



South San Francisco Smoking Ordinance

Frequently Asked Questions – Multi-Unit Residential Properties (Apartments, Condominiums, Townhomes)

Q. Are all residential properties in South San Francisco impacted by this ordinance?

A. No. The ordinance applies to multi-unit residences, which are defined as any property with two or more units and has at least one or more shared walls, floors, or ceilings. Additionally, a property that has two or more units and has a shared ventilation system is considered a multi-unit residence.

Q. Where is smoking prohibited?

A. Beginning on May 9, 2017, Smoking is prohibited in all dwelling units contained within a multi-unit residence. Units within multi-unit residences with existing leases are exempt from this prohibition until the date their existing lease agreement expires or November 9, 2017, whichever is sooner. Smoking is also prohibited within 30 feet of a multi-unit residence's entrance/doorway and in all common areas of multi-unit residences, except for designated smoking areas.

Q. Where is smoking permitted?

A. Smoking is permitted in designated smoking areas. Outdoor designated smoking areas must be located more than 30 feet from an entrance/doorway and marked by conspicuous signage. Indoor designated smoking areas must be in an area that is fully enclosed, separately ventilated, and not the only space available for a particular activity or service.

Q. Are electronic cigarettes included in the ordinance?

A. Yes. The City defines "electronic smoking device" as any electronic or battery-operated device or product that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the device. This term includes every variation and type of such products or devices whether they are manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vapor pen, or any other product name or descriptor. The term does not include any medical inhaler prescribed by a licensed doctor or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose. The use of electronic smoking devices is also prohibited in multi-unit residences and common areas under this ordinance.

Q. When does the ordinance go into effect?

A. The ordinance goes into effect on May 9, 2017.

Q. What are the fines and penalties?

A. Any person violating any of the provisions of the ordinance or Chapter 8.50 of the City's Municipal Code is guilty of an infraction and may be subject to fines ranging from \$100 for a first violation, up to \$500 for more than two violations within the same year, as well as abatement and enforcement actions by the City.



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Q. How will the ordinance be enforced?

A. Violations of designation of smoking areas should be addressed to Code Enforcement. To report a violation in progress (“on-view violation”) of the ordinance, call 650-829-6645 or 650-877-8900 after normal business hours.

Q. What are the responsibilities of apartment managers or homeowners associations under the ordinance?

A. Each owner, operator, manager or other person having control of the place where smoking is prohibited shall clearly, sufficiently and conspicuously post “No Smoking” signs with letters of not less than one inch in height or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in every room, building or other place where smoking is regulated, including, but not limited to, all entrances, all restrooms, all elevators, and at least one conspicuous place within an unenclosed area where smoking is prohibited. Posting signs inside the units of multi-unit residences is not required.

Q. If I rent out a single family home, is smoking allowed in that residence?

A. Yes. A multi-unit residence does not include the following: (1) a single-family residence with a detached in-law or secondary dwelling unit; (2) a single, contiguous residence in which rent is shared by the residents; and (3) a hotel or motel that meets the requirements of California Civil Code Section 1940, subdivision (b)(2).

Q. What happens if a resident is complaining about drifting smoke from another unit?

A. Please notify your landlord or property manager if smoke is drifting from a unit into your unit or a common area. For further guidelines for addressing drifting smoke issues, please visit the County of San Mateo Health System’s “Smoke-Free Housing” website at <http://www.smchealth.org/driftingsmoke>. Landlords notified of who observe drifting smoke from a unit subject to this ordinance are encouraged to contact the City at 650-829-6645 or 650-877-8900 after normal business hours to report a violation.

Q. Where can I go for more information on this ordinance and resources for implementing a non-smoking multi-unit residential community?

A. Please visit the County of San Mateo Health System’s “Smoke-Free San Mateo County” website at <http://www.smchealth.org/smoke-free-san-mateo-county> or contact the County’s SmokeFree Hotline at (650) 573-3777 or email the County’s Tobacco Prevention Program at tobaccoprevention@smcgov.org.

More information is also available at South San Francisco’s Smoking Ordinance Resource Page: <http://qcode.us/codes/southsanfrancisco/> .