



# 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 covers 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?**

[www.smconsumer.org](http://www.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:**

[www.smconsumer.org](http://www.smconsumer.org)