



# CITY OF DEL REY OAKS

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**DATE:** February 27, 2024

**TO:** Honorable Mayor and City Council

**FROM:** John Guertin, City Manager

**SUBJECT:** First Reading of Ordinance Regulating Smoking in Multi-Unit Residences

**CEQA:** This activity is covered by the commonsense exemption that the California Environmental Quality Act (CEQA) applies only to projects that have the potential to have a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

## Recommended Action

It is recommended that the City Council:

1. Open a public hearing; and
2. Consider introducing and reading by title only and waiving further reading Ordinance 318, Amending Chapter 8.38 of the Municipal Code to Prohibit Smoking in New and Existing Units of Multi-Unit Residences.

## Background

On January 23, 2024, the Council adopted Ordinance 317 amending the Municipal Code to regulate smoking in public places. At this meeting, staff were directed to develop additional regulations for the prohibition of smoking in multi-unit residences.

## Discussion

The County Health Department as well as some residents of The Oaks have requested the City consider adopting updates to its existing ordinance regulating smoking in multi-unit residences. As of January 1, 2024, 82 municipalities have enacted a law at the city or county level that prohibits smoking in 100% of private units of rental multi-unit housing properties. Of these municipalities, 75 have laws that prohibit smoking in 100% of private units of both rental and owner-occupied multi-unit housing properties.

The proposed amendments include additions to the "Definitions" section of Chapter 8.38, as well as the addition of Section 8.38.035 "Prohibition of Smoking in New and Existing Units of Multi-Unit Residences."

The ordinance is submitted for City Council consideration.

**Fiscal Impacts**

There are no fiscal impacts associated with consideration of this item.

**Attachments**

- Multi-Unit Residence Smoking Regulations Ordinance #318
- American Nonsmokers' Rights Foundation City Regulations List

Respectfully Submitted,

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John Guertin  
City Manager

**ORDINANCE NO. 318**

**AN ORDINANCE OF THE CITY OF DEL REY OAKS AMENDING CHAPTER 8.38 OF THE DEL REY OAKS MUNICIPAL CODE REGARDING SMOKING REGULATIONS**

**WHEREAS**, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

- The World Health Organization (WHO) estimates that tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide, including nearly half a million people who die prematurely from smoking in the United States alone;
- Tobacco use can cause disease in nearly all organs of the body and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths, in the United States;
- 5.6 million of today’s Americans who are younger than 18 are projected to die prematurely from a smoking-related illness; and
- The estimated economic damage attributable to smoking and exposure to secondhand smoke in the United States is nearly \$300 billion annually; and

**WHEREAS**, exposure to secondhand smoke anywhere has negative health impacts; and

**WHEREAS**, smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as smokeless tobacco use can lead to nicotine addiction, and cause oral, esophageal, and pancreatic cancers; and

**WHEREAS**, nonsmokers who live in multi-unit dwellings can be exposed to neighbors’ secondhand smoke, as evidenced by the following:

- Research demonstrates that secondhand smoke in multi-unit housing can and does transfer between units, seeping into smoke-free areas from areas where smoking occurs;
- Residents of multi-unit housing have higher levels of cotinine (a biomarker for nicotine) in their blood and saliva than those living in detached houses;
- Among children who live in homes in which no one smokes indoors, those who live in multi-unit housing have 45% higher cotinine levels than children who live in detached houses;
- Twelve studies have found between 26% and 64% of residents of multi-unit housing report secondhand smoke drifting into their home;
- Surveys have found that 65% to 90% of multi-unit housing residents who experience secondhand smoke in their home are bothered by it, and a 2019–2020 survey documented variations in secondhand smoke source among multi-unit housing residents in Los Angeles County, who reported secondhand smoke exposure from tobacco (39%), marijuana (36%), and e-cigarettes (9%); and

**WHEREAS**, in December 2023, the City Council directed that staff prepare the proposed amendments to Chapter 8.38 to include smoking regulations for multi-unit residences; and

**WHEREAS**, enactment of this Ordinance is exempt from CEQA pursuant to section 15061(b)(3) of the Guidelines. The City Council determines it does not have the potential to cause a significant effect on the environment.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF DEL REY OAKS DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings.**

The City Council finds and determines the recitals set forth above to be true and correct and by this reference, incorporates the same herein as findings.

