



SMOKE-FREE MULTI-UNIT HOUSING WORKSHOP

Community & Economic Development

Safety, Wellness and Youth Committee

May 19, 2021

RiversideCA.gov

1

BACKGROUND

What is a smoke-free multi-unit housing policy?

1. Local laws that regulate smoking in residential units with shared walls such as apartments, condominiums, townhomes and hotels/motels.

Who adopted a smoke-free multi-unit housing code?

1. According to Riverside University Health System (RUHS), more than 100 cities in California.
2. Local cities include, Jurupa Valley, Loma Linda, Temecula, Irvine, Dana Point, Culver City, Laguna Beach, Pasadena, etc.

Why adopt a smoke-free multi-housing policy?

1. Secondhand smoke is toxic and travels between residential units through walls, cracks, windows, pipes, etc.
2. Chemicals found in smoke are present in air, carpet, drapes, toys, and furniture for months.
3. RUHS reports 93% of multi-unit housing residents are non-smokers.
4. 84% of these residents prefer a smoke free complex.



2

RiversideCA.gov

2

BACKGROUND

What does Riverside currently do about smoking?

1. RMC 6.23 prohibits smoking in public places and states:

"It is unlawful for any person to smoke or to dispose of any lighted match or cigarette, cigar ashes or any flaming or glowing substance in any public place including any place within the city, public or private, that is open to the general public regardless of any fee or age requirement, including for example, city buildings, facilities, parks and community centers, bars, restaurants, stores, stadiums, service areas such as gas stations or ATM lines, playgrounds, taxi, bus or public transit stops."

2. Riverside does not currently regulate smoking in multi-unit housing.
3. This workshop is intended to solicit feedback on whether the City should consider a smoke-free multi-unit housing law and what the regulatory framework should be.



3

RiversideCA.gov

3

DISCUSSION

Staff surveyed 14 local cities to determine "best practices" for a smoke-free multi-unit housing policy. Key points of each are represented in the following tables:



4

RiversideCA.gov

4

DISCUSSION

PROPERTY TYPES

CITY	CITY WIDE BAN - PUBLIC	MULTI-UNIT BAN	AFFECTED AREAS				COMMON AREAS BAN	BALCONY/PATIO BAN
			APTS	CONDOS/ TOWNHOMES	HOTELS/MOTELS			
IRVINE	Yes	Yes	Yes	No	No		Yes	Yes
CULVER CITY	No	Yes	Yes	Yes	No		Yes	Yes
TEMECULA	No	Yes	Yes	No	No		Yes Designated area	Yes
LOMA LINDA	No	Yes	Yes	No	No		Yes	Yes
DANA POINT	Yes	Yes	Yes	No	No		Yes	Yes
JURUPA VALLEY	No	Yes	Yes	Yes	No		Yes Designated area	Yes
BEVERLY HILLS	No	Yes	Yes	Yes	No		Yes	Yes
MANHATTAN BEACH	Yes	Yes	Yes	Yes	No		Yes	Yes
LAGUNA BEACH	Yes	Yes	Yes	No	No		Yes	Yes
PASADENA	No	Yes	Yes	Yes	No		Yes	Yes
SANTA MONICA	No	Yes	Yes	Yes	No		Yes Designated area	Yes
CALABASSAS	Yes	Yes	Yes	No	No		Yes Designated area	Yes
HEMET	No	Yes	Yes	Yes	No		Yes	Yes
MURRIETA	No	Yes	Yes	Yes	No		Yes	Yes



5

RiversideCA.gov

5

DISCUSSION

REGS. & ENFORCEMENT

CITY	MARIJUANA INCLUDED	MED. MARIJUANA INCLUDED	SIGNAGE REQUIREMENT	ENFORCEMENT PROVISIONS			EVICTION
				CITY ENFORCE.	PRIVATE ENFORCE.		
IRVINE	Yes	Yes	Yes	Limited	Yes		No but Material Breach
CULVER CITY	Yes	Yes	Yes	Limited	Yes		No
TEMECULA	Yes	No	Yes	Yes	Yes		No
LOMA LINDA	No	No	Yes	Yes	No		Yes after 2nd offense
DANA POINT	Yes	No	Yes	Yes	Yes		No
JURUPA VALLEY	Yes	No	Yes	Yes	Yes		No
BEVERLY HILLS	Yes	No	Yes	Yes	No		No but Material Breach
MANHATTAN BEACH	Yes	No	Yes	No	Yes		No but Material Breach
LAGUNA BEACH	Yes	No	Yes	Yes	Yes		No but Material Breach
PASADENA	Yes	No	Yes	Yes Health Officer	Yes		No
SANTA MONICA	No	No	Yes	No	Yes		No
CALABASSAS	Yes	No	Yes	Yes	No Public enforcement		Yes after 2nd offense
HEMET	Yes	No	Yes	Yes	No		No
MURRIETA	Yes	No	Yes	Yes	Yes		No



