



Local California Smokefree Housing Policies: Detailed Analysis

September 2015

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 document provides a detailed and in-depth description of all **69** California cities and counties with smokefree housing policies including those that cover only common areas and those that only have disclosure. This document contains details of the enforcement mechanisms and implementation steps, type of units covered and whether there is a nuisance provision in these policies. The policies are listed in the table in reverse chronological order from the most recently passed.

To review the **38** jurisdictions that are passing strong, comprehensive smokefree multi-unit housing policies within a certain percentage of units, please refer to the Matrix of Strong Local Smokefree Multi-Unit Housing Ordinances document.

The **69** 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 contact the Center at center4tobaccopolicy@gmail.com for more information about any of these policies or for campaign assistance in passing a smokefree housing policy. For a snapshot of these policies, see our other documents available on the Center's website, www.Center4TobaccoPolicy.org/smokefree-multi-unit-housing/. For sample ordinance language on smokefree housing, please visit the ChangeLab Solutions' website at <http://www.changelabsolutions.org>

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| Burlingame July 2015 | 180 Days | Smoking is prohibited in 100% of new and existing units with 2 or more units. Applies to both apartments and condominiums. | Common areas or areas normally open to the public within residential apartments, residential co-ops, residential hotels, senior citizen projects, or other communal or similar facilities housing twelve (12) or more persons shall be subject to smoking restrictions. | | Yes | Violations are punishable as an infraction w/fines starting at \$100. Also includes civil and criminal penalties. |
| Santa Rosa June 2015 | New Units: Immediately Existing Units: 1 year | Smoking is prohibited in 100% of new and existing units with 2 or more units. Applies to both apartments and condominiums. Includes electronic cigarettes. | Prohibits smoking in both indoor and outdoor common areas. Permits use of e-cigarettes in outdoor common areas. | | Yes, but excludes electronic cigarette emissions from being declared a nuisance. | Violations are punishable as an infraction w/fines starting at \$100. Also includes civil and criminal penalties. Peace officers have the authority to enforce provisions of this chapter. The City may seek civil action to remedy violations. |
| Merced County May 2015 | New Units & Leases: Immediately Existing Units: January 1, 2016 | Smoking is prohibited in 100% of new and existing units owned by the Housing Authority of the County of Merced (HCAM). | Prohibits smoking in all common areas and/or adjoining grounds. | All current residents of HCAM public housing units are required to sign smokefree housing addendum. | No | Failure to comply will result in the following: 1 ST Violation: Verbal warning and smoking cessation materials 2 ND Violation: Written warning and smoking cessation materials 3 RD Violation: Final written violation; resident will have option to remedy 4 TH Violation: 30-day lease termination will be issued |
| Folsom April 2015 | New Housing Authority Units: Immediately | Smoking is prohibited in 100% of new properties with 3 or more units that are built in the future with financial assistance from the city. | Prohibits smoking in both indoor and outdoor common areas, including balconies and patios. Includes e-cigarettes. | Owners and property managers must provide all rental applicants with written disclosure of the smoking policies for the property, as well as the location of any designated no smoking areas, | Yes | Failure to comply will result in the following fines: 1 st Violation: \$100 2 nd Violation: \$200 3 rd Violation: \$500 |

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| | | | | at the time an application is received. | | |
| Piedmont December 2014 | Immediately | | Prohibits smoking in both indoor and outdoor common areas. Includes electronic cigarettes. | | No | Violations are punishable as an infraction. The City Council shall set the fine for violations from time to time by resolution. |
| San Anselmo December 2014 | New Units: 1 year Existing Units: 180 days | Smoking is prohibited in 100% of new and existing units with 2 or more units. Applies to apartments and condominiums. Includes electronic cigarettes. | Prohibits smoking in both indoor and outdoor common areas. | Requires lease agreements to contain language stating the unit is nonsmoking, that smoking in a designated nonsmoking unit is a material breach of contract, and that other tenants may enforce the terms of the lease. | Yes | Criminal and civil enforcement is available, with the Town Manager in charge of code enforcement. Private citizens may also pursue civil enforcement. Violations are punishable as an infraction, not less than \$250 and not to exceed \$1,000 per violation. |
| Foster City December 2014 | New Units: Immediately Existing Units: 1 year | Smoking is prohibited in 100% of new and existing units with 2 or more units. Applies to both apartments and condominiums, includes electronic cigarettes. | Prohibits smoking in both indoor and outdoor common areas. | | Yes | The City Manager is in charge of enforcement. Any citizen may make a complaint with the City Manager. Permits any citizen to bring civil action to compel compliance. Violations are punishable with the following fines: 1 st Violation: \$250 2 nd Violation: \$500 3 rd Violation: \$1000 |
| Culver City October 2014 | New Units: Immediately Existing Units: 18 months | Smoking is prohibited in 100% of new and existing units w/ 2 or more units. Applies to apartments and condominiums. | Prohibits smoking in both indoor and outdoor common areas. | Requires lease agreements to contain language stating the unit is nonsmoking and that smoking in a designated nonsmoking unit is a material breach of contract. | Yes | City Attorney may bring a civil action with fines not less than \$100 and not to exceed \$1,000. Permits private enforcement by any person. |

