisors adopted a policy to make all public housing units in the county nonsmoking. All housing units will become smokefree on July 1, 2009 with no grandfathering for current tenants. Any units that become vacant before that date will be declared nonsmoking when a new lease is signed. This will impact over 200 housing units and both senior and family housing.</p> <p>Residents will still be allowed to smoke outdoors on the properties but will be encouraged not to smoke near windows and doorways. Designated smoking areas with weather covers will be created at each location. Low literacy cessation services will be offered to all residents.</p>		<p>This is a strong policy because it prohibits smoking in all public housing in the county and does not allow grandfathering. While the policy does not address smoking in outdoor common areas, it does prohibit smoking in the most important location, inside the actual units where drifting secondhand smoke can cause the most harm.</p>
<p><b>City of Alameda</b> April 2008</p>	<p>The City of Alameda Housing Commission adopted a policy to prohibit smoking within residential units, balconies and on the grounds of the property for all of the apartment complexes that the Alameda Housing Authority manages.</p> <p>The smokefree policy will first be implemented at Independence Plaza, a 186-unit senior complex. The policy went into effect on August 1, 2008. There will be no grandfathering for current residents who smoke and no designated smoking areas on the property. The smoking restrictions will also apply to employees and vendors.</p> <p>The other senior housing complex, Anne B. Diament Plaza with 65 units, will be the next complex to be converted to the nonsmoking policy.</p> <p>Overall, the Housing Authority manages over 500 units in Alameda and all of the units will be converted to the same nonsmoking policy over the coming year.</p>	<p>The Housing Authority has the right to inspect apartments for evidence of smoking if they are notified of a violation of the no-smoking policy. Residents will be given 24 hours notice prior to an inspection.</p> <p>The Housing Authority can terminate the rental agreement for violations of this policy.</p> <p>Residents can notify the Housing Authority of potential violations and the Housing Authority must then take reasonable steps to enforce these provisions. Residents may also sue another resident to enforce the no-smoking policy but do not have the right to evict another resident.</p>	<p>This is a very strong housing authority policy. By prohibiting smoking everywhere on the grounds of the apartment complexes and not grandfathering in current residents who smoke, this policy ensures that residents will be protected from drifting secondhand smoke as soon as the policy goes into effect.</p>

Community/Date Passed	Major Provisions	Enforcement Provisions	Discussion
<p><b>City of Port Hueneme</b> April 2008</p>	<p>The City Council adopted a resolution that approves the Port Hueneme's Housing Authority policy to restrict smoking in two public housing properties. At the Mar Vista property (senior housing), smoking will be prohibited in all units on the bottom three floors, with smoking allowed in units on the top two floors of the building. Current residents who smoke and live in the bottom three floors will be encouraged, but not required, to move to a unit on the fourth or fifth floor. At the Hueneme Village property (family housing), smoking will be prohibited inside all newly leased units after July 1, 2008.</p>	<p>A violation of the smoking policy will be handled like any other lease violation. A verbal warning will be given for a first violation and a written warning for a second violation. Any subsequent violations could result in a termination from the Housing Authority program.</p>	<p>This policy will provide important protection from drifting secondhand smoke for some senior and low income families. Another important aspect of this policy is that it includes cessation services to help residents who smoke to quit smoking if they choose.</p>
<p><b>City of Oxnard</b> March 2008</p>	<p>The City Council passed a policy that prohibits smoking within the Oxnard Housing Authority's two senior housing properties. Smoking will be prohibited within 100% of the units, balconies, common areas, and within 30 feet of all entrances in both the Plaza Vista and Palm Vista properties, making a total of 150 nonsmoking units. There will be no grandfathering for current residents who smoke.</p>	<p>Housing Authority staff will notify residents if they violate the policy and then residents will have a chance to respond to the notice. After three violations, a resident's lease is subject to termination.</p> <p>Residents are responsible for ensuring that guests comply with the policy.</p>	<p>This is a strong policy because it creates two entirely smokefree buildings, which is the best way to protect tenants from harmful secondhand smoke. This policy also has strong enforcement provisions to ensure the smoking restrictions are followed.</p>
<p><b>City of Thousand Oaks</b> March 2007/ September 2004</p>	<p>The City of Thousand Oaks adopted a policy requiring developers of new publicly-assisted rental housing to set aside one-third of the new units as nonsmoking units.</p> <p>In March 2007, the city updated this policy to require that two-thirds of newly constructed publicly assisted rental housing and one-half of new supportive housing be smokefree.</p>		<p>Thousand Oaks is one of the first local governments to designate nonsmoking units in publicly-assisted housing under its jurisdiction. However, the policies are only for new housing and do not specify that the smokefree units be contiguous. Currently, nonsmoking units are being placed next to smoking units, meaning that tenants are still not protected from secondhand smoke.</p>
<p><b>City of Rancho Mirage</b> December 2006</p>	<p>The City Council adopted a smoking policy for the Rancho Mirage Housing Authority. This policy prohibits smoking in outdoor common areas in the Housing Authority's three senior affordable housing residential complexes.</p>	<p>Residents can make complaints to the Housing Authority.</p>	<p>This policy provides good protection for senior residents since one entire residential complex and all future residential complexes will be smokefree. The other two residential complexes should gradually become</p>

