



City of Palo Alto Restrictions on Smoking in Multi-Unit Residences

Frequently Asked Questions

Palo Alto City Council unanimously voted in 2016 to restrict smoking at all multi-unit residences and common areas effective January 1, 2018 (Smoking and Tobacco Regulations, Ordinance 9.14). Smoking restrictions for multi-unit residences are summarized below. Council's decision was based on the desire to reduce public exposure to secondhand smoke and a survey of multi-unit residents. The survey showed that 80% of multi-unit residents were bothered by smoking from nearby units, and 90% favored smoking restrictions in multi-unit housing. **Resources that are referenced are available at cityofpaloalto.org/smokingordinance.**

1. Where is smoking prohibited in Palo Alto multi-unit residences?

As of January 1, 2018, smoking is prohibited:

- inside multi-unit residences, including associated balconies, porches, decks and patios;
- in indoor and outdoor common areas of multi-unit residences, such as lobbies, halls, pathways, courtyards, elevators, community rooms, playgrounds, gym facilities, swimming pools, grassy or landscaped areas, laundry rooms, shared cooking and eating areas, and parking lots and garages;
- in outdoor areas that are within 25 feet from a doorway, window, opening or vent of a multi-unit residence (a nonsmoking "buffer zone").

For most multi-unit residences, the entire property must be smoke free, unless the management provides a designated smoking area that meets city requirements.

The law applies to any property containing two or more units, including apartments, condominiums, townhomes, senior facilities, long-term health care facilities, and assisted living facilities. A multi-unit residence does not include a single family home (including a home with a detached or attached second unit), a hotel or motel, or a mobile home park.

2. What is considered a multi-unit residence?

A multi-unit residence includes any property containing two or more units, including apartments, condominiums, townhomes, senior facilities, long-term health care facilities, and assisted living facilities. A multi-unit residence does not include a single family home (including a home with a detached or attached second unit), a hotel or motel, or a mobile home park.

3. What does "smoking" mean?

"Smoking" includes the use of cigarettes, cigars, cigarillos, hookahs, pipes, electronic smoking devices, and any plant product intended for human inhalation including medical or recreational marijuana.

4. Where is smoking allowed in multi-unit complexes ?

Owners or property managers may create a designated smoking area so long as it: (1) is outdoors; (2) is located at least 25 feet away from multi-unit residence doorways and windows, areas primarily used by children, and recreational areas; (3) has receptacles for cigarette butts that are maintained free of tobacco litter; and (4) has conspicuous signs. Additionally, residents may smoke cigarettes and use electronic smoking devices on streets or sidewalks that are at least 25 feet from a multi-unit residence, unless smoking is otherwise prohibited in those locations.

5. I am a property owner or landlord of a multi-unit residence, what am I required to do?

Property owners or landlords must:

- **post clear “No Smoking” signs in common areas where smoking is prohibited.** A selection of free signs and window decals can be ordered at cityofpaloalto.org/smokingordinance, although other “No Smoking” signs that are preferred by the property owner or manager may be used as well;
- **deliver a written notice of the new smoking restrictions to each unit of a multi-unit residence.** Sellers of a multi-unit residence shall provide prospective buyers with written notice of the smoking restrictions. A list of *Frequently Asked Questions* is available at cityofpaloalto.org/smokingordinance that may be used to supplement the required notification letter;
- **include all Smoking and Tobacco Ordinance limits in new, renewed, or continued month-to-month rental and lease agreements effective January 1, 2018.** Lease language must include a clear description of all areas on the property where smoking is prohibited. Property owners and managers should refer to Section 9.14.060 of the Smoking and Tobacco Ordinance for a complete list of requirements that should be included in lease and rental agreements (visit cityofpaloalto.org/smokingordinance for a link to the Ordinance).

6. What should I do if I see someone violating the Ordinance?

If you are a resident, please report the problem to your landlord, property manager, or condominium association so that they can take steps to resolve the problem. You can also try talking to your neighbor to inform them of the law. If you are a landlord or property owner, smoking violations are also violations of the lease and may be enforced accordingly.

For additional information:

cityofpaloalto.org/smokingordinance



cityofpaloalto.org

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