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| San Mateo County October 2014/ May 2006 | New Units: 6 months Existing Units: 14 months | Smoking is prohibited in 100% of new and existing units with 2 or more units. Applies to apartments and condominiums, includes electronic cigarettes. | Prohibits smoking in both indoor and outdoor common areas. | Requires lease agreements to contain language stating the unit is nonsmoking, that smoking in a designated nonsmoking unit is a material breach of contract. Tenants have third-party beneficiary status and can enforce lease's smoking restrictions. | Yes | Enforced by the community health director and his/her designees. Violations are punishable as infractions with the following fines: 1 st Violation: \$100 2 nd Violation: \$250 3 rd Violation: \$500 > 3 in 1 year: Misdemeanor |
| El Cerrito September 2014 | New Units: Immediately Existing Units: 1 year | Smoking is prohibited in 100% of new and existing units with 2 or more units. Applies to both apartments and condominiums, includes electronic cigarettes. | Prohibits smoking in both indoor and outdoor common areas. | Requires lease agreements to contain language stating the unit is nonsmoking, that smoking in a designated nonsmoking unit is a material breach of contract. Tenants have third-party beneficiary status and can enforce lease's smoking restrictions. | No | The City Manager has primary responsibility for enforcement. Peace officer and Code Enforcement officials may also enforce. Infraction w/fines starting at \$100, civil and criminal penalties. Private citizens may also pursue civil enforcement. |
| Los Angeles County July 2014 | 1 year | Smoking is prohibited in 100% of new and existing units of public housing developments in Los Angeles County. Includes electronic cigarettes. | Prohibits smoking in both indoor and outdoor common areas. | Requires lease agreements to contain language stating the unit is nonsmoking, that smoking in a designated nonsmoking unit is a material breach of contract. The Housing Authority may terminate the lease if necessary. Residents will be financially responsible for any mitigation of damages associated with smoking. | Yes | Residents are encouraged to submit to management a written statement of any incident where tobacco smoke is migrating into the Resident's unit from sources outside of the Resident's unit. |
| Rancho Cordova June 2014 | Immediately | | Smoking is prohibited in indoor common areas of multi-family residences that | Written notice of nonsmoking policy must be provided prior | Yes | Private right of enforcement, and City |

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| | | | have 3 or more units. Includes electronic cigarettes, but outdoor common areas are exempt. | to the collection of a rental application. | | <p>Attorney may pursue administrative/civil action.</p> <p>Violations are punishable as infractions with the following fines:</p> <p>1st Violation: A fine not exceeding \$100 2nd Violation: \$200 3rd Violation: \$500</p> <p>A fourth violation within one year may constitute a misdemeanor.</p> |
| Corte Madera May 2014 | New Units: Immediately Existing Units: 1 year | Smoking is prohibited in 100% of new and existing units with 2 or more units. Applies to both apartments and condominiums, includes electronic cigarettes. | Prohibits smoking in both indoor and outdoor common areas. | Requires lease agreements to contain language stating the unit is nonsmoking, that smoking in a designated nonsmoking unit is a material breach of contract. Tenants have third-party beneficiary status and can enforce lease's smoking restrictions. | Yes | <p>The Town Manager is responsible for enforcement. Peace officer and Code Enforcement officials may also enforce.</p> <p>Infraction w/fines starting at \$100, civil and criminal penalties. Private citizens may also pursue civil enforcement.</p> |
| Goleta May 2014 | | | Prohibits smoking in indoor common areas. | "No Smoking" signs to be clearly posted in every building, | No | None. |
| Mammoth Lakes April 2014/ June 2006 | 180 days | Smoking is prohibited in 100% of new and existing units of public housing developments in Mammoth Lakes. Includes electronic cigarettes. | Prohibits smoking in indoor and outdoor common areas, includes balconies and must be 20 feet away from buildings. | Requires revisions of each lease agreement and addendums. | No | <p>Tenants may submit complaints to the Mono County Health Department for enforcement.</p> <p>Violations resulting in a third offense will result in material breach of contract with grounds for termination.</p> |

