



# NEW SMOKING LAW AFFECTS ALL SANTA MONICA APARTMENTS AND CONDOS

## Important Info For Landlords, Tenants, And Condominium Owners

Santa Monica has passed a law with new smoking rules that affect all multi-unit housing:

- **All new occupancies after 11/22/12 are non-smoking:** Starting November 22, 2012, all newly occupied units in multi-unit residential properties in Santa Monica are declared non-smoking. This includes all apartments and condos. So, anyone moving into an apartment or condo after November 22 can't smoke in the unit.
- **Owners must start smoking survey by 1/21/13:** Before January 21, 2013, all landlords and condo homeowners' associations are required to begin a survey of current occupants, who must then designate their units either "smoking" or "non-smoking." For details about this process, go to [smconsumer.org](http://smconsumer.org).
- **Current occupants grandfathered:** Existing occupants can continue to smoke inside their units if they designate the units as "smoking."
- **Results distributed:** Once the survey is done, landlords and HOAs must give out the updated list of all units' smoking status to all occupants. In the future it must be kept updated, and given to all prospective renters and buyers along with a copy of this information sheet. (Also available at [smconsumer.org](http://smconsumer.org))
- **Common areas too:** Existing Santa Monica law already bans smoking in residential outdoor and indoor common areas, including balconies and patios and any area within 25 feet of any door, window or vent.

(continued)

(Smoking law contd.)

**Q: Are there exceptions to the law?** If a property is already 100% smoke-free, the designation process is not required. The law also does not apply to temporary special needs housing for people with disabling conditions.

**Q: How is the law enforced?** Most compliance is achieved through communication. If that fails, and a person persists in smoking inside a non-smoking unit after getting a written notice, the person may be taken to small claims court and is liable to pay damages starting at \$100. Any person can enforce the law by giving notice and eventually going to court.

**Q: Are property owners required to enforce the law?** No. They are only required to conduct the survey and keep updated lists available. They are not required to enforce violations of the no-smoking rules.

**Q: What happens if a property owner refuses to conduct the initial survey and give out the required information?** The owner can be prosecuted for violating the Municipal Code.

**Q: Can a tenant be evicted for violating this law?** No. But a tenant can still be evicted if the lease prohibits smoking.

**Q: What about medical marijuana?** If a unit is non-smoking, then medical marijuana can't be smoked inside. If a doctor specifically requests that a disabled occupant may smoke marijuana indoors, and the occupant can't take marijuana in non-smoked form, then the smoking might be permissible under the "reasonable accommodation" standard for disabilities. For more information call the City Attorney's Office, 310-458-8336.

**Q: Where can I get help with quitting?** Go to [nobutts.org](http://nobutts.org), or call 1-800-NO-BUTTS.

**Q: Where can I get more information?** Go to [smconsumer.org](http://smconsumer.org), or call the City Attorney's Office, 310-458-8336.