**Section 2.** Existing Municipal Code Chapter 8.38, titled "Smoke Free Public Places" shall be amended by the deletion of all text shown in strikethrough text (~~strikethrough text~~) and by the addition of all text shown in bold, italic text (***bold italic text***), as follows::

**CHAPTER 8.38 ~~SMOKE FREE PUBLIC PLACES~~ SMOKING REGULATIONS**

**Sections:**

8.38.010 Purpose and Intent.

8.38.020 Definitions.

8.38.030 Prohibition of Smoking in Unenclosed Areas.

***8.38.035 Prohibition of Smoking in New and Existing Units of Multi-Unit Residences.***

8.38.040 Smoke Free Buffer Zones.

8.38.050 Tobacco Waste.

8.38.060 Enforcement.

8.38.070 Violation and Penalties.

**8.38.010 Purpose and Intent.**

The council of the City of Del Rey Oaks hereby finds:

(a) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution; and

(b) Reliable studies have shown that breathing secondhand smoke is a significant health hazard for certain population groups, including elderly people, those with cardiovascular disease, and those with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

(c) Health hazards induced by breathing secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and

(d) The smoking or vaping of tobacco, or any other plant or substance, is a proven danger to health; and

(e) Section 6404.5 of the California Labor Code prohibits smoking in a “place of employment,” with certain exceptions, and provides that local government may regulate smoking in any areas not included within the definition of place of employment. The provisions of this Chapter are intended to prohibit smoking in areas deemed by the council as worthy of regulation, such areas, in the opinion of the council, not covered by Labor Code Section 6404.5, as may be amended.

(f) The use of electronic smoking devices has increased significantly in recent years, and studies on electronic smoking devices’ vapor emissions and cartridge contents have found a number of dangerous substances.

### **8.38.020 Definitions.**

For the purposes of this Chapter the following definitions shall govern unless the context clearly requires otherwise.

A. “Cannabis” has the meaning set forth in California Business and Professions Code Section 26001, as that section may be amended from time to time.

***B. “Common Area” means an area in a Multi-Unit Residence that residents of more than one Unit are entitled to enter or use, including, without limitation, halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.***

C. “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. This shall not include inhalers or medical devices prescribed by a physician for medical purposes.

D. “Enclosed Area” means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

***E. “Landlord” means any person or agent of a person who owns, manages, or is otherwise legally responsible for a Unit in a Multi-Unit Residence that is leased to a residential tenant, except that “Landlord” does not include a tenant who sublets a Unit (e.g., a sub-lessor).***

F. “Multi-Unit Residence” means property containing three or more units, including, but not limited to, apartment buildings, common interest developments, senior and assisted living facilities, and long-term health care facilities.

***G. “New Unit” means a unit that is issued a certificate of occupancy, or a unit that is let for residential use, for the first time after the effective date of the ordinance codified in this Chapter.***

H. “Outdoor Dining Area” means any publicly or privately owned outdoor area, including streets and sidewalks, that is available to or customarily used by the general public or an employee, and that is designed, established, or regularly used for consuming food or drink.

***I. “Reasonable Distance” shall mean a distance of 25 feet in any direction from an area in which smoking is prohibited.***

J. “Person” means any natural person, business, corporation, partnership, cooperative association, personal representative, receiver, trustee, assignee, or any other legal entity.

K. “Public event areas” means any publicly or privately owned place used for an event open to the general public, regardless of any fee or age requirement, including a farmers’ market, parade, fair, or festival.

L. “Public place” means any publicly or privately owned place that is open to the general public, regardless of any fee or age requirement, including public parks, streets, parking lots, plazas, shopping areas, stadiums, or sporting facilities.

M. “Recreational area” means any publicly or privately owned area, including streets and sidewalks located within the area, that is open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to, facilities, parks, playgrounds, athletic fields, restrooms, picnic areas, spectator and concession areas, walking paths, gardens, vernal ponds, hiking trails, bike paths, riding trails, roller and ice-skating rinks, and skateboard parks.