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| Oakley January 2014 | 3 months | Smoking is prohibited in 100% of dwelling units in any new multi-unit residence that receives a building permit on or after April 1, 2014. Landlord can designate units as nonsmoking, but once that designation has been made, it cannot revert back to smoking. | Prohibits smoking in all multiunit residence common areas, including indoor and outdoor areas, balconies, porches, and decks. | Landlord must keep a list of all designated nonsmoking units and a floor plan that identifies the location of all designated nonsmoking units, any units where smoking is permitted, and any designated outdoor smoking areas. Must also disclose details of the policy and how to handle smoking complaints. | Yes | The City Manager is responsible for enforcing this code. Violations are punishable as infractions with the following fines: 1 st Violation: A fine not exceeding \$100 2 nd Violation: \$200 3 rd Violation: \$500 |
| Berkeley December 2013 | 4 months | Smoking is prohibited in 100% of new and existing units with 2 or more units. Applies to apartments and condominiums. | | | No | Enforced by the City of Berkeley. |
| Lafayette October 2013 | New Units: Immediately Existing Units: None | Smoking is prohibited in 100% of new complexes with 3 or more units. Applies to apartments and condominiums. | Prohibits smoking in both indoor and outdoor common areas, including patios and balconies for new and existing units. | | No | Enforced by the city manager or a designee. Any citizen can register a complaint with the City manager to initiate enforcement. |
| Walnut Creek October 2013 | New Units: February 1, 2014 Existing Units: February 1, 2014 | Smoking is prohibited in 100% of new and existing complexes with 2 or more units. Applies to both apartments and condominiums. | Prohibits smoking in both indoor and outdoor common areas, including patios, balconies and entryways for new and existing units. | Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. | No | Enforced by the city manager or a designee and any peace officer or code enforcement official. Violations are punishable as an infraction with a \$100 fine Violations are subject to a civil action brought by the city, punishable by a civil fine not less than \$250 and not exceeding \$1,000 per violation |

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| Glendale May 2013/ March 2010/ October 2008 | New Units: 1 month Existing Units: none | Smoking is prohibited in 100% of new units. Applies to both apartments and condominiums. | Prohibits smoking in both indoor and outdoor common areas, including patios and balconies for new and existing units. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires landlord to disclose whether smoking is permitted in the unit for rent. Requires landlords to maintain and provide floor plan of smoking and nonsmoking units and designated smoking areas. | Yes | Enforced by the city manager or a designee, the director of community services and parks or a designee, a Glendale police department officer, the community development director or a designee, or a license investigator of the city. Any member of the public may enforce through civil action. Violations are punishable as an infraction with the following fines: 1 st violation: A fine not exceeding \$100 2 nd violation: \$200 Each additional violation w/in a year: A fine not exceeding \$500 |
| San Francisco County February 2013 | | | Prohibits smoking in indoor common areas. | Requires landlord to disclose whether smoking is permitted in the unit for rent. Requires landlords to maintain and provide floor plan of smoking and nonsmoking units. | | |
| San Ramon February 2013 | | | Prohibits smoking in both indoor and outdoor common areas, including patios and balconies. Allows landlords to designate a portion of outdoor areas that meet certain criteria as smoking areas. | | No | Violations are punishable as an infraction with the following fines: 1 st violation: \$100 2 nd violation: \$200 Each additional violation w/in a year: A fine not exceeding \$500 |

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| Petaluma January 2013 | New Units: August 1, 2013 Existing Units: January 1, 2014 | Smoking is prohibited in 100% of new and existing complexes with 2 or more units. Does not apply to condominiums. | Prohibits smoking in both indoor and outdoor common areas, including patios, balconies and porches. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. | No | Enforced by the city manager or a designee. Any citizen can register a complaint with the City Administrator to initiate enforcement. |
| Temple City December 2012 | | | Prohibits smoking in indoor common areas. | | Yes | Enforced by the city prosecutor, city attorney, any peace officer, any city code enforcement officer, or any other city official. |
| Daly City October 2012 | New Units: Immediately Existing Units: 14 months | Smoking is prohibited in 100% of new and existing complexes with 2 or more units, unless there is no shared wall or ceiling. Does not apply to condominiums. | Prohibits smoking in both indoor and outdoor common areas. Allows landlords to designate a portion of outdoor areas that meet certain criteria as smoking areas. | Requires landlord to disclose whether smoking is permitted in the unit for rent. | Yes | Enforced by any peace officer or code enforcement official. Violations are punishable as an infraction with a \$100 fine, and are subject to a civil action brought by the city, punishable by a civil fine not less than \$200 and not exceeding \$1,000 |
| Santa Monica October 2012/ August 2010/ January 2009 | New Units: Immediately Existing Units: 180 days | Smoking is prohibited in 100% of existing units, except current residents will designate the unit as smoking or nonsmoking. For all new leases or sales, the units will be designated as non-smoking. Applies to both apartments and condominiums. | Prohibits smoking in indoor common areas. Allows landlords to designate a portion of outdoor areas that meet certain criteria as smoking areas. | Requires landlord to provide list of smoking designations to all new or prospective occupants. | No | Enforced through a civil action after first providing written notice to stop smoking within 30 days of action. Awards for civil actions are no less than \$100 for the first violation, \$200 for the second violation within one year and \$500 for the third and subsequent violations within one year. |

