

In 2006, the California Air Resources Board (CARB) designated secondhand smoke as a toxic air contaminant that may cause or contribute to an increase in deaths or in serious illness or pose a hazard to human health, particularly in children.

Why is this Ordinance Important?

There is no safe level of exposure to secondhand smoke. This ordinance helps to protect everyone who lives and works in the unincorporated communities of Contra Costa County from the harmful effects of secondhand smoke.

Secondhand smoke causes as many as 53,000 deaths each year in the United States, approximately 6,000 of which occur in California. Health impacts of Secondhand Smoke (SHS) in California each year include:

- Over 400 lung cancer deaths
- Over 3,600 cardiac deaths
- About 31,000 episodes of asthma
- About 1,600 cases of low birth weights in newborns
- Over 4,700 cases of premature births

If you or someone you know would like to

quit smoking, call

1-800-NO BUTTS

for free cessation services and more information.

Who do I call to make a complaint?

Any person may call the Contra Costa Health Services Tobacco Prevention Project at 888-877-4202.

What happens after a complaint is made?

A warning letter will be sent to the business owner about a possible violation of the ordinance. Failure to comply with the ordinance may result in fines.

Are there other remedies under the law?

Under the Americans with Disabilities Act, violators may be sued for \$50,000 for the first violation and \$100,000 for the second violation, plus attorney's fees, if a member of the public experiences damage to their health due to secondhand smoke exposure.

For more information or to order signage for your business, contact the Tobacco Prevention Project or visit our website.



CONTRA COSTA
HEALTH SERVICES
Contra Costa Public Health
Tobacco Prevention Project
597 Center Ave, Suite 125
Martinez, CA 94553
888-877-4202 Complaint line
925-313-6214 Office
925-313-6864 Fax

<http://www.cchealth.org/topics/tobacco>

Many services are covered by Medi-Cal. If you would like to receive information regarding Medi-Cal eligibility call the Social Services office: 1-800-709-8348.

April 2015

A Guide to Contra Costa County's Secondhand Smoke Protections Ordinance



About the Ordinance

New laws in Contra Costa County reduce secondhand smoke exposure among residents, visitors and workers in all unincorporated communities of Contra Costa County (County Ordinance Code Chapter 445-4).

Where Smoking is Prohibited

Smoking of any tobacco product or plant (including the use of a hookah pipe, medical marijuana or electronic smoking device such as an e-cigarette) is prohibited in the following areas:

Indoor Areas

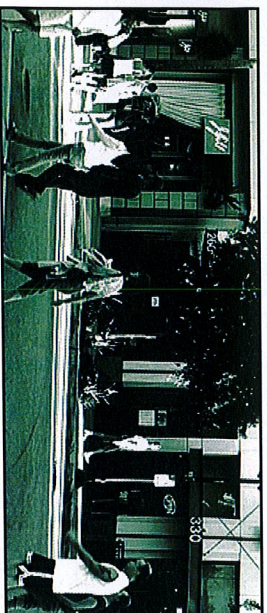
All workplaces and indoor areas open to the public, including tobacco shops, owner- or volunteer-operated businesses and hotel lobbies.

Outdoor Areas

- All areas within 20 feet of the doors, operable windows, air ducts, and ventilation systems of any enclosed workspace or enclosed places open to the public, except while passing on the way to another destination;
- Outdoor dining areas at bars and restaurants and outdoor lounges and dining areas at places of employment;
- Public parks and on public trails;
- Outdoor public service areas (e.g., ATMs, ticket lines, and bus stops); and
- Outdoor public events (e.g., fairs, festivals, concerts, and farmers' markets).

County Owned or Leased Properties

- Smoking is prohibited on the campus of County-owned or leased properties.



Multi-Unit Housing (two or more units)

- Common indoor and outdoor areas;
- Within 20 feet of doors, windows, air ducts and ventilation systems of multi-unit housing residences, except while walking from one destination to another;
- On all balconies, patios, decks and in carports; and
- In 100% of all dwelling units of multi-unit housing residences that received a building permit after January 1, 2011.

