

LEGISLATIVE DIGEST

[Health Code - Disclosing Landlord's Prohibition of Smoking in Residential Rental Units; Designating and Listing Units as Smoke Free or Smoking Optional]

Ordinance amending the San Francisco Health Code by adding Article 19M relating to multi-unit residential rental properties where less than 100 percent of the units are designated as smoke free, to require that owners designate each unit as either smoke free or smoking optional, and include that designation in residential vacancy listings; provide a list to a rental applicant showing the designation of units in the building as smoke free or smoking optional, before offering a unit to that applicant; disclose in writing to any rental applicant whether the landlord has designated the unit for rent as smoke free or smoking optional, prior to entering into a new lease or rental agreement; develop and maintain a master list available to all tenants that identifies the location of each smoke free unit and each smoking optional unit; and comply with a timeline and process to designate the units as smoke free or smoking optional (one year for owners of 50 units or less in the City, two years for owners of more than 50 units in the City).

Existing Law

The current San Francisco Municipal Code does not require landlord disclosure of whether a residential rental unit is a smoke free unit or a smoking optional unit.

Amendments to Current Law

This proposed ordinance would amend the San Francisco Health Code by adding Article 19M to require that residential owners of multi-unit properties where less than 100% of the units are designated as smoke free, must designate each unit as either smoke free or smoking optional ("the designation"), and:

- Include the designation in vacancy listings;
- Provide a list to a rental applicant showing the designation, before offering the unit to that applicant;
- Disclose the designation in writing to any rental applicant, prior to entering into a new lease or rental agreement; and,
- Develop and maintain a master list of the designations, that is available to all tenants.

Owners with 50 units or fewer residential rental units in the City will have one year to designate those units as smoke free or smoking optional, and owners of more than 50 units in the City will have two years to complete the designations.

Background Information

The stated intent of the legislation is as an educational and informative tool for landlords, tenants, and prospective tenants, regarding smoke free and smoking optional residential rental units.

The legislation would also further implement state legislation that went into effect January 1, 2012 (SB 332, adding California Civil Code §1947.5), that provides in pertinent part as follows:

§1947.5

....

(b)(1) Every lease or rental agreement entered into on or after January 1, 2012, for a residential dwelling unit on property on any portion of which the landlord has prohibited the smoking of cigarettes or other tobacco products pursuant to this article shall include a provision that specifies the areas on the property where smoking is prohibited, if the lessee has not previously occupied the dwelling unit.

...."