



Summary of Policies Regulating Smoking in Multi-Unit Housing in Sonoma County

Sonoma County Unincorporated – Chapter 32

- Smoking is prohibited in 100% of any new or existing units including balconies, porches and patios
- Smoking is prohibited in all indoor and outdoor common areas of multi-unit housing (i.e., apartments, condominiums, homeless shelter, senior citizen housing) of 2+ units. No ashtrays or ash cans may be present in these areas.
- Smoking is prohibited 25 ft from places in which smoking is prohibited (i.e., entryways, vents)
- Signs – owners/managers must post no-smoking signs with the international no smoking symbol at every building (not required on individual units) and in outside common areas
- Regulates smoking of tobacco and nicotine products
- May have an outside designated smoking area if meets criteria (see Ordinance Matrix)

Sebastopol – Chapter 8.04

- Smoking is prohibited in 100% of new and existing units, including balconies, porches and patios
- Smoking is prohibited in all indoor and outdoor common areas of multi-unit housing (i.e., apartments, condominiums, townhouses) of 2+ units. No ash trays or cans may be present in these areas.
- Smoking is prohibited 20 ft from places in which smoking is prohibited (i.e., entryways, windows)
- Signs – owners/managers must post no-smoking or smoke-free signs with letters no less than one inch in height or the international no smoking symbol or any alternative signage approved by city manager at building entrances and in outside common areas
- Regulates smoking of tobacco products and electronic cigarettes
- Secondhand smoke is a nuisance
- Required Lease Terms making smoking where prohibited clearly a breach of the lease and tenant responsible for visitors and service personnel– see ordinance for specific details
- May have an outside designated smoking area if meets criteria (see Ordinance Matrix)

Rohnert Park – Chapter 8.32

- Smoking is prohibited in minimum of 75% of any new units, including balconies, porches and patios and shall be designated and maintained as non-smoking. Non-smoking units shall be grouped together.
- Smoking is prohibited in minimum of 50% of any existing units, including balconies, porches and patios and shall be designated and maintained as non-smoking. Non-smoking units shall be grouped together.
- Existing tenants who smoke in the unit and have occupied the unit on June 1, 2009 are grandfathered in as a smoking unit until they voluntarily vacate
- Smoking is prohibited in all indoor and outdoor common areas of multi-unit housing (i.e., apartments, condominiums, townhouses) of 2+ units. No ash trays or cans may be present in these areas
- Smoking is prohibited 20 ft from places in which smoking is prohibited (i.e., entryways, vents)



 **AMERICAN LUNG ASSOCIATION**
IN CALIFORNIA

*Petaluma Coalition to Prevent Alcohol,
Tobacco and Other Drug Problems*



northern california
Center for Well-Being
HEALTH EDUCATION AND WELLNESS CENTER



- Signs – owners/managers must post no-smoking signs with letters no less than one inch in height or the international no smoking symbol at building entrances and in outside common areas
- Regulates smoking of tobacco products
- Disclosure – applies to both new and existing multi-unit housing. Every owner/manager must maintain a list of designated non-smoking units and a site plan identifying the location of smoking and non-smoking units. The site plan must also identify the location of any designated smoking areas. A copy of this list and site plan must accompany every new lease or agreement for occupancy of a unit. If a copy of the list and site plan do not accompany the lease or agreement then the unit is a non-smoking unit.
- May have an outside designated smoking area if meets criteria (see Ordinance Matrix)

City of Petaluma – Chapter 8.20

- Smoking is prohibited in 100% of any new units and indoor common areas (e.g., laundry rooms, lobbies) of multi-unit housing (i.e., apartments, condominiums, homeless shelter, senior citizen housing) with 2+ units including balconies, porches and patios
- Smoking is prohibited 20 ft. from places in which smoking is prohibited (i.e. entryways, windows)
- Signs – owners/managers must post no-smoking signs with letters no less than one inch in height with the international no smoking symbol (a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) indicating no smoking within 20 feet at entryways and in at least one other conspicuous point within that area.
- At least one sign in the no smoking areas must include a phone number for complaints. Signs not required at the entryways of individual units.
- Regulates smoking of tobacco, any other weed or plant, and electronic cigarettes
- May have an outside designated smoking area if meets criteria (see Ordinance Matrix)

Effective August 1, 2013

- Smoking is prohibited in all outdoor common areas (e.g., walkways, pools) other than possible designated smoking areas meeting criteria
- Every lease or other rental agreement for new units must include lease terms making smoking where prohibited clearly a breach of the lease by tenants (see ordinance for details)