Multi-unit Housing Landlord Requirements

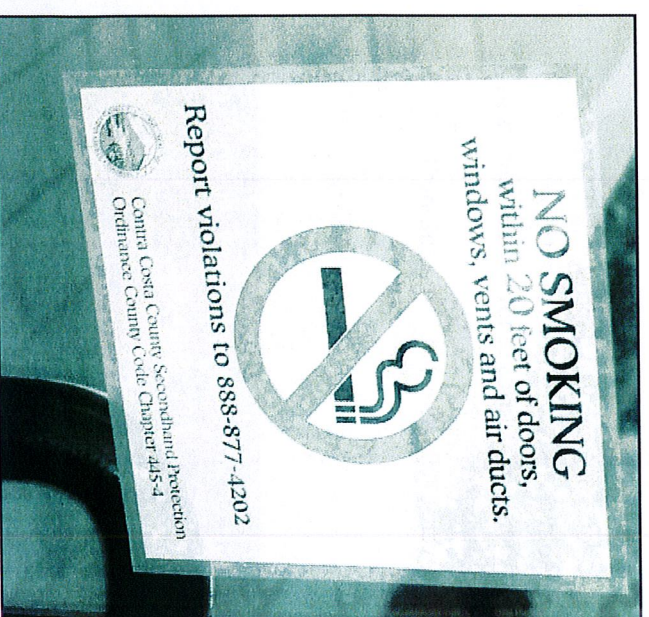
Under the law, landlords are required to:

- Maintain and keep on file at the premises: (1) a list of all designated non-smoking units at the residence; (2) a floor plan of the residence that identifies the location of all designated non-smoking units, any units where smoking is permitted and any designated outdoor smoking areas;
- Provide a copy of the list and floor plan, and a copy of any policy for addressing smoking complaints to each prospective tenant along with every new lease or rental agreement for the occupancy of a unit in a multi-unit residence; and
- Include lease terms with a clause stating it is a material breach of the lease to smoke in a non-smoking unit or in any indoor or outdoor common area where smoking is prohibited.

Landlord, Owner and Manager Requirements

In every building or other place where smoking is prohibited by law, the owner, operator or manager must:

- Post "No smoking" signs with letters of not less than one inch in height, or the use of the international "No Smoking" symbol (consisting of a burning cigarette in a red circle with a red bar across it), visibly in every building or other place where smoking is regulated by the owner, operator, manager or other person having control of the building or other place.
- Not allow ashtrays or other receptacles for disposing of smoking material where smoking is prohibited; and
- Not knowingly allow smoking in smoking prohibited areas. The owner, operator or manager must request that the person stop smoking and if the person fails to stop, ask them to leave the premises.

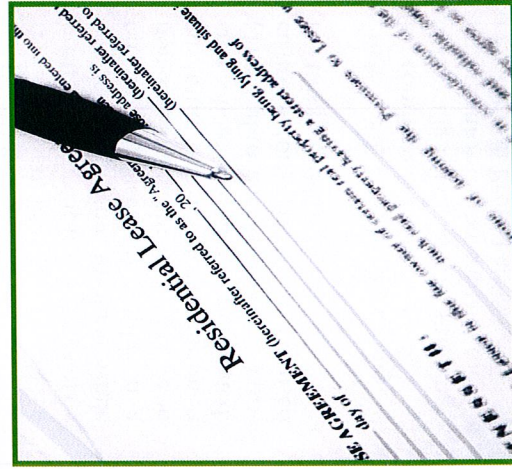


Landlord Liability

- Landlords are not liable for a tenant's breach of the smoking regulations if (1) the landlord has fully complied with all provisions of the law; and (2) upon receiving a signed written complaint regarding prohibited smoking, the landlord provides warning to the offending tenant. Upon receiving a second signed, written complaint against the offending tenant, the landlord may evict but is not liable for the failure to do so.

