



Sunnyvale Smokefree Multi-Family Housing Law

Frequently Asked Questions

What does “smoking” mean?

Smoking includes the use of:

- Cigarettes, cigars, cigarillos, hookah, and pipes
- Electronic smoking devices
- Marijuana

Where is smoking prohibited?

Smoking is prohibited in multi-unit residences, including:

- **Indoor common areas**, such as lobbies, halls, elevators, stairs, community rooms, gym facilities, laundry rooms, shared cooking and eating areas, and parking garages
- **Outdoor common areas**, such as courtyards, paths, walkways, stairs, playground areas, swimming pool areas, and parking lots
- **Within 25 feet** from any operable doorway, window, opening, or vent of a multi-unit residence
- **Inside any new or existing unit**, including private and shared balconies and patios

For most multi-unit residences, the entire property must be smokefree unless a designated smoking area is created.

What types of buildings are subject to the 25 foot smokefree limits?

The smokefree buffer zone applies within 25 feet of any location where smoking is prohibited, including offices, retail stores, restaurants, places of worship, etc. Smoking is prohibited within 25 feet from any operable doorway, window, opening, crack, or vent into such a building.

What is a multi-unit residence?

A multi-unit residence includes any property containing two or more units, including:

- Apartments
- Condominiums
- Townhomes
- Duplexes, tri-plexes, four-plexes
- Long-term health care facilities and assisted living facilities
- Single room occupancy (SRO) facilities
- Homeless shelters

A multi-unit residence does not include:

- A single family home (including a home with a detached or attached second unit)
- A hotel or motel
- A campground
- A mobile home park

What are my requirements under the law?

Under the law, owners, managers or others with control of multi-unit residences are required to:

1. Post no-smoking signs in locations where smoking is prohibited. Signs are not required inside multi-unit residences. Signs shall include letters at least one inch in height and the international “No Smoking” symbol. If your property has a designated smoking area you must post signs reading “Smoking is Prohibited Except in Designated Areas” at each entrance to a location where smoking is permitted.
2. Keep common areas free from ash trays or ash cans, except in designated smoking areas.
3. For rental housing, incorporate the smoking limits into the lease or rental agreement. Specifically, you must state that it is a material breach of the agreement to:
 - allow or engage in smoking in the unit
 - smoke in common areas except in an outdoor designated smoking area, if one exists, and
 - violate any law regarding smoking while anywhere on the property, such as smoking within 25 feet of doorways or windows.



Additionally, the lease must include a clause allowing other tenants to enforce the smoking provisions. For example, a tenant could bring a lawsuit in small claims court against their neighbor for smoking in violation of the lease.

Where can people smoke?

Owners or property managers may create a designated smoking area so long as it:

1. Is outdoors
2. Does not occupy more than 10% of the total outdoor area of the multi-unit residence
3. Is located at least 25 feet away from multi-unit residence doorways, windows, and recreational areas, and
4. Has tobacco waste receptacles (e.g., ash cans) that are maintained free of tobacco litter

Do you have a sample lease amendment that I can use for my property?

The *Model Smokefree Lease Addendum* from Americans for Nonsmokers' Rights (available at: <http://www.no-smoke.org/pdf/model-lease-addendum.pdf>) meets the requirements of the Sunnyvale ordinance.

Are condominiums and townhomes required to change governing documents, such as the CC&Rs (Covenants, Conditions & Restrictions)?

Condominium or townhouse complexes that wish to specifically reference smoking in their CC&Rs or house rules may want to adapt the *Model Smokefree Lease Addendum* from Americans for Nonsmokers' Rights (available at: <http://www.no-smoke.org/pdf/model-lease-addendum.pdf>). However, condominiums and townhomes are not required to amend the CC&Rs or house rules to prohibit smoking.

Where can I get no-smoking signs to post on my property?

Property owners or managers may create their own signs that meet the requirements listed in the law. Or, signs may be requested from the city, subject to availability. For more information, see Smoking.inSunnyvale.com.

How will the law be enforced?

The city expects a high degree of compliance with the laws once individuals are aware of the smoking limits. If you see a violation of the law, report the problem to your landlord, property manager, or condominium association so that she or he can take steps to resolve the problem. You can also try talking to your neighbor to inform them of the law and ask them to stop smoking.

For renters, smoking in violation of the law is also a violation of the lease and is subject to enforcement by the landlord or other tenants.

The City will begin by educating potential violators about the law and/or issuing warnings. If the problem continues, violators may be subject to fines and/or prosecution. For more information, visit Smoking.inSunnyvale.com, including how to file a complaint.

Where can I get more information, including resources about how to quit smoking?

Visit Smoking.inSunnyvale.com. This FAQ is intended only as a guide for general and easy reference. You can view the full law online at: <http://qcode.us/codes/sunnyvale/> (see Chapter 9.28 Regulation of Smoking).