Effective January 1, 2014

- Smoking is prohibited in 100% of existing units of multi-unit housing 2+ units includes balconies, porches
- Every lease or other rental agreement for existing units must include lease terms making smoking where prohibited clearly a breach of the lease by tenants (see ordinance for details)

For complete ordinances: www.sonoma-county.org/BreatheEasy





 **AMERICAN LUNG ASSOCIATION**
IN CALIFORNIA

*Petaluma Coalition to Prevent Alcohol,
Tobacco and Other Drug Problems*



northern california
Center for Well-Being
HEALTH EDUCATION AND WELLNESS CENTER



Smoke-free Multi-Unit Housing Implementation Checklist

- Hold a meeting with property employees to ensure understanding of new law, lease procedures, and enforcement.
- Order No Smoking signs
- Place No Smoking signs around the property for indoor and outdoor common areas and entryways
- Notify tenants that all common indoor and outdoor areas are now smoke-free (could be part of general notice about conversion of units or a separate notice)
- Optional: evaluate the size and layout of the property for a designated smoking area – move or remove ashtrays/ash cans
- Establish procedure for handling complaints, which includes the ordinance enforcement steps
- Send each tenant a written notice of the new policy and post notices in all common areas
- Have residents sign an agreement or lease addendum that outlines the new policy
- Include the no-smoking policy in all new leases
- Continue to educate tenants and let them know how to report violations
- Have information regarding cessation programs available
- Market property as being non-smoking or having non-smoking units

SAMPLE

**Letter to Residents:
Notice Regarding Smoke-Free Units and Common Areas**

[Date]

Dear Residents:

On [date], the [County or city of xxx] passed ordinance no. xxx regulating secondhand smoke. The ordinance established a variety of smoke-free spaces including apartment and condominium units. As part of the county's [city's] efforts to reduce residents' exposure to tobacco smoke, 100% of all housing units must be designated as smoke-free by [date].

Under the smoke-free ordinance, residents and guests are not allowed to smoke in any enclosed or unenclosed common area including, but not limited to, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas. No Smoking signs have been posted to remind residents and guests of this new policy [or details of law specific to your site]. Please be reminded that these rules are in effect 24 hours a day. A link to the ordinance can be found at:

<http://www.sonoma-county.org/BreatheEasy>. [or appropriate link to website].

In order to comply with the new ordinance, [Property Name] has developed a smoke-free lease addendum that will be in effect as leases roll over or by [date of ordinance], whichever comes first. Please sign the addendum and return a copy to the office by [state date].

Under the smoke-free ordinance, the definition of unit includes permanent provisions for living and sleeping *and any private outdoor spaces like balconies and patios*. The ordinance also applies to medical marijuana smoke [if applicable].

[Optional: A designated smoking area has been created for the convenience of smoking tenants and guests at [state area]. This is the only common area where smoking is allowed on the premise.]

Please note that the U.S. Surgeon General's finding that there is no safe level of exposure to secondhand smoke and the California Air Resources Board's decision to classify secondhand smoke as a toxic air contaminant has prompted jurisdictions across the state and country to reduce multi-unit residents' exposure to secondhand smoke.

For those wishing to quit smoking, please contact the Northern California Center for Well Being [or cessation provider in your area] for information on upcoming cessation classes. The Smokers' Helpline also provides free phone cessation services to all California smokers at 1-800-NO-BUTTS or www.californiasmokershelpline.org and at the American Lung Association's Lung Help Line at 1-800-LUNGUSA.

Thank you for your cooperation.

Sincerely,

[Management]

Model Letters¹

Send Letters Warning Residents to Stop Smoking at Your Site

Here are three letters you can use when residents smoke at your site in violation of a no-smoking policy.

Use Model Letter #1 if a resident covered by a lease clause that bans smoking in her unit violates the lease clause. The letter reminds residents who've violated the clause that they're not allowed to smoke in their units or anywhere else in the building, tells them that you know they've been violating that rule, and warns them not to do it again. Show this letter to your attorney before you use it.

Letter #1:

[Insert date]

Dear John Resident:

Paragraph [insert par. # in lease] of your lease prohibits smoking in your unit, anywhere in the building, or within XX feet of the building. Yesterday, at approximately 3:30 p.m., a maintenance staff member on call in your unit observed cigarette stubs and ashes in ashtrays and smelled tobacco smoke in your unit. If you violate your lease again, we may take appropriate legal action, including terminating your lease and starting an eviction lawsuit against you. Thank you for your cooperation.

