

TO REDUCE RESIDENTS' EXPOSURE TO SECOND-HAND SMOKE

DANVILLE'S NEW REGULATIONS ON SMOKING IN MULTI-FAMILY HOUSING BEGINS MAY 1, 2016



What you need to know about the ban.

In November 2015, the Town of Danville enacted new regulations on smoking, effective May 1, 2016. The ban applies to all multi-family housing, including apartments, condominiums and townhomes with three or more units.

What is considered smoking?

Cigarettes, electronic cigarettes, cigars, marijuana, lighted pipes and hookah pipes.

Why ban smoking in multi-family housing units?

Numerous studies have found that nonsmokers living in multiple family buildings can be exposed to secondhand smoke from neighbors who smoke. Eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure (cleaning the air, ventilating buildings and separating smokers from nonsmokers cannot fully prevent secondhand smoke exposure).

Where will smoking be prohibited?



Within all units



All indoor and outdoor common areas (pools, gyms, parking lots, laundry rooms, halls, etc.)



Balconies, patios, and porches



Within 25' of entryways, units, balconies, patios and other common areas

Where can residents smoke?

Residents can only smoke in designated areas. Contact your property manager or HOA for details.

Designated smoking areas:

- Must be **unenclosed**
- Must be at least 25' from any non-smoking area on the property
- It must have a clearly marked perimeter and be identified by conspicuous signs

What are the notification requirements for landlords?

Every landlord shall deliver the following on or before May 1, 2016 to each unit of a multiple-family building:

1. A written notice to residents clearly stating that all units are designated nonsmoking units and smoking will be illegal in a unit, including 25 feet from any associated exclusive-use enclosed area or unenclosed area, such as a private balcony, porch, deck, or patio, as of May 1, 2016
2. A copy of Ordinance No. 2015-04

Every landlord shall provide prospective tenants with a written notice clearly stating that:

1. Smoking is prohibited in units, including any associated exclusive-use area or unenclosed area, as of May 1, 2016
2. Smoking is prohibited in all common areas, except for specifically designated smoking areas, as of May 1, 2016.

What are the posting/signage requirements for landlords and HOAs?

Clear and unambiguous "No Smoking" signs shall be posted in sufficient numbers and locations in common areas where smoking is prohibited. The signs shall be maintained by the person or persons with legal control over the common areas. "No Smoking" signs are not required inside doors or doorways of units. This applies to all multi-family housing, including apartments and condominiums.

What if the property has no signs?

The absence of signs shall not be a defense to a violation of the Town's Smoking ordinance.

What are the required lease terms for apartment and condo tenants?

Every lease or rental agreement entered into, renewed, or continued month-to-month after May 1, 2016 shall include the following provisions:

1. A clause providing that as of May 1, 2016, it is a material breach of the agreement for the tenant to engage in or allow smoking in the unit, including exclusive use areas such as balconies, porches, or patios or in any common area of the property other than a designated smoking area.
2. A clause expressly conveying third-party beneficiary status to all occupants of the Multiple Family Building as to the smoking provisions of the lease or other rental agreement, granted those occupants the legal right to enforce the provisions of this lease.

What happens when a tenant breaches the smoking provision of the lease?

A tenant or guest of a tenant will be liable to both the landlord and any occupant of the building who is exposed to smoke or suffers damages. The violation would be considered an infraction, with penalties ranging from \$500 to \$1,000. Each HOA or property manager may issue its own penalties, which may be financial and include eviction.

Who do I contact to report a violation?

Smoking in a unit or in a common area would be a violation of both Town and HOA/apartment regulations. Contact your property manager first. You may call the Town of Danville, Code Enforcement Division at 925.314.3335 to report a violation.

For more information on the smoking ordinance, visit www.danville.ca.gov/smokefree

If you have any questions, call **925.314.3309** or send an email to smokefree@danville.ca.gov



Thank you for helping to create a healthy environment for Danville residents.