6

RiversideCA.gov

6

DISCUSSION

Basic commonalities fundamental to a smoke-free multi-housing law include:

1. **APARTMENTS:** The law universally applies to multi-family apartments.
2. **HOTELS/MOTELS:** The law does not apply to hotels/motels since these properties are not considered long term residential uses. If there is a residential portion of the hotel, then the law could apply. Most hotels/motels have their own policies in place regarding smoking.
3. **COMMON AREAS:** Smoking is not permitted in common areas. Common areas include interior or exterior 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.
4. **PATIOS/BALCONIES:** Smoking is not permitted in private outdoor areas such as patios and balconies.



7

RiversideCA.gov

7

DISCUSSION

5. **SIGNAGE:** There are specific signage requirements for each property. "No Smoking" signs must be posted in sufficient numbers and locations of the property to make it obvious to a reasonable person that smoking is prohibited throughout the property.
6. **LEASE AGREEMENTS:** Lease agreements must contain a provision for the occupancy of a unit 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.
7. **APPLICABILITY:** The smoking regulations apply to traditional tobacco smoke, electronic cigarettes/vaping devices, and recreational marijuana smoke.



8

RiversideCA.gov

8

DISCUSSION

Area of opportunity for Riverside to consider for inclusion in a smoke-free multi-unit housing policy:

1. CITYWIDE BANS: Aside from the multi-unit housing ban, some cities also ban smoking citywide including all public areas, parks, streets, sidewalks and areas accessible to the public (such as restaurants and venues) whether for a fee or not. Per RMC 6.23, the City of Riverside currently has such a citywide ban.
2. CONDOMINIUMS/TOWNHOMES: Because condominiums/townhomes are privately owned, there is a certain degree of private property rights implied in homeownership. The negative impacts of secondhand smoke, however, is as applicable to a condo/townhome with shared walls as it is an apartment building in most cases. Private Homeowner Associations (HOA's) can legally regulate smoking on their grounds.



9

RiversideCA.gov

9

DISCUSSION

3. MEDICAL MARIJUANA: The majority of the cities surveyed do exempt medical marijuana use from their smoking bans. Secondhand smoke, whether from tobacco or marijuana products, spreads throughout multi-unit dwellings.
4. EVICTION: The majority of the cities surveyed did not include language pertaining to eviction of a tenant as a result of violating smoke free multi-unit housing laws. Most cities were either silent on the issue or simply stated that violating a no smoking policy is considered a material breach of a lease. The City of Riverside has not historically been involved in enforcing private leases or pursuing evictions in private properties.
5. ENFORCEMENT: Most surveyed cities include some combination of city enforcement and private/civil enforcement. Enforcement options are discussed at length in the following section.



10

RiversideCA.gov

10

DISCUSSION

ENFORCEMENT CONSIDERATIONS:

1. Dependent on which enforcement model the City chooses to adopt.
 - a. Private/civil enforcement
 - b. City enforcement
 - c. Combination of both
2. Violations subject to criminal prosecution as infraction or misdemeanor and/or administrative code enforcement remedies per RMC 1.17.
 - a. Fines ranging from \$100 to \$500 per occurrence
 - b. Daily penalties as determined by a Hearing Officer up to \$1,000/day



11

RiversideCA.gov

11

DISCUSSION

ENFORCEMENT (CONTINUED):

3. Enforcement challenge for both criminal and administrative remedies.
 - a. Violations have to actually be observed by enforcement officer
 - b. Staff responds to complaints within 1 to 5 days of receipt
4. Impact of enforcement
 - a. Surveyed cities report low number of complaints
 - b. Riverside would anticipate approximately 20 complaints per year
 - c. This workload could be absorbed by Code Enforcement staff
 - d. There would be impacts to staffing/resources if the City opted for an "all in" enforcement approach



12

RiversideCA.gov

12

RECOMMENDATIONS

That the Safety, Wellness and Youth Committee:

1. Receive a report on smoke-free multi-housing policies; and
2. Provide guidance regarding desired regulatory and policy framework for developing smoke-free multi-unit housing requirements in the City of Riverside and direct staff to bring an ordinance back to the Safety, Wellness and Youth Committee prior to City Council for action.



13

RiversideCA.gov