Yours truly,
Jane Manager

Use Model Letters #2 and #3 to enforce a house rule banning smoking in common areas.

Model Letter #2 politely but firmly reminds residents where they're not allowed to smoke, tells them that you know they've been violating that rule, and warns them not to do it again.

If that doesn't work, use the more forceful letter (Model Letter #3). Again, be sure to show these letters to your attorney before using them.

¹ This article appeared in the June 2003 issue of *Assisted Housing Financial Management Insider*. This monthly news service is published by Vendome Group, LLC, formerly Brownstone Publishing Co., and subscription information about all of Vendome's real estate tools can be found at www.vendomegrp.com.

Letter #2:

[Insert Date]

Dear John Resident:

It has come to our attention that at approximately 6:30 p.m. you were observed smoking on the patio of your unit. As I am sure you are aware, lease rules at XYZ Apartments [insert paragraph # in lease] prohibits smoking anywhere within the unit and within 20 feet of operable doors or windows. Please comply with this rule in the future by refraining from smoking in any area where smoking is not permitted. Thank you for your cooperation.

Yours Truly,
Jane Manager

Letter #3:

[Insert date]

Dear John Resident:

You are in violation of your lease [and house rules] because of your repeated instances of smoking in the building common areas. Despite the written warning you received on *[insert dates]*, you have continued to smoke in areas where the lease and house rules at XYZ Apartments prohibit smoking.

Violations of house rules are also violations of paragraph [insert par. # of lease] of your lease. If you violate the rules against smoking again, we will take appropriate legal action, including terminating your lease and starting an eviction lawsuit against you. Thank you for your cooperation.

Yours Truly,
Jane Manager



Sample Warning Letter

You can use this model warning letter to write your own letters to tenants who are smoking in violation of the lease and/or house rule.

Dear NAME OF RESIDENT,

As stated in your lease, NAME OF PROPERTY or COMPANY, our smoking policy is that (insert smoking policy from your lease).

On DATE and TIME, you were REPORTED/ OBSERVED (choose one) to be smoking in AREA in violation of the lease. *Add other information about the violation as appropriate.*

If you violate your lease again, we may take appropriate legal action, including terminating your lease and evicting you.

If you have a particular enforcement procedure of warnings, fines, notices, etc., describe it here.

If you have a designated smoking area, tell the tenant where it is and to remember to smoke in the designated area.

If you have questions or concerns, please contact us at CONTACT INFORMATION.

Thank you,

YOUR NAME & COMPANY

**SONOMA COUNTY
TOBACCO EDUCATION and
CESSATION PROGRAMS
2013**

American Lung Association in California

- Free quit smoking phone counseling and lung health questions, at 1-800-586-4872.
- Freedom From Smoking cessation program online – www.lung.org
- Freedom from Smoking facilitator training available periodically - 1-800-LUNG-USA

Kaiser Permanente

HealthMedia Breathe online quit smoking program available to Kaiser members
www.kp.org/breathe

Santa Rosa Medical Center

401 Bicentennial Way, Santa Rosa

- *Freedom From Tobacco* - Evening classes meet once a week for six weeks.* Cost: FREE to members, \$80 for non-members.
- *Quit Tobacco Workshop* - Single session 3-hour classes on developing a cessation plan* Saturday and evening sessions. Cost: FREE for Kaiser members, \$30 for non-members.
- Individual counseling for adults, teens and pregnant women in English and Spanish.* Members only. No fee.
- Call: 707 566-5277 or 707 393-4167 for registration information.

Petaluma Medical Offices

3900 Lakeville Highway, Petaluma

- *Freedom From Tobacco* – Six Tuesday evenings 7:00-9:00 pm.* Cost: FREE for Kaiser members, \$90 for non-members.
- Call: 707-765-3485 to register.
- Prescription quit aids available

*Open to smokeless tobacco users

Northern California Center for Well-Being

365 Tesconi Circle, Suite B, Santa Rosa

Call 707-575-6043 to register
www.norcalwellbeing.org
info@norcalwellbeing.org

- *Smoke-Free Babies* - Individual counseling for pregnant or recently delivered women and an infant up to one year old. Learn what you need to maintain a smoke-free environment for your baby. Teen services also available. Home visits provided throughout the county. Cost: FREE!
- *Smoking Cessation Classes* - Classes meet 8 times in 7 weeks *
- *Quit Smoking for the last time! ONE SESSION* workshop. Develop a quit plan, learn about use of medications, and strategize to avoid relapse.
- Cost: Sliding scale based on income. Some insurances may cover costs.
- Classes hosted at worksites and agencies by our expert facilitators.

