



Smoke-free Santa Clara: Frequently Asked Questions For Multi-Unit Residences

On February 5, 2019, the Santa Clara City Council adopted an updated Smoking and Tobacco Regulations Ordinance (Ordinance No. 1966) that expanded smoking restrictions in many public areas and multi-unit residences. These regulations aim to protect Santa Clara residents, employees and visitors from the harmful effects of secondhand smoke. Smoking restrictions for multi-unit residences are summarized below. Information on the smoking restrictions in public areas is available at www.santaclaraca.gov/smokefreesantaclara.

1. What does “smoking” include?

Smoking includes the use of cigarettes, cigars, or pipes, electronic and/or battery-operated cigarette or vaporizing devices, and cannabis.

2. Where is smoking prohibited in Santa Clara?

Effective August 1, 2019, smoking is prohibited in multi-unit residences, including:

- Inside any new or existing unit of a multi-unit residence, including private and shared balconies and patios
- Indoor and outdoor common areas, such as laundry and community rooms, gym facilities, courtyards, playgrounds, swimming pool areas, and parking lots
- Within 30 feet from any operable doorway, window, opening, or vent of a multi-unit residence

A multi-unit residence is any property with two or more attached units, including apartments, condominiums, and townhomes. The law does not apply to single-family homes, single-family homes with a detached or attached in-law or second unit, or hotels or motels satisfying the requirements of State and local law.

3. What are my legal requirements if I am a property owner or manager?

Under Santa Clara law, owners, operators, and property managers of residential properties, whether rental or owner-occupied, are required to:

- Post "No Smoking" signs in places where smoking is prohibited by law, including inside buildings and at entrances at eye level. Signs are not required inside multi-unit residences. The posted signs must be a minimum of six inches by four inches.
- Include the following items in every lease or other rental agreement for a multi-unit residence that is entered into, renewed, or continued month-to-month after the effective date of the Ordinance:
 - A copy of the full text of the law (Chapter 8.35 Smoking and Tobacco Regulations of the Santa Clara Municipal Code). There is a double-sided, one-page copy of the law titled “Copy of Smoking and Tobacco Regulations for Leases” available on the City’s Smokefree Santa Clara webpage. The link to the webpage can be found under the “Where can I get more information” section below.

- A description of and/or image depicting the location(s) of any designated smoking area(s) on the property, if any.
- A clause giving third-party beneficiary status to residents to allow them to enforce the Smoking and Tobacco Regulations against violators through a private civil action.
- Provide notice to residents, tenants or their guests of the requirements of the Smoking and Tobacco Regulations Ordinance.
- Give written notice to violator(s) that their actions are in violation of the Smoking and Tobacco Regulations Ordinance.

4. Where can people smoke in multi-unit residences?

Property owners or managers may create an outdoor designated smoking area if the area complies with all of the following requirements:

- Is located in an unenclosed and clearly identified area that is not more than 10% of the total unenclosed area of the multi-unit residence
- Is located at least 30 feet away from any operable doorway, window, opening, or other vent into an enclosed area (including those on a different property)
- Is located at least 30 feet away from any unenclosed space primarily used by children or used for physical activities, such as a playground or swimming pool
- Has receptacles designed for and primarily used for disposal of tobacco waste that are maintained free of tobacco-related litter

5. Is there a penalty for smoking in multi-unit residences?

Owners, operators, and property managers of residential properties who do not fulfil the requirements listed above may be subject to fines and/or prosecution. Individuals who smoke where smoking is prohibited also may be subject to fines and/or prosecution. Additionally, renters who smoke where smoking is prohibited are in violation of their lease and are subject to enforcement by the landlord or other tenants.

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

Property owners or managers may create their own “No Smoking” signs. The posted signs must be a minimum of six inches by four inches. Signs may also be requested from the City, subject to availability.

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

This FAQ is intended only as a guide for general and easy reference. You can view the full law online at: www.santaclaraca.gov/smokefreesantaclara (See Ordinance No. 1996 and Copy of Smoking and Tobacco Regulations for Leases under the Relevant Documents and Information section).

For additional information, contact the City Manager’s Office at manager@santaclaraca.gov or 408-615-2210.