N. “Service area” means any publicly or privately owned area, including streets and sidewalks, designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “service area” includes, but is not limited to, areas including or within 25 feet of information kiosks, automatic teller machines (ATMs), service lines, bus stops or shelters, or cab stands.

O. “Service lines” means an outdoor line, in any publicly or privately owned area, in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, mobile vendor lines, movie ticket lines, and sporting event lines.

P. “Smoke” or “Smoking” means: (1) inhaling, exhaling, or burning, any tobacco, nicotine, cannabis, or plant product, whether natural or synthetic; (2) carrying any lighted, heated, or activated tobacco, nicotine, cannabis, or plant product, whether natural or synthetic, intended for inhalation; or (3) using an electronic smoking device or hookah.

Q. “Tobacco Product” means any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah, tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco, and any product or formulation of matter containing biologically active amounts of nicotine that is product or matter that will be introduced into the human body.

R. “Tobacco product waste” means any component, part, or remnant of any tobacco product. Tobacco product waste includes any waste that is produced from the use of a tobacco product, including all tobacco product packaging and incidental waste such as lighters or matches, whether or not it contains tobacco or nicotine.

S. "Tobacco use" means the act of smoking or the consumption of any other tobacco product in any form.

T. "Unenclosed Area" means any area that is not an enclosed area.

**U. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use Enclosed Area or Unenclosed Area, such as, for example, a private balcony, porch, deck, or patio. "Unit" includes, without limitation, an apartment, a condominium, a townhouse, a room in a senior facility, a room in a long-term health care facility, assisted living facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single room occupancy facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an accessory dwelling unit. Unit includes, without limitation, a New Unit.**

### **8.38.030 Prohibition of Smoking in Unenclosed Areas.**

A. Smoking is prohibited in the Unenclosed Areas of the following places within the city:

1. Recreational areas
2. Service areas
3. Outdoor dining areas
4. Public event areas
5. Sidewalks
6. Public places

B. Nothing in this Chapter prohibits any person or employer with control over any property from prohibiting smoking and tobacco use on any part of such property, even if smoking or tobacco use is not otherwise prohibited in that area.

### **8.38.035 Prohibition of Smoking in New and Existing Units of Multi-Unit Residences.**

**A. Smoking is prohibited in all Units of a Multi-Unit Residence, including any associated exclusive use Enclosed Areas or Unenclosed Areas, such as a private balcony, porch, deck, or patio as provided below:**

- 1. Smoking in any New Unit of a Multi-Unit Residence on or after May 1, 2024, is a violation of this Chapter.**
- 2. Smoking in an existing Unit of a Multi-Unit Residence that is not a New Unit, on or after October 1, 2024, is a violation of this Chapter.**

**B. An owner or Landlord may designate a Smoking Area in a Multi-Unit Residence if the area is:**

- 1. An Unenclosed Area;**
- 2. Located a reasonable distance from Unenclosed Areas primarily used by children or Unenclosed Areas with improvements that facilitate physical activity including but not limited to playgrounds, tennis courts, swimming pools, and school campuses;**
- 3. Located a reasonable distance from any nonsmoking area. The location of nonsmoking areas may change due to enactment of law, execution of an agreement, or other event that**

*affects the area's Smoking designation. If an event occurs that changes a nonsmoking area, a person with legal control over a designated Smoking area within less than a reasonable distance of that nonsmoking area must modify, relocate, or eliminate that designated Smoking Area so as to maintain compliance with the requirements of this Chapter;*

*a. In the case of a nonsmoking area on an adjacent property established by private agreement or designation and not by this Chapter or other law, it shall not be a violation of this Chapter for a person with legal control to designate a Smoking area within a reasonable distance of the nonsmoking area unless that person has actual knowledge of, or a reasonable person would know of, the private agreement or designation. It shall not be a violation of this Chapter for a person to Smoke within a nonsmoking area if the area is erroneously designated as a Smoking area unless a reasonable person would know of the error.*

