



**City of San Carlos**  
**Smoke-Free Multi-Unit Housing**  
**Frequently Asked Questions**

On April 8, 2019, the San Carlos City Council adopted an ordinance banning smoking in all multi-unit housing.

**Why is the City regulating where I can smoke in my multi-unit housing residence? I smoke inside my unit and it does not affect my neighbors.**

Non-smokers who live in multi-unit dwellings can be exposed to neighbors' secondhand smoke, which can seep under doorways and through wall cracks. People living in apartments near smokers can be exposed to elevated pollution levels for up to 24 hours a day. Separating smokers from non-smokers, cleaning the air, and ventilating buildings cannot completely prevent secondhand smoke exposure.

Secondhand smoke is responsible for as many as 73,000 deaths among non-smokers each year in the United States. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke, and that eliminating smoking in indoor spaces is the only way to fully protect non-smokers from secondhand smoke exposure.

**When do the new regulations go into effect?**

The new smoke-free multi-unit housing regulations are effective May 8, 2019. All new multi-unit housing units must comply with regulations by this date. Existing multi-unit housing units have been granted a phase in period to allow property managers to introduce the required lease language to existing lease agreements. Enforcement of the regulations will begin on June 8, 2020. However, we discourage smoking in any multi-unit housing beginning May 8, 2019.

**Where is smoking prohibited?**

The new regulations do not allow smoking in:

- Individual multi-unit housing units, balconies and patios.
- Indoor and outdoor common areas of multi-unit residences.
- Within 30 feet of any multi-unit housing doorway, window, opening, or ventilation system.

Existing smoking regulations do not allow smoking in:

- Lobbies, hallways, parking lots, stairwells and other common areas in apartment buildings, condominiums, senior citizen retirement or residential care houses, nursing homes, licensed community care facilities, and other multi-residential facilities and buildings.
- All bars and restaurants.
- All enclosed areas available to the general public, including public places and businesses.
- Elevators, escalators, and stairways.
- Buses, taxicabs, and other public transit, including ticket areas, and indoor or sheltered boarding and waiting areas of public transit depots.
- All enclosed areas owned or operated by the City of San Carlos, including vehicles.

- Within 20 feet of the main entrance(s) of a public building owned or operated by the City of San Carlos or other government agency.
- Any park or facility owned or controlled by the City and in City-owned open space areas, including baseball, football, soccer or other sports fields or stadiums, dog parks, plazas, trails, playgrounds, easements, pathways, music venues, grass or turf fields and play areas, water features and driveways or ramps located in such areas.

### **Where is smoking permitted?**

In general, smoking is permitted in the following places:

- Designated smoking areas, as described in section 8.03.030 of the ordinance, if the property has such an area (properties are not required to provide a designated smoking area).
- Private residences, except multi-unit housing residences as noted above.
- Within a moving or stationary private vehicle.

### **Recreational cannabis is now allowed in California. Does the ordinance ban smoking cannabis in multi-unit housing?**

Yes. Smoking, vaping, or otherwise igniting tobacco, recreational cannabis, medical cannabis, and/or illegal drugs are all banned under the ordinance.

### **Does the ordinance ban electronic cigarettes or vaping in multi-unit housing?**

Yes. The ordinance defines “smoke or smoking” as possessing a lighted or ignited tobacco or nicotine product or paraphernalia or engaging in an act that generates smoke. This includes a lighted or ignited pipe, hookah pipe, cigar, or cigarette of any kind including an electronic cigarette.

### **What constitutes a “multi-unit housing residence”?**

In this ordinance, the City defines a “multi-unit residence” as a residential property containing two or more units with one or more shared or abutting walls, floors, ceilings or shared ventilation systems. This includes a common interest development, condominium, townhouse, duplex, triplex, and apartment or other rental complex.

A multi-unit residence does not include:

- Property owned by the state or federal government.
- A hotel or motel that meets the requirements set forth in California Civil Code section 1940 (b)(2).
- A residential care facility or assisted living facility governed by federal or state community care licensing regulations.
- A detached, single-family residence.
- A detached, single-family home with a detached or attached in-law, second unit, or accessory dwelling unit.

### **Can I smoke in my multi-unit housing residence if I am smoking out a window or on my balcony?**

No. Smoking is prohibited in all multi-unit housing residences including any exclusive-use enclosed or un-enclosed area, like a private balcony or patio.

### **If I rent out a single-family home, is smoking allowed in that residence?**

Yes. The ordinance applies only to residences that have shared or abutting walls, ceilings, or floors. The ordinance does not include single-family homes or accessory dwelling units (ADU's).

### **What are the responsibilities of apartment property managers or homeowners associations under the ordinance?**

Property managers and homeowners associations are responsible for communicating the new ordinance regulations by:

- Posting notice of the City's smoking ban so that tenants are aware of these new regulations.
- Including lease terms notifying tenants of smoking restrictions in all new and existing lease agreements for multi-unit residences.
- Posting "no smoking" signs or the international "no smoking" symbol on the outside of each enclosed building or unenclosed area where smoking is prohibited. Signs are not required inside any unit of a multi-unit residence.

The City has provided a notification flyer, sample lease language, and sample signage on the City website [www.cityofsancarlos.org/smoking](http://www.cityofsancarlos.org/smoking). San Mateo County Health can also assist with signage templates and resources.

### **What should I do as a property manager if a resident is complaining about drifting smoke from another unit?**

The best course of action is to first contact the smoker to remind her or him that smoking is not permitted in or around residential units that share common walls, ceilings or floors, and to show the location of designated smoking areas on the property, if such a location exists. If the resident continues smoking in the unit, report the violation to San Mateo County Health System's Tobacco Prevention Program: (650) 573-3777 or [tobaccoprevention@smcgov.org](mailto:tobaccoprevention@smcgov.org).

### **As a property owner or homeowners association, can I establish non-smoking policies that are stronger than what is required under the ordinance?**

Yes. The ordinance does not prevent property owners from establishing more stringent non-smoking requirements.

### **How do I report a multi-unit housing smoking violation?**

To report a violation of the ordinance or for information about the health effects of smoking, contact the San Mateo County Health System's Tobacco Prevention Program:

(650) 573-3777  
[tobaccoprevention@smcgov.org](mailto:tobaccoprevention@smcgov.org)  
310 Harbor Boulevard  
Belmont, CA 94002

### **How will the ordinance be enforced?**

Upon receiving a smoking complaint, San Mateo County Health's Tobacco Prevention Program will contact the violator to notify them of the ordinance regulations and requirements. Additional violations will be addressed by the City of San Carlos Community Development Department's code enforcement process, which could result in fines and penalties.

**What are the fines and penalties?**

Any person who violates the ordinance may be cited for an infraction, punishable by:

1. A fine not exceeding \$100.00 for a first violation.
2. A fine not exceeding \$200.00 for a second violation.
3. A fine not exceeding \$500.00 for each additional violation within one year.

**I am worried that reporting a smoking violation will result in retaliation from other tenants.**

Intimidating, harassing, or otherwise retaliating against anyone who seeks compliance with this ordinance, or intentionally or recklessly exposing another person to smoke in response to that person's effort to comply, constitutes a misdemeanor.

**Where can I get help quitting smoking?**

San Mateo County Health offers resources to help quit smoking. Please visit [www.smchealth.org/notobacco](http://www.smchealth.org/notobacco) for more information.

**Where can I find more information on the smoking ordinance and resources for implementing smoke-free multi-unit housing?**

Additional resources are available at [www.cityofsancarlos.org/smoking](http://www.cityofsancarlos.org/smoking).