Teen Cessation & Diversion Services

Rohnert Park - Tobacco Diversion class open to any youth in RP/Cotati. SCAYD 707-793-9030

Santa Rosa - Diversion & Cessation. Open to all youth. Drug Abuse Alternatives Center
Four 1 hour sessions, \$50. Call: 707-544-3295



Sonoma County Department of Health Services

Prevention & Planning Division

490 Mendocino Avenue, Suite. 202, Santa Rosa
www.sonoma-county.org/health/prev/

For information on tobacco cessation class referrals, tobacco education, or to report a violation of tobacco laws call 707-565-6680.

California Smoker's Helpline

Help to quit by phone, FREE phone counseling and quit kits provided. Special programs for teens, pregnant women and chewing tobacco from the California Department of Public Health.

English	1-800-NO BUTTS
Spanish	1-800-456-6386
	1-800-844-CHEW
	1-800-933-4833

www.californiasmokershelpline.org
Chewers
TDD/TTY

Nicotine Anonymous Support Group

Ongoing support groups for anyone who wants to quit tobacco or support to stay tobacco-free. Speakers available for community groups on smoking cessation.

Monday nights in Petaluma from 7:00 - 8:00 pm, Church of Christ, 370 Sonoma Mountain Parkway. Contact: Terry at 707-664-9335.

Tobacco Related Web Sites

www.quitnet.com - Boston University's online smoking cessation program.

www.cancer.org - American Cancer Society's information on quitting smoking, and telephone cessation counseling.

<http://quitsmoking.about.com/> - Quit smoking resources

TIPS TO PREPARE YOU TO STOP SMOKING

- Decide positively that you want to stop. Avoid negative thoughts about how difficult it might be.
- Develop strong personal reasons to stop in addition to your health and obligations to others. For example, think of all the time you waste taking cigarette breaks, rushing out to buy a pack, hunting for a light etc., or of all the money you'll save.
- List all the reasons you want to stop. Every night before going to bed, repeat one of the reasons 10 times.
- Begin to condition yourself physically: start a modest exercise program; drink more fluids; get plenty of rest; avoid fatigue.
- Have realistic expectations and be patient, you didn't learn to smoke in a day so don't expect to quit in a day.
- Understand that withdrawal symptoms are temporary and are healthy signs that the body is repairing itself from its long exposure to nicotine. Within 24 hours of abrupt smoking cessation, withdrawal symptoms may appear as the body begins its healing process.
- Relapses occur in the first week or two after stopping, when withdrawal symptoms are strongest and your body is still using all your personal resources. Willpower, family, friends, and any tips that work for you will help you get through this critical period successfully.
- Tell your family and friends that you're stopping and when. They can be an important source of support both before and after you stop.



I'm free at last!

TIPS TO USE JUST BEFORE STOPPING

- Practice going without a cigarette. Smoke 1 or 2 less cigarettes than usual; have your first smoke an hour later than usual.
- Make it more difficult to get a cigarette - stop carrying them, buy only one pack at a time and don't buy cartons. Put them in a locker or your car, only smoke outside.
- Practice coping with the urge to smoke. Notice the urge and think about it – then choose not to smoke. Tell yourself you will wait 20 minutes – the urge to smoke will pass whether you smoke that cigarette or not.
- Think of stopping in terms of one day at a time.
- Don't empty your ashtrays. This will remind you of how many cigarettes you've smoked each day, and the sight and smell of stale butts will be very unpleasant.
- Collect all your cigarette butts in one large glass container as a visual reminder of the mess smoking represents.

TIPS FOR THE DAY YOU STOP

- Throw away all your cigarettes and matches. Hide lighters and ashtrays.
- Clean your clothes to rid them of the cigarette smell.
- Develop a clean, fresh, nonsmoking environment around yourself. Buy yourself flowers -- you may be surprised how much you can enjoy their scent now.
- Keep busy on the big day.
- Buy yourself a treat or do something special to celebrate.
- Stay away from other smokers if they could weaken your resolve.
- Remember that alcohol or other drugs will weaken willpower.

Sonoma County Tobacco Cessation Programs

2013



**You don't have
to do it alone**



This brochure was made possible in part with funds from Proposition 99, the Tobacco Tax.