

Landlord Liability

- Landlords are not liable for a tenant's breach of the smoking regulations if (1) the landlord has fully complied with all provisions of the law; and (2) upon receiving a signed written complaint regarding prohibited smoking, the landlord provides warning to the offending tenant. Upon receiving a second signed, written complaint against the offending tenant, the landlord may evict but is not liable for the failure to do so.

Penalties for Non-compliance with the Ordinance

Failure to comply with the ordinance can result in administrative fines of \$100 for the first violation, \$200 for the second violation within a year and \$500 for each additional violation within a year. Landlords who fail to comply with this ordinance may be subject to other legal claims by tenants.



Why is this Ordinance Important?

In 2006, the California Air Resources Board (CARB) designated secondhand smoke as a toxic air contaminant that may cause or contribute to an increase in deaths or in serious illness or pose a hazard to human health, particularly in children. The U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke. Secondhand smoke causes as many as 53,000 deaths each year in the United States, approximately 6,000 of which occur in California.

Secondhand smoke has been shown to move through light fixtures, through ceiling crawl spaces, and into and out of doorways and windows. This ordinance helps to protect people who live in multi-unit housing in the unincorporated communities of Contra Costa County from the harmful effects of secondhand smoke.

For more information or to order signage (available as supplies last) for your multi-unit housing residence, contact the Tobacco Prevention Project or visit our website.



Tobacco Prevention Project
Community Wellness and Prevention Programs
Contra Costa Public Health
597 Center Avenue, Suite 125 Martinez, CA 94553
888-877-4202 Complaint line 925-313-6214 Office
925-313-6864 Fax
<http://www.cchealth.org/tobacco>

Many services are covered by Medi-Cal. If you would like to receive information regarding Medi-Cal eligibility call the Social Services office:
1-800-709-8348

**For Property Managers,
Developers and Landlords
in unincorporated
Contra Costa**

**Information on
Contra Costa County's**

Secondhand Smoke Protections Ordinance



**This is a
smoke-free building**

New Law in Effect

In March 2013, the Contra Costa County Board of Supervisors amended the County's Secondhand Smoke Protections Ordinance to include more protections for residents of multi-unit housing in unincorporated Contra Costa.

Smoking of any tobacco product or other plant (including the use of a hookah pipe, medical marijuana or Electronic Nicotine Delivery System (ENDS) such as an e-cigarette) is prohibited in the following areas of multi-unit housing with 2 or more units:

- Common indoor and outdoor areas;
- Within 20 feet of doors, windows, air ducts and ventilation systems, except while walking from one destination to another;
- On all balconies, patios, decks and in carports; and
- In 100% of all dwelling units of multi-unit housing residences that receive a building permit after January 1, 2011.



Landlord Responsibilities

Under the law, the Owner and Manager of a multi-unit housing building must:

- Post "No smoking" signs with letters of not less than one inch in height, or the international "No Smoking" symbol (consisting of a burning cigarette in a red circle with a red bar across it). The sign must be visibly posted in every building or other place where smoking is prohibited by law;
- Not allow ashtrays or other receptacles for disposing of smoking material where smoking is prohibited;
- Not knowingly allow smoking in smoking prohibited areas; and
- Comply with lease/rental agreement requirements outlined in the next section.

Lease/Rental Agreement Requirements

Under the law, the Owner and Manager of a multi-unit housing building must:

- Maintain and keep on file at the premises: (1) a list of all designated nonsmoking units at the residence; (2) a floor plan of the residence that identifies the location of all designated non-smoking units, any units where smoking is permitted and any designated outdoor smoking areas; and
- With every new lease or rental agreement for the occupancy of a unit in a multi-unit residence, include:
 - ◇ A copy of the list of nonsmoking units;
 - ◇ A copy of the floor plan;
 - ◇ Information indicating whether a policy for handling smoking complaints is in effect at the multi-unit residence, and if so, the terms of the policy; and
 - ◇ A clause stating it is a material breach of the lease to a) violate any law regarding smoking while on the premises; b) smoke in a non-smoking unit; or c) smoke in any multi-unit residence common area where smoking is prohibited. (The California Apartment Association's form 34.0 may be used for this purpose).

Under certain conditions, landlords may designate a common outdoor area of a multi-unit housing residence as a smoking area. For more information contact the Tobacco Prevention Project at 888-877-4202.