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| San Rafael October 2012 | New Units: 180 days Existing Units: 1 year | Smoking is prohibited in 100% of new and existing duplexes and complexes with more than three or more units. Applies to both apartments and condominiums. Includes patios and balconies. | Prohibits smoking in both indoor and outdoor common areas. Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria. | Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. | No | Enforced by the city manager and other code enforcement officials. Violations are punishable in accordance with the municipal code. |
| Sausalito August 2012 | New Units: Immediately Existing Units: 14 months | Smoking is prohibited in 100% of new and 80% of existing complexes with two or more units. Applies to both apartments and condominiums. Includes patios and balconies. Smoking may be permitted for up to 20% of apartment units. Permits HOA's to vote to allow smoking in up to 20% of condominiums. | Prohibits smoking in both indoor and outdoor common areas. Allows landlords to designate no more than 25% of outdoor areas that meet certain criteria as smoking areas. | Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. Requires landlords to disclose smoking and nonsmoking units if smoking is permitted. | Yes | Enforced by the city manager. Violations are punishable as an infraction with fines in compliance with those in the municipal code. |
| Huntington Park April 2012 | New Units: 2 months Existing Units: 14 months | Smoking is prohibited in 100% of new and existing complexes with two or more units. Includes patios and balconies. Permits HOA's to vote to allow smoking in up to 20% of new and existing condominiums. | Prohibits smoking in both indoor and outdoor common areas. Allows landlords and HOA's to designate no more than 10% of outdoor areas as smoking permitted if they meet certain criteria. Two month implementation. | Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. | Yes | Enforced by the Huntington Park Police Department code Enforcement Division. Violations are punishable with civil fines between \$250 and \$1000 and subject to civil action by the city attorney. Any member of the public may enforce through legal action |

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| San Jose April 2012 | | | Prohibits smoking in both indoor and outdoor common areas. | Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria. | No | Enforced by the city and subject to penalties outlined in the municipal code. |
| Marin County May 2012 | New Units: Immediately Existing Units: 1 year | Smoking is prohibited in 100% of new complexes with two or more units. Smoking is prohibited in 80% of existing complexes with two or more units. Smoking may be permitted for up to 20% of apartment units. | Prohibits smoking in both indoor and outdoor common areas. Allows landlords to designate no more than 25% of outdoor areas as smoking permitted if they meet certain criteria. | Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. Requires landlords to maintain and provide floor plan of smoking and nonsmoking units and areas. | No | Enforced by the Director of Department of Health and Human Services, the fire department, health and human services department, environment health department, parks department or any other department with jurisdiction. Violations are punishable as an infraction with the following fines: 1 st Violation: \$100 and/or 5 days of community service 2 nd Violation: \$300 and/or 10 days of community service 3 rd Violation w/in a year: A fine up to \$700 and/or 15 days of community service. Any Member of the public may enforce through legal Action |
| City of Alameda November 2011 | New Units: 1 month Existing Units: 13 months | Smoking is prohibited in 100% of new and existing complexes with two or more units. Applies to both apartments and condominiums. | Prohibits smoking in both indoor and outdoor common areas. Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria. | Language required in all leases stating that units are nonsmoking. Sellers required to disclose smoking policy upon selling of condominiums. | No | Enforced by the Alameda Police Department and any fire, code enforcement officer or peace officer. Violations are punishable as an infraction with fines starting at \$100. |

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| | | Includes patios and balconies. | | | | Any member of the public may enforce through legal action. |
| Baldwin Park November 2011 | New Units: 6 months Existing Units: 2 years Condominiums: 2 years | Smoking is prohibited in 100% of new and existing complexes with two or more units. Applies to both apartments and condominiums. Smoking may be permitted for up to 20% of apartment units. Permits HOA's to vote to allow smoking in up to 20% of condominiums. Requires smoking units be grouped together. Prohibits smoking within 25 feet of a designated nonsmoking unit. | Prohibits smoking in both indoor and outdoor common areas. Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria. | Requires landlords to disclose smoking and nonsmoking units if smoking is permitted. Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. | Yes | Enforced by any peace officer, code enforcement official or city attorney. Violations are punishable as an infraction with fines starting at \$500. Any member of the public may enforce through legal action. |
| Compton October 2011 | New Unit: 1 month. Existing Units: 14 months | Prohibits smoking in 100% of new and existing complexes with three or more units. Applies to both apartments and condominiums. Includes patios and balconies. | Prohibits smoking in both indoor and outdoor common areas of apartments. | Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. | No | Enforced by the City Manager. Violations of the ordinance are punishable as an infraction w/ a fine of \$100. Any member of the public may enforce through legal action. |
| Sonoma County September 2011 | New Units: 14 months Existing Units: 180 days | Prohibits smoking in 100% of new and existing complexes with two or more units. | Prohibits smoking in both indoor and outdoor common areas. | | No | Violations of the ordinance are punishable as an infraction with fines starting at \$100 and subject to civil action by the county. |