**4. No more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;**

**5. Defined by a clearly marked perimeter;**

**6. Identified by conspicuous signs; and**

**7. Not overlapping any other area where Smoking is prohibited by this Chapter or other law.**

**C. No person with legal control over a Common Area of a Multi-Unit Residence in which Smoking is prohibited by this Chapter or other law shall knowingly permit the presence of ash trays, ash cans, or other receptacles designed for or primarily used for disposal of Smoking waste within the Area.**

#### **8.38.040 Smoke Free Buffer Zones**

Smoking in all Unenclosed Areas shall be prohibited within 25 feet from any area in which smoking is prohibited under Section 8.38.030 of this Chapter or by any other law. This prohibition shall not apply to Unenclosed Areas of private residential properties that are not Multi-Unit residences.

#### **8.38.050 Tobacco Waste**

A. No person or employer shall permit smoking ash receptacles within an area under their control and in which smoking is prohibited by law, including within twenty-five (25) feet from any area in which smoking is prohibited. The presence of smoking ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provision of this Chapter.

B. No person shall dispose of tobacco product waste within the boundaries of an area in which smoking is prohibited.

#### **8.38.060 Enforcement**

A. No person shall permit smoking or tobacco use in an area that is under the control of that person and in which smoking, or tobacco use is prohibited by this article or any other law.



B. Event organizers shall post no smoking signs at an entrance to the event. Signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol and may be printed.

C. A person that has control of an area in which smoking and tobacco use is prohibited by this Chapter shall direct anyone who is smoking or using tobacco in violation of this Chapter to extinguish the product being smoked or stop using the tobacco product.

D. No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this Chapter.

**8.38.070 Violations and Penalties.**

Enforcement of these provisions shall be governed by Chapter 1.19 of the Del Rey Oaks Municipal Code. Each instance of smoking or tobacco use in violation of this Chapter shall be an infraction and constitute a separate violation. The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

**Section 3. California Environmental Quality Act (CEQA).**

The adoption of this ordinance is exempt from the California Environmental Quality Act, based on 14 California Code of Regulations Section 15061(b)(3), where, as the case here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment because no change in existing permitted uses of land results from adoption of this ordinance, and to the extent impacts associated with the proposed location of cultivation and manufacturing facilities exist, they have been previously addressed in other environmental documents.

**Section 4. Severability.**

It is the intent of the City Council of the City of Del Rey Oaks to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase independently, even if any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases were declared invalid or unenforceable.

**Section 5. Effective Date.**

This ordinance shall be in full force and effect thirty (30) days following its passage and adoption, as certified by the City Clerk.

ADOPTED BY THE COUNCIL OF THE CITY OF DEL REY OAKS THIS \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:  
ABSTAIN:

SIGNED:

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Scott Donaldson, Mayor

ATTEST:

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Karen Minami, City Clerk



## U.S. Laws for 100% Smokefree Multi-Unit Housing

January 1, 2024

This list represents communities with laws that regulate smoking in **private units** of multi-unit housing.

As of January 1, **82 municipalities** have enacted a law at the city or county level that prohibits smoking in **100% of private units** of rental multi-unit housing properties. Of these municipalities, **75** have laws that prohibits smoking in **100% of private units** of both rental **and** owner-occupied multi-unit housing properties. The vast majority of the laws—70 municipalities—apply to properties with 2 or more units.

For public housing policies, see [U.S. Public Housing Authority Policies Restricting or Prohibiting Smoking](#).

See Definitions and Explanatory Notes starting on page 4.

Visit our smokefree multi-unit housing page at [no-smoke.org/at-risk-places/homes/](http://no-smoke.org/at-risk-places/homes/) for more information.

### Municipalities with Laws for 100% Smokefree Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that prohibit smoking in **100% of private units** of all specified types of multi-unit housing. These laws apply to both privately-owned and publicly-owned multi-unit residences, as well as all existing and future buildings, and do not permit current residents to continue smoking in the building (i.e. no “grandfather” clause). Most, but not all, municipal laws include condominiums and other owner-occupied properties.

