

## Pasadena's No-Smoking Ordinance Disclosure Requirement

*Goes in Effect on January 1, 2012*

### **UPDATE: *Disclosure Form Now Available!***

The City of Pasadena has just released the [disclosure document](#) for use by property owners and real estate agents.

#### **Complete list of important documents for Multi-Unit Housing Providers, Owners and Managers:**

- [Notification Letter](#)
- [Disclosure Document](#)
- [Tobacco Use Prevention Ordinance](#)
- [No-Smoking Sign Template](#)

**The City of Pasadena** has passed a no-smoking regulation. Effective January 1, 2013, it will be unlawful to smoke in any common area, patio, balcony, or inside a unit within any multi-family building (defined as two or more units.)

Effective January 1, 2012, property owners/managers must post No Smoking signs in the common areas of their building.

Also, effective January 1, 2012, all leases / rental agreements AND purchase agreements must contain a reference to the prohibition AND a copy of the ordinance.

The City of Pasadena ordinance is copied below. Please use it in your lease and purchase agreements.

Please note that enforcement of the ban, when it becomes effective January 1, 2013, will be the responsibility of the city's Department of Health and NOT the property owner/manager, the HOA, or the real estate agent.

If you have questions, please call PFAR Government Affairs Director Laura Olhasso at 626.795.2455.

#### **8.78.080 - Posting of signs.**

**A.** Every owner, operator, manager, or other persons having control of a structure where smoking is prohibited under this chapter shall conspicuously post in such buildings "No Smoking" signs with capital letters not less than one-inch in height on a contrasting background. 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) may be used in lieu of the written "No Smoking" sign, or a sign approved by the city's health officer.

**B.** The "No Smoking" postings may be limited to first floor entrances and exits, lobbies, restrooms, and elevators.

(Ord. 6548 § 2 (part), 1993)

#### **8.78.085 - Reduction of drifting tobacco smoke in multi-unit housing.**

**A.** The following words and phrases, whenever used in this section, shall have the following meanings:

1. "Common area" means every interior or exterior space of multi-unit housing that residents of more than one unit are entitled to enter or use, including, without limitation, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.
2. "Multi-unit housing" means residential property containing two or more dwelling units but does not include a hotel or motel that meets the requirements set forth in California Civil Code Section 1940(b)(2) or a mobile home park.
3. "New unit" means, for new construction, a unit that is issued a certificate of occupancy on and after July 1, 2011, or, for buildings already constructed, a unit that is leased or rented for residential use for the first time on and after July 1, 2011.
4. "Nonsmoking area" means any unit or common area of multi-unit housing in which smoking is prohibited by this section.
5. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use enclosed area or unenclosed area, such as, without limitation, a private balcony, porch, deck or patio. "Unit" includes without limitation: an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a room in a single room occupancy facility; and a room in a homeless shelter.

**B.** Nonsmoking Areas in Multi-Unit Housing.

1. It is unlawful to smoke in all common areas of multi-unit housing.
2. It is unlawful to smoke in all new units of multi-unit housing.
3. It is unlawful to smoke in all multi-unit housing units on and after January 1, 2013.

**C.** Disclosure of the Requirements of this Section.

1. Every lease or other rental agreement for the occupancy of a multi-unit housing unit entered into, renewed or continued month-to-month on and after January 1, 2012 shall contain a reference to this section and attach a copy of this section.
2. Every purchase agreement for the sale of a multi-unit housing unit entered into on or after January 1, 2012 shall contain a reference to this section and attach a copy of this section.

**D.** Violations and Enforcement.

1. It is unlawful for any person to violate the provisions of this section.

2. Notwithstanding Section 8.78.110 or any other provision of this code, a violation of this section shall be punishable under the administrative citation procedures set forth in Chapters 1.25 and 1.26. The fine imposed for a particular violation shall be in the amount set forth in the administrative citation schedule established by resolution of the city council pursuant to Section 1.26.060.
3. The provisions of this section shall be enforced by the health officer of the city or an authorized designee in the environmental health division. An owner, operator, manager, landlord, homeowners' association, or other person having control of a multi-unit housing unit shall post signs as required by Section 8.78.080; however, said persons may, but are not hereby required, to assist with enforcing the provisions of this section and shall not be deemed in violation of this section by failure to assist its enforcement.