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| | | <p>Applies to both apartments and condominiums.</p> <p>Includes patios and balconies.</p> <p>Does not grandfather in units with current smokers.</p> | <p>Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria.</p> | | | |
| Tiburon July 2011 | <p>New Units: 1 month</p> <p>Existing Units: Any new tenant after 1 month.</p> <p>Existing Occupied Units: 3 years</p> | <p>Prohibits smoking in 100% of new and existing complexes with four or more units.</p> <p>Does not apply to condominiums.</p> | <p>Prohibits smoking in indoor and outdoor common areas of apartments.</p> <p>Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria.</p> | <p>Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease.</p> | No | <p>Enforced by the Town Manager.</p> <p>Violations of the ordinance are punishable as an infraction with a fine of up to \$100.</p> <p>Any member of the public may enforce through legal action.</p> |
| Pasadena July 2011 | <p>New Units: Immediately</p> <p>Existing Units: 18 months</p> | <p>Prohibits smoking in 100% of the units in both new and existing multi-unit housing with two or more units.</p> <p>Applies to both apartments and condominiums.</p> | <p>Prohibits smoking in indoor and outdoor common areas of apartments.</p> | <p>Requires every new lease or purchase agreement after January 1, 2012 to include information about the smoking prohibitions.</p> | No | <p>Enforced by the Health Officer in accordance with the citation schedule in the municipal code.</p> |
| Dublin July 2011/ December 2008/ September 2006 | <p>New Units: 2 years</p> <p>Existing Units: 2 years</p> | <p>Prohibits smoking in 75% of apartment complexes with 16 or more units.</p> <p>Includes patios and balconies.</p> <p>Does not grandfather in units with current smokers.</p> | <p>Prohibits smoking in indoor and outdoor common areas of apartments.</p> <p>Allows landlords to designate smoking areas outdoors.</p> | <p>Requires landlords to notify tenants within 90 days of implementation.</p> <p>Requires landlords to maintain and provide floor plan of smoking and nonsmoking units and areas.</p> | Yes | <p>Enforced by the City Manager.</p> <p>Violations are punishable as an infraction.</p> <p>Any member of the public may enforce through legal action.</p> |

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| Fairfax May 2011 | New Units: 15 months Existing Units: 15 months | Prohibits smoking in 75% of new and existing complexes with four or more units. Applies to both apartments and condominiums. | Prohibits smoking in indoor and outdoor common areas of apartments. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires lease agreements to contain language stating the unit is nonsmoking and that other tenants may enforce the terms of the lease. | Yes | Enforced by the Town Manager. Requires a written warning prior to the assessment of penalties. |
| Larkspur April 2011 | New Units: 1 month Existing Units: 1 year Condominiums: 1 month | Prohibits smoking in 100% of new and existing complexes with two or more units. Applies to both apartments and condominiums. Smoking may be permitted for up to 20% of apartment units. Permits HOA's to vote to allow smoking in up to 20% of condominiums. Requires nonsmoking units be grouped together. Prohibits smoking within 25 feet of any designated nonsmoking unit, including patios and balconies. | Prohibits smoking in indoor and outdoor common areas of apartments. Allows landlords to designate smoking areas outdoors. | Requires landlords disclose location of smoking and nonsmoking units. Requires landlords to inform perspective renters that other renters may enforce the policy. | No | Enforced by the City Manager, who may partner with County of Marin or Twin Cities Police. Violations are punishable as an infraction with a \$100 fine. Any member of the public may enforce through legal action. |
| Laguna Woods March 2011 | | Prohibits smoking on patios and balconies in all of complexes with two or more units. | Prohibits smoking in indoor and outdoor common areas of apartments and condominiums. | City must educate owners and managers of the requirements of the policy. | No | Enforced by City Manager. Violations are punishable as an infraction with no greater than a \$50 fine. |

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| | | Applies to both apartments and condominiums. | | | | |
| Carpinteria February 2011 | | Applies to both apartments and condominiums. | Prohibits smoking in all indoor and outdoor common areas of all complexes with two or more units. | | Yes | Enforced by the code compliance officer, in cooperation with the Santa Barbara County health officer. Violations are punishable in accordance with the municipal code. |
| Union City November 2010 | New Units: 1 month Existing Units: 3 months | Prohibits smoking in 100% of the units of both new and existing apartment complexes with two or more units. Does not apply to condominiums. | Prohibits smoking in indoor and outdoor common areas of apartments as of December 23, 2010. Permits landlords to create an outdoor designated smoking area. | Requires all lease agreements to contain language that states the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term. | Yes | Violations are punishable as an infraction with a \$100 fine and subject to civil action by the city. Any member of the public may enforce through legal action |
| Santa Clara County November 2010 | New Units: 1 month Existing Units: 14 months | Prohibits smoking in 100% of the units of both new and existing apartment complexes with two or more units. Applies to both apartments and condominiums. Prohibits smoking on the patios and balconies of units. Does not grandfather in current smokers. | Prohibits smoking in indoor and outdoor common areas. Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria. | Requires lease agreements contain language that states that the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term. | No | Violations are punishable as an infraction with fines starting at \$100 and subject to civil action by the county. |
| Contra Costa County October 2010/ October 2009/ October 2006 | New Units: 3 months | Prohibits smoking in 100% of the units of new complexes with four or more units. | Prohibits smoking in all indoor and outdoor common areas. | Requires the lease of all units to contain language that states whether the unit is smoking or nonsmoking. | No | Enforced by the county through administrative fines, infraction citations or any other remedy allowed by law. |

