



Smokefree Housing Ordinance Checklist

The provisions listed below are part of ChangeLab Solutions' *Smokefree Housing Model Ordinance*. By creating nonsmoking living environments in multi-unit residences, communities can provide an opportunity for everyone to live smokefree, regardless of economic means, race, or ethnicity. [Contact us](#) for help drafting an ordinance for your community.

POLICY OPTIONS

What Types of Multi-Unit Residences are Smokefree?

(See Model Ordinance Section 1: Definitions of "Multi-Unit Residence" and "Unit")

All types of property containing two or more units, including the following:

- Apartments
- Single-resident occupancy hotels and homeless shelters
- Condominiums
- Long-term health care facilities
- Senior housing and assisted living facilities
- Dormitories

Optional Exceptions: The definition of "Unit" in the Model Ordinance is broad. A community can exclude some types of dwelling places:

- Hotels and Motels
- Campgrounds
- Mobile Home Parks
- Marinas
- Single-family homes, except if used as child care or health care facilities
- Single-family homes with in-law or auxiliary dwelling units

What Types of Smoking are Regulated? (See Model Ordinance Section 1: Definitions of "Smoke" and "Smoking")

- Traditional tobacco products, such as cigarettes and cigars
- Electronic smoking devices, such as e-cigarettes
- Marijuana, used either medicinally or recreationally

What Areas of Multi-Unit Residences are Smokefree?

(See Model Ordinance Section 2: Smoking Restrictions in New and Existing Units of Multi-Unit Residences)

- 100% of units covered by the ordinance (see above)
 - New units – units constructed after the ordinance is passed
 - Existing units – units that are already built and occupied when the ordinance is adopted
 - Recommended: A phase-in period (up to one year) for existing units to become smokefree
- Patios, decks, balconies, and porches associated with all individual units
- Outdoor buffer zones within 25 feet of multi-unit residence doorways and windows
(See Model Ordinance Section 4: Nonsmoking Buffer Zones)
- Indoor common areas, such as hallways, stairwells, lobbies, etc.
- Outdoor common areas, such as courtyards, parking areas, pools, etc.
 - Optional:* Create designated outdoor smoking areas meeting specific criteria (See Model Ordinance Section 3: No Smoking Permitted in Common Areas Except in Designated Smoking Areas)

Additional Provisions

- Require landlords to include no-smoking lease terms in rental agreements
(See Model Ordinance Section 5: Required and Implied Lease Terms)
 - A "third-party beneficiary" provision enables other residents to enforce a lease's smoking restrictions
- Require landlords to alert tenants to the new smokefree requirements (required by law)
(See Model Ordinance Section 6: Other Requirements and Prohibitions)
- Declare drifting secondhand smoke a nuisance – everywhere or just in residential settings
(See Model Ordinance Section 7: Smoking and Smoke Generally)

Enforcement Options (See Model Ordinance Section 8: Penalties and Enforcement)

- Make violations of the ordinance an infraction with a fixed fine amount (cannot exceed \$100 for first violation)
- Authorize the city/county to bring lawsuits to collect civil fines for violations of the ordinance
- Declare that violations of the ordinance constitute a nuisance
- Allow private citizens to seek an injunction (an order to stop violations) and/or money damages against individuals who violate the ordinance