



## Frequently Asked Questions

### About the Smoke-free Multi-Unit Housing Law for Alameda County Unincorporated Areas:

#### Information for Tenants

In 2022, the Alameda County Board of Supervisors passed a law to prohibit smoking in multi-unit housing in the Unincorporated Areas of Alameda County. The law takes effect on **July 1, 2022**.<sup>1</sup> For more information, see <https://tinyurl.com/smokinglaw>.

#### 1. Where is smoking prohibited in multi-unit residences in the Unincorporated Areas of Alameda County?

As of **July 1, 2022**, smoking is prohibited:

- Inside multi-unit residences, such as apartments or condominium units;
- On the balcony, porch, deck or patio;
- In any indoor or outdoor common area, such as halls, pathways, lobbies, stairwells, mail areas/rooms, community rooms, playgrounds, pools, laundry rooms, and parking lots;
- On property next door, within 25 feet from any doorway, window, opening or vent into a multi-unit residence (unless the property next door is a single-family home).

#### 2. Where does the law apply?

The law applies to multi-unit residences in Ashland, Cherryland, Fairview, Castro Valley, and San Lorenzo. (These are Unincorporated Areas of Alameda County within the Urban Growth Boundary.) To see if the law applies where you live, [look up your address on this map](#).

#### 3. What is a multi-unit residence?

A multi-unit residence is a piece of property with two or more units, including apartments, townhomes, condominium complexes, senior and assisted living facilities, long-term health care facilities, hotels and motels.

A multi-unit residence does **not** include a single-family home with an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU). An ADU is sometimes known as an in-law unit, granny flat, or

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<sup>1</sup> Ordinance No. O-2022-5; Alameda County Code, Chapter 6.74.



backyard cottage. (The California Department of Housing and Community Development has more [information](#) on ADUs and JADUs.) The law also does not apply to mobile homes in a mobile home park.

#### 4. What does “smoking” mean?

“Smoking” includes cigarettes, cigars, cigarillos, pipes, hookah, electronic smoking devices such as e-cigarettes, and cannabis/marijuana.

#### 5. Where is smoking allowed in multi-unit complexes?

Owners or property managers may create a designated smoking area if it:

- (1) is outdoors;
- (2) is at least 25 feet away from:
  - multi-unit residence doorways and windows;
  - any nonsmoking area;
  - areas primarily used by children, K-12 schools, and recreational areas;
- (3) is not more than 10% of the total outdoor area of the multi-unit complex; and
- (4) has visible signs and a clearly marked border.

Additionally, residents may smoke cigarettes and use electronic smoking devices at the curb on streets or sidewalks that are at least 25 feet from a multi-unit residence, unless another law or policy prohibits smoking in these areas.

For lots that are one acre or larger, a designated smoking area does not need to have a clearly marked border or signs.

#### 6. What are property owners and landlords of multi-unit residences required to do?

Property owners, landlords and others responsible for establishing rules in a multi-unit residence (e.g., homeowners’ associations, owners) must:

- Post and maintain clear “No Smoking” signs in common areas where smoking is prohibited by law
- Provide written notice to every multi-unit residence by **June 1, 2022** that:
  - Smoking is prohibited in all units, including any associated exclusive-use areas, such as a private balcony, porch, deck, or patio beginning **July 1, 2022**; and
  - Smoking is prohibited in all common areas except in designated smoking areas, if applicable, beginning **July 1, 2022**
- Provide notice about the law to incoming tenants before signing a lease and to buyers prior to a sale of a multi-unit residence or unit (beginning **June 1, 2022**)
- Not allow smoking in a nonsmoking area in violation of the law
- Not allow ashtrays or other receptacles for disposing of smoking material in common areas



## 7. What should I do if I see someone violating the law?

If you are a resident, please report the problem to the Alameda County Tobacco Control Program at: [TCP@acgov.org](mailto:TCP@acgov.org), 510-208-5920, or <https://tinyurl.com/smokinglaw>. You can also try talking to your neighbor to tell them about the law.

If a person is accused of smoking, the county will start by educating the person about the law and it may also issue written warnings. (Your name will not be used in the warning.) If the smoking continues, violators may be subject to fines. If you are smoking, your landlord may not evict you for violating the law.

## 8. Where can I get more information including resources about how to quit smoking?

This FAQ is intended only as a guide for general and easy reference. For more information about the law, see <https://tinyurl.com/smokinglaw>. For resources on how to quit smoking, see <https://tinyurl.com/quit-tobacco>.

For questions or to make a complaint, contact the Alameda County Tobacco Control Program at [TCP@acgov.org](mailto:TCP@acgov.org), 510-208-5920, or <https://tinyurl.com/smokinglaw>.