

Smokefree Housing Ordinance Checklist

Because the negative health effects of secondhand smoke exposure are well documented, one of the most important steps a community can take to improve the health of its residents is to create more smokefree spaces—especially where people live.

Increasingly, many California communities are interested in limiting secondhand smoke

exposure in multiunit housing. An ordinance prohibiting smoking in multi-unit housing also helps decrease the risk of accidental fires and reduce maintenance and turnover costs.

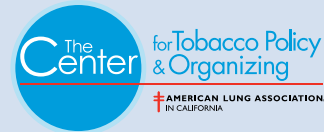
ChangeLab Solutions' *Model California Ordinance Regulating Smoking in Multi-Unit Residences* provides a number of policy options to consider when designing a local

ordinance prohibiting smoking in multi-unit housing. The ordinance language you select should be part of a larger strategy to have the ordinance adopted in your community.

To guide your planning, the American Lung Association in California's Center for Tobacco Policy & Organizing has developed the five phase model below.

**Campaign Trail
START**

Contact "The Center" for help planning your campaign steps and working through the phases.



American Lung Association in California's Center for Tobacco Policy & Organizing (The Center) helps local coalitions wage effective tobacco control policy campaigns. The Center can assist you with resources, tools, and effective strategies to help you narrow down your issue, do a political assessment, complete a strategy chart, recruit new members, and re-energize your coalition.

(916) 554-5864
www.center4tobaccopolicy.org

Investigation & Assessment

Identify local issues and resources to build an understanding of what might influence decision makers. Determine your issue, a location (city or county), and a goal.



Strategy & Planning

Assess the political environment and decision makers. Develop a preliminary strategy and establish a rough timeline.



The checklist on page 2 is designed to help you begin drafting an ordinance based on your community's choices – this is the time to contact ChangeLab Solutions.

Recruitment

Now that you've prepared the groundwork, it's time to involve more people. Train campaign members in outreach and recruitment strategies. Meet with key opinion leaders and recruit community residents who are influential with local officials.



The Campaign

Finalize and then implement the timeline, strategy, and tactics with your newly recruited members. Form action teams: e.g., ordinance-drafting, media, action, speakers' bureau. A key tactic will be meeting with decision makers.



Implementation & Evaluation

Determine effectiveness of the campaign and tactics.



WIN!



ChangeLab Solutions

Law & policy innovation for the common good.

ChangeLab Solutions is a nonprofit organization that helps advocates, city and county attorneys, and elected officials by providing and reviewing ordinance language, researching and analyzing state and federal legal issues, and providing training and consulting on legal strategies for tobacco control. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

(510) 302-3380
www.changelabsolutions.org/tobacco-control

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Your community has a range of policy choices to consider when designing a local ordinance regulating smoking in multi-unit housing. Those policy provisions that ChangeLab Solutions highly recommends are checked (☑); those that are listed but are not checked are options a community may want to consider, depending on political will and community conditions. All the options listed below are part of our *Model California Ordinance Regulating Smoking in Multi-Unit Residences*, available at www.changelabsolutions.org/publications/model-ordinance-smokefree-housing. Contact us for help drafting an ordinance based on your community's choices.

Type of Multi-Unit Housing Regulated

- All types of property containing 2 or more units
 - Except hotels and motels
 - Except mobile home parks
 - Except single-family homes with an in-law or second unit
 - Except condominiums
 - Except _____

Where Smoking Is Prohibited

- Common Areas** of all types of regulated multi-unit housing
 - Indoor common areas
 - Outdoor common areas
 - Except for designated "smoking areas" that meet certain criteria
- Outdoor Smokefree Buffer Zones** for all types of regulated multi-unit housing
 - Anywhere on the property of the multi-unit housing complex, including balconies or patios, within 25 feet of an enclosed area where smoking is prohibited (e.g., a nonsmoking unit)
 - On neighboring property within 25 feet of an enclosed area where smoking is prohibited
 - On the balcony, patio, or deck of any unit, including smoking-allowed units
- New Units**
 - 100% of all new units in all types of regulated multi-unit housing
 - Allow a builder to designate up to 10% of units as smoking-allowed
- Existing Units**
 - 100% of existing units in a *condominium complex* (ordinance must designate all condominium units as nonsmoking because of practical and potential legal issues in local government selecting which units may be smoking-allowed)
 - Allow a homeowners' association to vote to designate up to 20% of units as smoking-allowed
 - 100% of existing units in a *rental complex*
 - Allow a landlord to designate up to 20% of units as smoking-allowed
 - Require nonsmoking units be grouped together and physically separated from units where smoking may be allowed
 - Phase-in period: smoking in a designated nonsmoking unit violates the law one year after the ordinance takes effect

Additional Provisions

- Require no-smoking lease terms in rental agreements
- Require landlord to disclose where smoking is allowed
- Require landlords to submit a diagram of smoking and nonsmoking units to _____ (insert name of department)
- Declare secondhand smoke a nuisance
 - Only in a residential setting
- Exclude medical marijuana from regulation by the ordinance

Enforcement

- Designate that the ordinance will be enforced by _____ but also enforceable by a peace officer or code enforcement officer
- Declare violations based on *illegal smoking* to be infractions with a fixed fine amount of \$ _____ (cannot be more than \$100)
- Declare that violation of the ordinance constitutes a nuisance
- Allow private citizens to seek an injunction (an order to stop violations) and/or money damages against individuals who violate the ordinance