

Smokefree Housing Ordinance Checklist

The provisions listed below are part of ChangeLab Solutions' *Smokefree Housing Model Ordinance*. By creating nonsmoking living environments in multiunit residences, communities can provide an opportunity for everyone to live smokefree, regardless of economic means, race, or ethnicity. [Contact us](#) for help drafting an ordinance for your community.

POLICY OPTIONS

What Types of Multiunit Residences are Smokefree?

(See Model Ordinance Section 1: Definitions of "Multiunit Residence" and "Unit")

All types of property containing two or more units, including the following:

- Apartments
- Condominiums
- Senior housing and assisted living facilities
- Single-resident occupancy hotels and homeless shelters
- Long-term health care facilities
- Dormitories

Optional Exceptions: The definition of "Unit" in the Model Ordinance is broad. A community can exclude some types of dwelling places:

- Hotels and Motels
- Mobile Home Parks
- Single-family homes, except if used as child care or health care facilities
- Single-family homes with in-law or auxiliary dwelling units
- Campgrounds
- Marinas

What Types of Smoking are Regulated? (See Model Ordinance Section 1: Definitions of "Smoke" and "Smoking")

- Tobacco products, including cigars, cigarettes, and electronic smoking devices
- Cannabis, medicinal and/or adult-use

What Areas of Multiunit Residences are Smokefree?

(See Model Ordinance Section 2: Smoking Restrictions in New and Existing Units of Multiunit Residences)

- 100% of units covered by the ordinance (see above)
 - New units – units constructed after the ordinance is passed
 - Existing units – units that are already built and occupied when the ordinance is adopted
 - Recommended: A phase-in period (up to one year) for existing units to become smokefree
- Patios, decks, balconies, and porches associated with all individual units
- Outdoor buffer zones within 25 feet of multiunit residence doorways and windows
(See Model Ordinance Section 4: Nonsmoking Buffer Zones)
- Indoor common areas, such as hallways, stairwells, lobbies, etc. (Note: California Labor Code section 6404.5 already prohibits smoking in indoor common areas if the multiunit residence has employees, such as maintenance workers, property managers, or others, who work in those areas.)
- Outdoor common areas, such as courtyards, parking areas, pools, etc.
 - Optional:* Create designated outdoor smoking areas meeting specific criteria (See Model Ordinance Section 3: No Smoking Permitted in Common Areas Except in Designated Smoking Areas)

Additional Provisions

- Require landlords to include no-smoking lease terms in rental agreements
(See Model Ordinance Section 5: Required and Implied Lease Terms)
 - A "third-party beneficiary" provision enables other residents to enforce a lease's smoking restrictions
- Require landlords to alert tenants to the new smokefree requirements (required by law)
(See Model Ordinance Section 6: Notice and Signage Requirements)
- Declare drifting secondhand smoke a nuisance – everywhere or just in residential settings
(See Model Ordinance Section 7: Nuisance; Other)

Enforcement Options (See Model Ordinance Section 8: Penalties and Enforcement)

- Make violations of the ordinance an infraction with a fixed fine amount (cannot exceed \$100 for first violation)
- Authorize the city/county to bring lawsuits to collect civil fines for violations of the ordinance
- Declare that violations of the ordinance constitute a nuisance
- Allow private citizens to seek an injunction (an order to stop violations) and/or money damages against individuals who violate the ordinance