

Oakland's Law Requiring Disclosure of Smoking Units

How to Be in Compliance

Recommendations for Condominium Associations and Owners

1. Review the ordinance requirements.
 - a. NO SMOKING in all common areas (indoors and outdoors) SIGNAGE
2. Review the CC & Rs to determine if procedures for smoking complaints are adequate since they will be disclosed to prospective buyers. We recommend that you add a and b which are covered by the new Oakland law(OMC 8.30):
 - a. Smoking is not allowed in all common indoor areas, including hallways, lobbies, stairways, laundry room, elevators, etc.
 - b. Smoking is not allowed in all common outdoor areas, including 25 feet from any indoor or outdoor area where smoking is prohibited, walkways, children's play areas, recreational areas, etc.

EXAMPLE OF SMOKING COMPLAINT PROCEDURES

- c. Secondhand tobacco smoke has been identified by the State of California's Air Resources Board as a known toxic air contaminant. Seepage of secondhand tobacco smoke into non-smoking units will be handled in the following manner:
 - i. A written complaint will be filed with the general manager who will investigate the complaint
 - ii. If it is determined that the smoke incursions are both "substantial" and "unreasonable," and thereby interfering with the comfortable enjoyment of life or property, then sanctions will be imposed by the HOA if the problem is not abated.
3. If you are considering joining the growing number of community associations that have adopted non-smoking units policies, please consult with the American Lung Association to explore your options.
4. If any of the units are rentals, please note that the landlord disclosure requirements apply to all condo owners who rent out their units.
 - a. Determine which units are non-smoking and which are smoking.
 - b. If you decide that you do not want smoking in your unit, please include a smoke-free lease addendum in your lease agreement.

**Bay Area Smoke-Free Housing is a project of the
American Lung Association in California**

*This material was made possible by funds received from the
Tobacco Tax Health Protection Act of 1988--Proposition 99,
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Sample CC & Rs Addendum for No Smoking Provisions

No Smoking ADDENDUM

As per the City of Oakland's Municipal Code (OMC 8.30 Smoking Pollution Control) for apartments and condominiums:

- c. Smoking is not allowed in all common indoor areas, including hallways, lobbies, stairways, laundry room, elevators, etc.
- d. Smoking is not allowed in all common outdoor areas, including 25 feet from any indoor or outdoor area where smoking is prohibited, walkways, children's play areas, recreational areas, etc.

If smoking is allowed in your unit, please keep exterior doors and windows closed when smoking to minimize the smoke from migrating into the common areas and neighboring units.

Complaints about tobacco smoke migrating/seeping into common areas and/or other tenants' units should be made to the manager/owner promptly. Complaints should be as specific as possible and include the date, approximate time, location, source, and how it is entering the unit.

Management will respond to drifting smoke complaints within 10 working days.

For additional information and materials, visit the *Bay Area Smoke-Free Housing Project* website at: www.casmokefreehousing.org or call us at (510) 638-5864.

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