



OCCUPATIONAL & ENVIRONMENTAL HEALTH

Smoke Free Ordinance & Multiple-Unit Housing Complexes

[San Francisco Health Code, Article 19F, Sections 1009.21(f), (k), (o); 1009.22(f), (i)]

Multiple-Unit or Multi-Unit Housing Complex (MUHC) is defined as a public or private building, or portion thereof, containing 2 or more dwelling or other housing units including, but not limited to, a building with live/work units, apartment buildings, condominiums, senior citizen residences, nursing homes, housekeeping room/units, residential or single room occupancy hotels, and other multiple unit residential dwellings, group housing, or boarding facilities.

[Pursuant to SFHC 19F 1009.22(k), if the owner or manager of MUHC complies with all of the requirements, smoking in a prohibited area will not be considered a substantial reduction in housing services that would qualify a tenant for a reduction in rent under SF Administrative Code Chapter 37]

SMOKING PROHIBITION

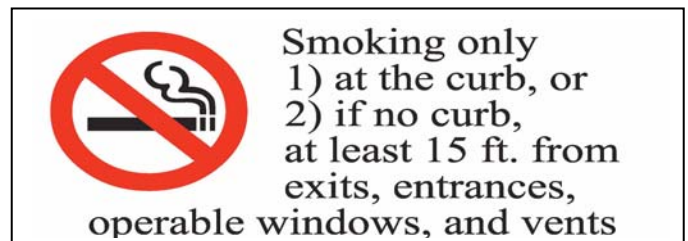


- Smoking is prohibited in **enclosed common areas** of multi-unit residences including common halls, elevators, covered parking areas, lobbies, waiting areas, interior stairwells and bathrooms, cooking, dining, lounge, laundry facilities and recreation areas.
- Smoking is prohibited within 10 feet of a door or window located around the perimeter of an **outdoor common area**
- Smoking is prohibited around or near the building entry way, exit, operable doors or vents

SMOKING ALLOWED

The intent of the law is to protect residents from exposure to second hand smoke in order to save lives. Smoke free housing policies are the best protection and will save lives. Such policies simply require that smokers go outside to smoke. They do not prohibit smokers from living in a unit. DPH strongly recommends that MUHC that have adopted smoke free policies continue to enforce those policies through lease/occupancy agreements and/or home owner's covenants, conditions and restrictions. There is no constitutional right to smoke; as smoking is not protected under the Civil Rights Act of 1964 or any other Housing and Urban Development-enforced civil rights authorities.

- Smoking is permitted at the curb
- If there is no curb near the MUHC, smoking is permitted at least 15 feet away from the building entrances, exits, and operable windows and vents
- Article 19F exempts private units including private outdoor balconies and private backyards. The front door of a unit must be closed while smoking is occurring
- Smoking is permitted in an outdoor common area except within 10 feet of a door or window



SMOKE MIGRATION

Currently, there is no provision within SFHC Article 19F to enforce against secondhand smoke migrating from private units into enclosed common areas or other private units.

COMPLAINTS

If you observe a tenant smoking in a prohibited area, provide a complaint letter to the building owner or manager. The building owner or manager is required to post a notice in a common area (e.g., mailbox, lobby, or elevator areas) for at least 10 days. If, after providing a written complaint, such notice does not appear, then file a complaint by contacting 311.