



Santa Monica's Smoking Law

For Condos And Apartment Buildings

Effective September 9, 2010, the smoke-free areas at multi-unit residential properties now also include a 25-foot radius around all doors, windows, and vents. ***This includes private balconies, patios, porches, and decks within the 25-foot radius.***

The law already covered all "common" areas accessible to and usable by more than one unit, such as common walkways, play areas, parking lots, and gardens.

QUESTIONS AND ANSWERS

When does the new law go into effect?

September 9, 2010.

Where is smoking now prohibited at multi-unit properties?

- (1) All ***indoor and outdoor*** locations accessible to and usable by occupants of more than one unit; and
- (2) All ***outdoor*** locations within 25 feet of a door, window, or vent.

Does the new law cover private balconies and patios?

Usually, yes. Any area that is within 25 feet of a door or window is included, regardless of whether it's usable by more than one unit.

What do building owners and HOA's have to do?

1. Post at least one conspicuous sign in the common area notifying residents of the law and the remedy.
2. Give notice ***by December 1, 2010*** to all affected units of the new covered locations and the remedies for violations.

Where can I get forms and samples?

smconsumer.org

Can owners designate outdoor smoking areas?

This is optional. But any smoking area must:

1. Be at least 20 feet from any indoor area or play area;
2. Have a clearly marked perimeter;
3. Be clearly marked with signs; and
4. Be less than 1/4 of the total outdoor area of the property.

Are condominiums covered by the law?

Yes. Every homeowners' association is required to give notice to all occupants and post signs, the same as landlords.

How is the law enforced?

The main way is by people informing each other of the law. We recommend that all tenants try to keep this as friendly and low-key as possible. If that fails, the next step is to deliver a letter to the tenant who is smoking. Typically, as the word spreads and people become more familiar with smoking laws, compliance is extremely high. If a smoker ignores a written request to follow the law, any person can bring a case in small claims court.

What are the penalties?

Smokers are liable for a minimum damages award of \$100 for the first violation. The amount goes up to \$200 and \$500 for subsequent violations within one year.

Can tenants be evicted for smoking?

No. The law prohibits landlords from using smoking as a ground to evict.

What is the code section for this law?

Santa Monica Municipal Code Section 4.44.040.

For more information:

smconsumer.org