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| | | <p>Applies to both apartments and condominiums.</p> <p>Does not apply to existing units.</p> <p>Prohibits smoking within 20 feet of any door or window and on all patios, balconies, decks and carports.</p> | <p>Allows landlords to create designated outdoor smoking areas.</p> | <p>Requires owners or managers to disclose information about smoking on the property.</p> <p>Requires owners and managers to maintain and provide a list of designated nonsmoking units, a floor plan with designated smoking and nonsmoking areas, and the policy to handling complaints.</p> | | |
| Burbank October 2010 | | <p>Includes apartments and condominiums.</p> | <p>Prohibits smoking in all indoor and outdoor common areas, including patios and balconies.</p> <p>Prohibits smoking in pool areas when children are present.</p> | | No | <p>Enforced by the Chief of Police.</p> <p>Violations are punishable through remedies available in the municipal code.</p> |
| Menlo Park September 2010 | | | <p>Prohibits smoking in all indoor and outdoor common areas of multi-unit housing with two or more units.</p> <p>Includes apartments and condominiums.</p> | | Yes | <p>Violations are punishable in accordance with the municipal code.</p> <p>A private person may also bring legal action to enforce these provisions.</p> |
| Sebastopol August 2010 | <p>New Units: 14 months</p> <p>Existing Units: 14 months</p> | <p>Prohibits smoking in 100% of new and existing complexes with two or more units.</p> <p>Applies to both apartments and condominiums.</p> <p>Prohibits smoking on the patios and balconies.</p> | <p>Prohibits smoking in indoor and outdoor common areas.</p> <p>Allows landlords and HOA's to designate smoking areas outdoors that meet certain criteria.</p> | <p>Requires lease agreements contain language that states the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term.</p> | Yes | <p>Enforced by the police department, City Attorney and any peace officer or code enforcement official.</p> <p>Violations of the ordinance are punishable by the city as an infraction with a \$100 fine.</p> <p>Any member of the public may enforce through legal action as long as proper</p> |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| | | Does not grandfather in current smokers. | | | | notice is given to the city and the city is not pursuing a civil action. |
| South Pasadena August 2010 | New Units: 1 month Existing Apartment Units: 3 years Condominiums: 3 years | Prohibits smoking in 100% of multi-unit housing complexes with two or more units. Applies to both apartments and condominiums. Allows up to 20% of apartment units to be designated as smoking if landlords follow requirements. Permits HOA's to vote to allow smoking in up to 20% of condominiums. Requires all nonsmoking units to be grouped together. Prohibits smoking within 25 feet of any nonsmoking unit, including patios and balconies. | Prohibits smoking in indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires the lease of all units to contain language that states the unit is and that other tenants in the building may enforce the no-smoking lease term. Requires landlords to disclose the location of nonsmoking units on a map if they have smoking-allowed units. Requires landlords to provide the location of their nonsmoking units to the city if they have smoking-allowed units. | No | Enforced by the City Manager, Community Improvement Coordinator, code enforcement official or any peace officer Violations of the ordinance are punishable by the city as an infraction with a \$100 fine. Any member of the public may enforce through legal action. |
| Eureka July 2010 | | Prohibits smoking on all balconies and patios of all multi-unit housing complexes with two or more units. Applies to both apartments and condominiums. | Prohibits smoking in all indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires landlords to disclose to prospective tenants information about where smoking is allowed or not allowed on the property. Requires landlords provide a diagram showing the location of any nonsmoking units and the location of any outdoor designated smoking areas. | No | Enforced by the Chief of Police, any peace officer or code enforcement official. Violations are punishable as an infraction with a fine of \$100. Allows both the city attorney and private individuals to bring legal |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| | | | | | | action to enforce these provisions. |
| San Luis Obispo April 2010 | | | Prohibits smoking in indoor and outdoor common areas. | | Yes | Enforced by the city manager. Violations are punishable in accordance with the municipal code. |
| Pinole April 2010 | | Prohibits smoking in 100% of new complexes constructed after May 20, 2010. No requirement for existing complexes. Applies to both apartments and condominiums. Prohibits smoking within 20 feet of any door or window for new and existing complexes with two or more units. | Prohibits smoking in indoor and outdoor common areas. Allows landlords or HOA's to designate smoking areas that meet certain criteria. | | No | Enforced by the city manager. Violations are punishable as an infraction with fines starting at \$100. |
| Pleasant Hill April 2010/ August 2006 | Existing Units: Within five years New Units: Immediately | Prohibits smoking in 50% of existing apartment complexes w/ 4 or more units. Prohibits smoking in 100% of new apartment complexes w/ 4 or more units. Does not apply to condominiums. Requires nonsmoking units to be grouped together. Prohibits smoking within 20 feet of any designated nonsmoking unit, | Prohibits smoking in indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires landlords to disclose to prospective tenants the location of smoking units, whether there is smoking allowed in any adjacent units and if the previous tenant smoked in the unit. | Yes | The ordinance does not designate a specific enforcement agency within the city, but allows for violations to be enforced by any means authorized in the municipal code. |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| | | including balconies and patios. | | | | |