Penalties for Non-compliance with the Ordinance

Failure to comply with the ordinance can result in administrative fines of \$100 for the first violation, \$200 for the second violation within a year and \$500 for each additional violation within a year. Landlords who fail to comply with this ordinance may be subject to other legal claims by tenants.



Why is this Ordinance Important?

In 2006, the California Air Resources Board (CARB) designated secondhand smoke as a toxic air contaminant that may cause or contribute to an increase in deaths or in serious illness or pose a hazard to human health, particularly in children. The U.S. Surgeon General has declared that there is no safe level of exposure to secondhand smoke. Secondhand smoke causes as many as 53,000 deaths each year in the United States, approximately 6,000 of which occur in California.

Secondhand smoke has been shown to move through light fixtures, through ceiling crawl spaces, and into and out of doorways and windows. This ordinance helps to protect people who live in multi-unit housing in the unincorporated communities of Contra Costa County from the harmful effects of secondhand smoke.

For more information or to order signage (available as supplies last) for your multi-unit housing residence, contact the Tobacco Prevention Project or visit our website.



Tobacco Prevention Project
Community Wellness and Prevention Programs
Contra Costa Public Health
597 Center Avenue, Suite 125 Martinez, CA 94553
888-877-4202 Complaint line 925-313-6214 Office
925-313-6864 Fax
<http://www.cchealth.org/tobacco>

Many services are covered by Medi-Cal. If you would like to receive information regarding Medi-Cal eligibility call the Social Services office: 1-800-709-8348

For Property Managers,
Developers and Landlords
in unincorporated
Contra Costa

Information on
Contra Costa County's

Secondhand Smoke Protection Ordinance



This is a
smoke-free building

New Law in Effect

In March 2013, the Contra Costa County Board of Supervisors amended the County's Secondhand Smoke Protections Ordinance to include more protections for residents of multi-unit housing in unincorporated Contra Costa.

Smoking of any tobacco product or other plant (including the use of a hookah pipe, medical marijuana or Electronic Nicotine Delivery System (ENDS) such as an e-cigarette) is prohibited in the following areas of multi-unit housing with 2 or more units:

- Common indoor and outdoor areas;
- Within 20 feet of doors, windows, air ducts and ventilation systems, except while walking from one destination to another;
- On all balconies, patios, decks and in carports; and
- In 100% of all dwelling units of multi-unit housing residences that receive a building permit after January 1, 2011.



Landlord Responsibilities

Under the law, the Owner and Manager of a multi-unit housing building must:

- Post "No smoking" signs with letters of not less than one inch in height, or the international "No Smoking" symbol (consisting of a burning cigarette in a red circle with a red bar across it). The sign must be visibly posted in every building or other place where smoking is prohibited by law;
- Not allow ashtrays or other receptacles for disposing of smoking material where smoking is prohibited;
- Not knowingly allow smoking in smoking prohibited areas; and
- Comply with lease/rental agreement requirements outlined in the next section.

Lease/Rental Agreement Requirements

Under the law, the Owner and Manager of a multi-unit housing building must:

- Maintain and keep on file at the premises: (1) a list of all designated nonsmoking units at the residence; (2) a floor plan of the residence that identifies the location of all designated non-smoking units, any units where smoking is permitted and any designated outdoor smoking areas; and
- With every new lease or rental agreement for the occupancy of a unit in a multi-unit residence, include:
 - ◊ A copy of the list of nonsmoking units;
 - ◊ A copy of the floor plan;
 - ◊ Information indicating whether a policy for handling smoking complaints is in effect at the multi-unit residence, and if so, the terms of the policy; and
 - ◊ A clause stating it is a material breach of the lease to a) violate any law regarding smoking while on the premises; b) smoke in a non-smoking unit; or c) smoke in any multi-unit residence common area where smoking is prohibited. (The California Apartment Association's form 34.0 may be used for this purpose).

Under certain conditions, landlords may designate a common outdoor area of a multi-unit housing residence as a smoking area. For more information contact the Tobacco Prevention Project at 888-877-4202.