Municipalities marked with # require multi-unit buildings to be 100% smokefree when the law is in full effect as of the listed Final Effective Date. Municipalities marked **Some** under “% of Units Currently Smokefree” will be 100% when the law is in full effect.

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
1. Alameda	CA	100%	1/1/2013	2	Yes	Yes
2. Alameda County^	CA	100%	7/1/2022	2	Yes	Yes
3. Albany	CA	100%	3/24/2018	2	Yes	Yes
4. American Canyon	CA	100%	6/15/2023	2	Yes	Yes
5. Bell Gardens	CA	100%	6/1/2021	3	Yes	Yes
6. Belmont	CA	100%	1/8/2009	2	Yes	Yes
7. Belvedere	CA	100%	11/9/2017	2	Yes	Yes
8. Benicia	CA	100%	9/2/2020	2	Yes	Yes
9. Berkeley	CA	100%	5/1/2014	2	Yes	Yes
10. Beverley Hills	CA	100%	1/1/2019	2	Yes	Yes
11. Brisbane	CA	100%	6/3/2017	2	Yes	Yes
12. Buena Park	CA	Some	8/10/2023	2	Yes	Yes
13. Burlingame	CA	100%	2/13/2016	2	Yes	Yes
14. Clayton	CA	100%	5/1/2019	2	Yes	Yes
15. Compton	CA	100%	1/1/2013	3	Yes	Yes
16. Concord	CA	100%	1/1/2021	2	Yes	Yes
17. Contra Costa County^	CA	100%	7/1/2019	2	Yes	Yes

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
18. Corte Madera	CA	100%	6/17/2022	2	Yes	Yes
19. Cotati	CA	100%	1/1/2017	2	Yes	Yes
20. Crescent City	CA	100%	1/1/2022	2	Yes	Yes
21. Cudahy	CA	100%	1/3/2020	2	Yes	Yes
22. Culver City	CA	100%	5/26/2016	2	Yes	Yes
23. Cupertino	CA	100%	10/1/2021	2	Yes	Yes
24. Daly City	CA	100%	1/21/2014	2	Yes	No
25. Danville	CA	100%	5/1/2016	3	Yes	Yes
26. El Cerrito	CA	100%	10/1/2015	2	Yes	Yes
27. El Monte	CA	100%	8/19/2017	3	Yes	Yes
28. Emeryville	CA	100%	7/1/2019	2	N/S	Yes
29. Firebaugh	CA	100%	7/1/2019	2	Yes	Yes
30. Foster City	CA	100%	11/5/2015	N/S	Yes	Yes
31. Fresno	CA	100%	1/1/2022	2	No	No
32. Guadalupe	CA	100%	8/27/2020	2	Yes	Yes
33. Half Moon Bay	CA	100%	1/15/2020	2	Yes	Yes
34. Healdsburg	CA	100%	5/6/2020	2	N/S	Yes
35. Hercules	CA	100%	6/13/2020	10	Yes	Yes
36. Huntington Park	CA	100%	7/1/2013	2	Yes	Yes
37. Larkspur	CA	100%	9/17/2022	2	Yes	Yes
38. Los Gatos	CA	100%	6/25/2017	2	Yes	No
39. Manhattan Beach	CA	100%	5/5/2017	3	Yes	Yes
40. Marin County^	CA	100%	10/14/2021	2	Yes	Yes
41. Mill Valley	CA	100%	11/18/2016	2	Yes	Yes
42. Millbrae	CA	100%	1/1/2020	2	Yes	Yes
43. Milpitas	CA	100%	1/1/2022	2	Yes	Yes
44. Monte Sereno	CA	100%	10/1/2020	2	Yes	Yes
45. Moorpark	CA	100%	2/1/2019	2	Yes	No
46. Morro Bay	CA	100%	8/1/2020	2	Yes	Yes
47. Mountain View	CA	100%	1/1/2022	3	Yes	Yes
48. Novato	CA	100%	1/1/2018	2	Yes	Yes
49. Pacific Grove	CA	100%	10/1/2021	2	Yes	Yes
50. Pacifica	CA	100%	10/9/2020	2	Yes	Yes
51. Palo Alto	CA	100%	1/1/2018	2	Yes	Yes
52. Pasadena	CA	100%	1/1/2013	2	Yes	Yes
53. Petaluma	CA	100%	1/1/2014	2	Yes	Yes
54. Pinole	CA	100%	10/18/2019	2	Yes	Yes
55. Pleasanton	CA	100%	7/1/2022	2	Yes	No
56. Rancho Cordova	CA	100%	11/4/2021	2	N/S	Yes
57. Redwood City	CA	100%	1/1/2019	2	Yes	Yes
58. Richmond	CA	100%	1/1/2011	2	Yes	Yes
59. Rohnert Park	CA	100%	4/23/2018	2	Yes	Yes
60. Ross	CA	100%	2/9/2020	2	Yes	Yes
61. San Anselmo	CA	100%	1/8/2016	2	Yes	Yes
62. San Bruno	CA	100%	2/22/2018	2	Yes	Yes
63. San Carlos	CA	100%	7/8/2020	2	Yes	Yes
64. San Mateo	CA	100%	11/14/2015	2	Yes	Yes
65. San Mateo County^	CA	100%	2/4/2016	2	Yes	Yes