| Camarillo April 2010 | | | Prohibits smoking in indoor and outdoor common areas. | | No | Enforced by the City Manager, any peace officer or code enforcement official. Violations are punishable as an infraction with fines in compliance with those in the municipal code. |
| Palm Desert December 2009 | | | Prohibits smoking in indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | | Yes | Violations are punishable as an infraction with a \$50 fine. |
| San Leandro December 2009 | | | | | Yes | Private citizens can take legal action to abate secondhand smoke as a nuisance. |
| Santa Cruz September 2009 | | | Prohibits smoking in indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | | No | Enforced by city health officer, the city manager and the city manager's designee. |
| Richmond July 2009 | Existing Units: 6 months New Units: Immediately | Prohibits smoking in 100% of new and existing complexes with two or more units. Applies to both apartments and condominiums. Includes patios and balconies. | Prohibits smoking in indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires the lease to contain language that states the unit is nonsmoking and that other tenants in the building may enforce the no-smoking lease term. Requires landlords maintain and provide to tenants a diagram showing the location of any designated smoking | No | Enforced by the City Manager, any peace officer or code enforcement official. Violations of the ordinance are punishable by the city with a \$100 fine. Any member of the public may enforce through legal action. |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| | | Does not grandfather in existing smokers. | | <p>areas with any new lease agreement.</p> <p>Requires landlords and sellers to disclose the ordinance requirements to all prospective and existing tenants and buyers</p> | | |
| Martinez April 2009 | | <p>Prohibits smoking in all private outdoor spaces of multi-unit housing with four or more units.</p> <p>Applies to both apartments and condominiums.</p> | <p>Prohibits smoking in indoor and outdoor common areas.</p> <p>Allows landlords to designate smoking areas outdoors that meet certain criteria.</p> | <p>Requires the lease 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>Requires landlords to disclose information about the smoking regulations for the property to prospective tenants.</p> <p>Requires all landlords 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.</p> | Yes | <p>Landlords who 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.</p> <p>Other tenants are able to bring legal action to enforce the provisions.</p> |
| Rohnert Park April 2009 | <p>New Units: All after three months</p> <p>Existing Units: 2 years</p> | <p>Prohibits smoking 75% of units in new apartment buildings with two or more units.</p> <p>Prohibits smoking in 50% of units in existing apartments with two or more units.</p> | <p>Prohibits smoking in indoor and outdoor common areas.</p> <p>Allows landlords to designate smoking areas outdoors that meet certain criteria.</p> | <p>Requires landlords to 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> | No | <p>Violations of the ordinance are punishable as an infraction.</p> <p>No specific city staff is designated to enforce the ordinance.</p> <p>Any member of the public may enforce through legal action.</p> |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| | | <p>Does not apply to condominiums.</p> <p>Includes patios and balconies.</p> <p>Requires nonsmoking units be grouped together.</p> <p>Grandfathers in current smokers in existing housing.</p> <p>Permits landlords to designate 100% of units smokefree.</p> | | | | |
| Loma Linda June 2008 | <p>New Units: 42 months</p> <p>Existing Units: 42 months</p> | <p>Prohibits smoking in 70% of new and existing apartment units.</p> <p>Does not apply to condominiums.</p> <p>Includes patios and balconies.</p> <p>Requires nonsmoking units be grouped together.</p> <p>Requires landlords to submit annual report to the city showing 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>Prohibits smoking in all indoor and outdoor common areas.</p> <p>Requires landlords to create a designated smoking area outdoors, but may be exempt from this requirement if there is no adequate space for one.</p> | <p>Requires the lease 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>Requires landlords to present every potential tenant with a floor plan of the smoking and nonsmoking units and the location of a designated smoking area.</p> | Yes | <p>Enforced by the city prosecutor, city attorney, any peace officer or any city code enforcement officer.</p> <p>Violations of the law are punishable as an infraction.</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> |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| | | Grandfathers in current smokers as long as they continuously live in the unit and provide proper notification. | | | | |
| Albany June 2008 | | | Prohibits smoking in indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires landlords and sellers to disclose smoking policy of the units they manage or sell. Requires landlords maintain and provide a list of designated nonsmoking and nonsmoking units, and a floor plan that identifies the location of smoking and nonsmoking units, and designated smoking areas. | No | Enforced by the police department, any peace officer or code enforcement officer 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. |