Community/Date Passed	Major Provisions	Enforcement Provisions	Discussion
	<p>The policy would also prohibit smoking within apartment units for the Santa Rosa Villas and any future senior residential complexes. All new residents of the other two existing senior residential complexes will be prohibited from smoking in their units, but people that already live in those two complexes will be allowed to smoke in their units until they move.</p>		<p>smokefree as current residents who smoke move out.</p>
<p><b>City of Santa Barbara</b> November 2005</p>	<p>The Housing Authority of the City of Santa Barbara adopted a policy that prohibits smoking in all 36 units of the Vista La Cumbre senior housing complex. This prohibition applies to smoking inside the units as well as on balconies. Residents are allowed to smoke in a designated area outside the building and residents who formerly smoked in their units were not grandfathered in, meaning they had to stop smoking in their units as soon as the policy became effective.</p>	<p>Residents can make complaints to the Housing Authority.</p>	<p>This policy was approved by the Housing Authority Board of Commissioners and did not have to be approved by the city council. Housing authority policies related to smokefree units in other cities had to be approved by the city councils because the city councils acted as the board for the housing authority.</p> <p>This is a good example of a policy that resulted from complaints from residents about secondhand smoke exposure.</p>
<p><b>City of Madera</b> August 2002</p>	<p>The City Council approved a smoke-free policy of the Madera Housing Authority. The Madera Housing Authority adopted a policy to transition two of three senior housing buildings to be smokefree. New residents moving into buildings A and C at Yosemite Manor will not be allowed to smoke in their units or on their patios. Smokers that already reside in buildings A and C would be allowed to continue to smoke in their units but must keep their door to the hallway closed when smoking. Current and future residents of building B would still be allowed to smoke in their unit.</p>	<p>Residents may make complaints to the site manager.</p>	<p>Smokers were grandfathered in and there is still an entire building that allows smoking. But making two buildings smokefree will provide valuable health benefits to seniors who are some of the most susceptible to the effects of secondhand smoke. As of April 2007, in the two smokefree buildings there was only one person left who smoked in his unit and he has agreed to move into the smoking building.</p>

## City/County Resolutions

Community/Date Passed	Major Provisions	Enforcement Provisions	Discussion
<b>City of Sacramento</b> April 2009/ December 2006	In December 2006, the City Council passed a resolution that encourages property owners of multi-unit rental housing to designate at least 25 percent of their units as nonsmoking or to make entire buildings within a multi-unit housing complex smokefree. The percentage was increased to 50 percent of units in April 2009. Property owners that do so will be publicly recognized by the City Council.		This is a nonbinding resolution, which means that property owners are not required to make any units smokefree. The resolution contains no language that the units must be contiguous.
<b>City of Rancho Cordova</b> September 2008	The city passed a resolution that encourages landlords and property managers of multi-unit rental housing to designate at least 50 percent of their units, including patios and balconies, as nonsmoking or to make entire buildings within a multi-unit housing complex smokefree. Property managers that do so will be publicly recognized by the City Council.		This is a nonbinding resolution, which means that property owners are not required to make any units smokefree. The resolution contains no language that the units must be contiguous.
<b>City of Woodland</b> April 2008	The city passed a resolution that encourages landlords and property managers of multi-unit rental housing to designate at least 50 percent of their units, including patios and balconies, as nonsmoking or to make entire buildings within a multi-unit housing complex smokefree. Property managers that do so will be publicly recognized by the City Council.		This is a nonbinding resolution, which means that property owners are not required to make any units smokefree. The resolution contains no language that the units must be contiguous.
<b>County of Sacramento</b> April 2007	The Board of Supervisors passed a resolution that encourages property owners of multi-unit rental housing to designate at least 50 percent of their units as nonsmoking or to make whole buildings within a multi-unit housing complex smokefree. Property owners that do so will be publicly recognized by the Board of Supervisors.		This is a nonbinding resolution, which means that property owners are not required to make any units smokefree. The resolution contains no language that the units must be contiguous.