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
66. San Pablo	CA	100%	7/1/2021	2	Yes	No
67. San Rafael	CA	100%	11/14/2013	3	Yes	Yes
68. Santa Clara	CA	100%	8/1/2019	2	Yes	Yes
69. Santa Clara County^	CA	100%	2/9/2012	2	Yes	Yes
70. Santa Rosa	CA	100%	8/7/2016	2	Yes	Yes
71. Saratoga	CA	100%	9/16/2016	4	Yes	Yes
72. Sebastopol	CA	100%	11/2/2011	2	Yes	Yes
73. Sierra Madre#	CA	Some	10/1/2024	4	No	Yes
74. Sonoma	CA	100%	12/12/2016	2	Yes	Yes
75. Sonoma County^	CA	100%	1/12/2013	2	Yes	Yes
76. South San Francisco	CA	100%	11/9/2017	2	N/S	Yes
77. Sunnyvale	CA	100%	9/23/2016	2	Yes	Yes
78. Tiburon	CA	100%	10/16/2018	4	Yes	Yes
79. Union City	CA	100%	2/23/2012	2	Yes	No
80. Vallejo	CA	100%	9/21/2022	2	Yes	Yes
81. Walnut Creek	CA	100%	1/30/2014	2	Yes	Yes
82. Windsor	CA	100%	8/15/2017	2	Yes	Yes

^ = In California, county laws only cover unincorporated areas of the county, and do not cover cities in the county. Cities located within the county need to adopt their own local laws.

### Municipalities with Laws that Partially Restrict Smoking in Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that **restrict smoking in some private units** of multi-unit housing, but do not require multi-unit buildings to be 100% smokefree.

The trend is now for communities to adopt laws that require multi-unit properties to be 100% smokefree, as listed in the chart above. It is not recommended that communities adopt the types of partial laws represented in the chart below.

Municipalities marked **Some** under “All Units Currently Smokefree?” have some buildings that are required to be 100% smokefree. Often, these laws prohibit smoking in all newly occupied buildings or newly leased units, but either do not address smoking in existing buildings or only apply to a certain percent of units in existing buildings.

Municipalities marked **No** under “All Units Currently Smokefree?” have no buildings required to be 100% smokefree now or in the future. These laws may apply to only a certain percent of units in existing and future buildings, or permit current residents to continue smoking in the building indefinitely (a “grandfather” clause).

Additionally, communities not represented on this list may have local laws that do not address smoking in private units, but restrict smoking in multi-unit housing to a lesser extent, such as by prohibiting smoking in indoor common areas or only on patios and balconies.