| Novato April 2008 | | Prohibits smoking in 75% of new apartment units in complexes with 10 or more units. Prohibits smoking in 50% of existing apartment units in complexes with 10 or more units. Does not apply to condominiums. Includes patios and balconies. Requires nonsmoking units be grouped together. Grandfathers in current smokers as long as they | Prohibits smoking in indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | Requires the lease 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. Requires landlords maintain and provide to tenants a floor plan identifying the smoking and nonsmoking units as well as the location of any designated smoking areas. | Yes | Enforced by the city manager. Requires the Marin County Department of Health and Human Services to write initial warning letter. Any resident can initiate enforcement by notifying the city manager and can also bring private action to enforce these provisions. First violation: a fine not exceeding \$100 and/or five days of community service. Second violation (within one year): a fine of up to \$200 and/or ten days of community service. |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| | | continuously live in the unit. Allows for 100% of units to be designated smokefree. | | | | Third violation (within one year): a fine of up to \$500 and/or fifteen days of community service. |
| Calabasas January 2008/ February 2006 | New Units: 4 years Existing Units: 4 years Prior to reaching 80%, landlords must submit an annual report to the city that shows the number and location of nonsmoking and smoking units. | Prohibits smoking in 80% of new and existing units in apartment complexes. Includes patios and balconies. Requires nonsmoking units to be grouped together. Does not apply to condominiums. Grandfathers in current smokers as long as they continuously live in the unit and provide notification to the landlord. | Prohibits smoking in all indoor and outdoor common areas Requires landlords to create a designated smoking area outdoors, but may be exempt from this requirement if there is no adequate space for one. | 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. Requires landlords to present to potential tenants a floor plan of the smoking and nonsmoking units and the location of a designated smoking area. | Yes | Enforced by the city prosecutor, city attorney, peace officer, or city code enforcement officer and residents can report violations. Requires business owners to enforce this law on their premises. 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. Violations of the law are subject to punishment as a misdemeanor. Any member of the public may enforce through legal action. |
| Oakland December 2007 | | | Prohibits smoking in all indoor and outdoor common areas. | Requires landlords and sellers to disclose the smoking policy of the units they manage or sell using language in required notice to tenants resulting in automatic annual reporting. | No | Enforced by the City Administrator is responsible for enforcement. Any citizen can register a complaint with the City Administrator to initiate enforcement. |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| | | | | <p>Requires landlords to 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>Requires sellers to disclose to potential buyers whether smoking is permitted in the unit and what the smoking policy is for the complex.</p> | | <p>Private citizens can bring legal action to enforce these provisions.</p> <p>Violators result in 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> |
| Belmont October 2007 | | <p>Prohibits smoking in all new and existing apartments and condominiums that share a common floor and/or ceiling.</p> <p>Establishes a 14 month grace period for current smokers, including new lease terms for current tenants.</p> | <p>Prohibits smoking in all indoor and outdoor common areas.</p> <p>Allows landlords to designate smoking areas outdoors that meet certain criteria.</p> | <p>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.</p> <p>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> | Yes | <p>Enforced by any peace officer or code enforcement official.</p> <p>Each violation is an infraction subject to a \$100 fine.</p> <p>Violations are subject to civil action brought by the city, with a fine of between \$250 and \$1000.</p> <p>Allows the city attorney to bring a civil action to remedy violations, including nuisance abatement proceedings, code enforcement proceedings or suits for injunctive relief.</p> |
| El Cajon August 2007 | | | <p>Prohibits smoking in indoor and outdoor common areas.</p> <p>Allows landlords to designate smoking areas outdoors that meet certain criteria.</p> | | No | <p>Enforced by the city manager.</p> <p>Violations of the law are subject to punishment as a misdemeanor or infraction with a fine.</p> |

| Community/ Date Passed | Implementation | Units | Common Areas | Disclosure | Nuisance | Enforcement Provisions |
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| Temecula May 2007 | 5 years, up to 8 with extensions. Does not apply to condominiums. | Prohibits smoking in 25% of new and existing units in complexes with 10 or more. Requires nonsmoking units be grouped together. | Prohibits smoking in all indoor and outdoor common areas for all multi-unit residences with two or more units. | Requires landlords to maintain and provide floor plan of smoking and nonsmoking units and designated smoking areas | No | Enforced by the city and subject to penalties outlined in the Temecula municipal code. |
| Emeryville December 2006 | | | Prohibits smoking in indoor and outdoor common areas. | | Yes | Enforcement by the City Manager. Citizens can register a complaint with the City Manager to initiate. Prohibits the city from taking part in legal action to enforce nuisance provision. Absolves the city and any owners, managers or operators of apartments from liability for the nuisance provision. |
| Arcata 1997 | | | Prohibits smoking in indoor and outdoor common areas. Allows landlords to designate smoking areas outdoors that meet certain criteria. | | No | Enforced by the Chief of Police. Violations are punishable as an infraction. |