



9010



Smoke-Free Multi-Unit Housing Ordinance Frequently Asked Questions

What are the City's laws covering smoking in multi-unit housing?

In short, starting January 1, 2018, smoking is prohibited in all areas of multi-unit properties in the city, including inside personal dwelling units. There is a transition period for units already occupied. Please see the following questions and answers for more information.

Does the law go into effect all at once?

No. There is a one-year transition period. Starting January 1, 2018, smoking is prohibited in all common areas. Additionally, smoking is prohibited in all rental units governed by a new lease or renewed/extended lease. This includes any month-to-month lease that is renewed. Starting January 1, 2019, smoking is prohibited in all units. This includes both rental units and owner-occupied units.

Why does the City prohibit smoking in multi-unit housing?

The City's intent is to provide for the public's health, safety, and welfare by protecting the public from nonconsensual exposure to secondhand smoke in and around their homes.

What is considered smoke/smoking?

The smoking regulations apply to traditional tobacco smoke, electronic cigarettes/vaping devices, and marijuana smoke. California Health and Safety Code prohibits the smoking of cannabis or cannabis products in a location where smoking tobacco is prohibited.

What is considered a common area?

A common area is every interior or exterior area that residents or owners of more than one unit are entitled to enter or use, including, for example, halls, paths, lobbies,

courtyards, elevators, stairs, community rooms, recreation areas or rooms, playgrounds, gym facilities, swimming pools, jacuzzis, parking garages, parking lots, restrooms, laundry rooms, cooking areas, and eating areas.

What is considered a unit?

A unit is any personal dwelling space in a multi-unit property. This includes any associated exclusive-use area, such as a private balcony, porch, deck, or patio.

Do the no-smoking laws apply to my place of residence?

If you live on a property with two or more units in Beverly Hills, the new laws apply to you and your unit. In summary, apartments, condominiums, townhouses, and duplexes all fall under the City's Smoke-Free Multi-Unit Housing Ordinance. This includes planned developments, and stock cooperatives, and residential portions of mixed-used hotel/condominium projects. The laws do not apply to single-family homes with accessory dwelling units.

I live in a mixed hotel/condominium project. Do the no-smoking laws apply to my residence?

Yes. A mixed hotel/condominium is comprised of both a hotel and common interest development, but only the residential portions. The smoking laws do not apply to the buildings, portions of the buildings, or any other areas that are designated as part of the hotel including, but not limited to, hotel rooms, and common areas that are used by hotel patrons and guests.

Where else is smoking prohibited in Beverly Hills?

- Within public right-of-way (sidewalks, streets, alleyways, etc.), unless actively travelling by
- Within 20 feet of open air dining areas, unless actively travelling by
- On public school property
- In vehicles with minors
- In or within 20 feet of public buildings
- In enclosed spaces at places of employment
- At City parks and the Beverly Canon Gardens
- At farmers markets
- At public and private plazas
- At outdoor public events
- At outdoor service lines (ATM lines, ticket lines, etc.)
- In City-owned vehicles



What are the responsibilities of landlords and homeowners associations?

On or before January 1, 2018, landlords and homeowners associations shall:

1. Post clear and unambiguous “No Smoking” signs in sufficient numbers and locations of the property to make it obvious to a reasonable person that smoking is prohibited throughout the property. The signs shall have letters of no less than one inch in height or contain the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle crossed by a red bar). Such signs shall be maintained by the landlord or homeowners association.

▶ Sample “No-Smoking” signage templates may be found on the City’s website at beverlyhills.org/smoking.

2. Not permit the presence of ash trays, ash cans, or other receptacles designed for, or primarily used for, the disposal of smoking waste within any common area.

3. Provide written notice to all residents stating that:

- a. Smoking is prohibited in all common areas beginning January 1, 2018.
- b. Any unit that is governed by a lease that was entered into on or after January 1, 2018 is designated as a non-smoking unit.
- c. Any unit that is governed by a lease that was entered into before January 1, 2018 will be designated as a non-smoking unit when the lease is renewed or extended, or January 1, 2019, whichever is earlier.
- d. That all units will become non-smoking beginning January 1, 2019.

The landlord or homeowners association does not need to provide this written notice if smoking is already prohibited in all common areas and units in the multi-unit residence.

▶ A sample letter to residents may be found on the City’s website at www.beverlyhills.org/smoking.

4. Include a provision in any new lease for the occupancy of a unit that is entered into, renewed, or amended on or after January 1, 2018, notifying the tenant that it is a material breach of the lease or other rental agreement to allow or engage in smoking on the property.

▶ Sample lease language may be found on the City’s website at www.beverlyhills.org/smoking.

Are landlords and homeowners associations responsible for a resident’s violation of the no-smoking regulations?

As long as the landlord or homeowners association complies with the code requirements as set forth in Beverly Hills Municipal Code sections 5-4-18 and 5-4-19,

they shall not be criminally or civilly liable to any person as a result of an owner or any other person violating the smoking regulations while on the property. The requirements for these two Code sections are outlined in the previous question.

Can landlords and homeowners associations designate smoking areas at a multi-unit residential property?

No. Beginning January 1, 2018, smoking is prohibited in all common areas without exception.

I would like to report smoking activity at a multi-unit residential property or elsewhere within the city. Who do I contact?

To report a smoking violation, please contact the City of Beverly Hills Community Preservation Program between the hours of 7:30 a.m. and 5:30 p.m. Monday - Thursday and 8:00 a.m. and 5:00 p.m. on Fridays at (310) 285-1119.

I would like to report smoking activity in the downtown business triangle or along South Beverly Drive. Who do I contact?

To report outdoor smoking in these areas, please call or text Beverly Hills Ambassadors at (424) 302-1487.

I’m interested in quitting smoking. Where can I go?

For information on how to quit smoking or stop chewing tobacco, please visit the California’s Smoker’s Helpline. The helpline offers free telephone counseling, self-help materials, and online help in six languages.

☎ **Phone:** 1-800-NO-BUTTS (1-800-622-8887)

▶ **Web:** www.nobutts.org

I have other questions about City smoking regulations. Who should I contact?

For additional information, please call (310) 285-1014.