Municipality	State	All Units Currently Smokefree?	Min. % of Units Currently Smokefree	Initial Effective Date	Final Effective Date	Min. # of Units	Includes Condos
1. Baldwin Park	CA	Some	100% new/ 80% existing	6/21/2012	12/2/2014	2	Yes

Municipality	State	All Units Currently Smokefree?	Min. % of Units Currently Smokefree	Initial Effective Date	Final Effective Date	Min. # of Units	Includes Condos
2. Burbank	CA	No	N/S	5/1/2011	5/1/2011	N/S	Yes
3. Calabasas	CA	No	80%	1/1/2012	Not Specified	2	No
4. Dublin	CA	No	75%	1/1/2011	1/1/2013	16	N/S
5. Fairfax	CA	No	75%	9/1/2012	9/1/2012	4	N/S
6. Fremont	CA	Some	100% new/ 0% existing	2/1/2017	Not Specified	2	Yes
7. Glendale	CA	Some	100% new/ 0% existing	6/27/2013	Not Specified	2	Yes
8. Jurupa Valley	CA	Some	100% new/ designated existing units	3/6/2021	Not Specified	3	No
9. Lafayette	CA	Some	100% new/ 0% existing	2/10/2014	Not Specified	3	Yes
10. Loma Linda	CA	No	70%	1/1/2012	Not Specified	2	No
11. Oakley	CA	No	100% new/ 0% existing	3/13/2014	4/1/2014	2	Yes
12. Pleasant Hill	CA	Some	100% new/ 50% existing	5/5/2010	Not Specified	4	No
13. Riverside	CA	No	100% new/ 0% existing	7/28/2022	7/28/2022	2	No
14. Santa Monica	CA	Some	100% new/ designated existing units	5/21/2013	Not Specified	N/S	Yes
15. Sausalito	CA	Some	100% new/ 80% existing	8/30/2012	Not Specified	2	Yes
16. South Pasadena	CA	Some	100% new/ 80% existing	3/3/2011	Not Specified	2	Yes
17. Temecula	CA	No	25%	12/7/2007	6/7/2012	10	N/S
18. West Hollywood	CA	Some	100% new/ 0% existing	5/19/2021	7/15/2021	3	Yes

### **Definitions and Explanatory Notes:**

Communities on the two charts of municipal laws adopted a municipal ordinance to regulate smoking in all (first chart) or some (second chart) types of multi-unit housing.

# = Law requires multi-unit buildings to be 100% smokefree when the law is fully in effect on the stated Final Effective Date, but currently the law provides partial coverage.

^ = In California, county laws only cover unincorporated areas of the county, and do not cover cities in the county. Cities located within the county need to adopt their own local laws.

#### **Minimum Percent of Units Currently Smokefree:**

The percent of specified multi-unit housing that is currently required to be smokefree:

**100%:** All units in specified multi-unit housing must be smokefree.

**Another stated %:** The stated percent of units in specified multi-unit housing must be smokefree.

**N/S = Not Specified:** The law does not specify the percent of units currently required to be smokefree or the percent of units currently required to be smokefree cannot be determined by how the law is written, such as: applying only to new multi-unit buildings but not to existing multi-unit buildings or designating a certain percentage of units as nonsmoking or limiting smoking to certain buildings or permitting current residents to continue to smoke indefinitely.

**Initial Effective Date:**

The date when some multi-unit housing must be 100% smokefree. For example, Baldwin Park, CA (marked as Some for *All Units Currently Smokefree*) requires that all newly occupied buildings must be 100% smokefree as of 6/21/2012, which is the Initial Effective Date. Baldwin Park also requires that at least 80% of units in all existing buildings be smokefree. Because existing buildings may never be fully smokefree, the Final Effective Date is “Not Specified.”

**Final Effective Date:**

For communities marked as Yes or Some for All Units Currently Smokefree, the Final Effective Date is when all buildings must be 100% smokefree. For communities marked as No for All Units Currently Smokefree, the Final Effective Date is when the strongest provisions of the law goes into effect.

**Not Specified:**

The law does not specify when all multi-unit buildings must be completely smokefree, due to provisions such as: law permits current residents to continue smoking indefinitely **or** law applies only to newly constructed buildings **or** law applies only to a certain percent of existing units.

ANR Foundation is actively collecting additional laws. **If you know of local laws that you think should be included on the list**, or want to inquire about additional information on particular laws, please contact the ANR Foundation at [info@no-smoke.org](mailto:info@no-smoke.org) or 510-841-3032.

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