

Exceptions- Multi-Unit Housing Complexes

Venue	Definition	Requirements	Exceptions
<p>Multi-Unit Housing Complexes/ Common areas</p>	<p>"Multi-Unit Housing Complex" means a public or private building, or portion thereof, containing two or more dwelling or other housing units. This definition includes, but is not limited to: 1) a building with live/work units, as defined in the Planning Code; 2) apartment buildings, condominiums, senior citizen residences, nursing homes, housekeeping room/units, residential or single room occupancy hotels, "other housing" as defined in the Planning Code, and other multiple unit residential dwellings, except as permitted under Section 1009.23(a) of this Article. "Other housing" as defined in the Planning Code includes (a) group housing, boarding (which covers rooming houses where lodging is provided without individual cooking facilities, by prearrangement for a week or more at a time and for six or more persons in a space not defined as a dwelling unit), (b) group housing for religious orders, (c) group housing for medical and educational institutions, (d) a hotel, inn or hostel; and (e) a motel, including an auto court, motor lodge, tourist court or other facility similarly identified. (Section 1009.21(k) – P 7; L 19)</p>	<p>Smoking is prohibited in enclosed common areas of multi-unit housing complexes, as defined in Section 1009.21(k), including, but not limited to, private apartment buildings, residential hotels, including Single Resident Occupancy hotels, SF Housing Authority buildings, HUD housing, senior housing, and condominiums. Enclosed common areas are those areas accessible to and usable by residents of different units and include but are not limited to common halls, elevators, covered parking areas, lobbies, waiting areas, interior stairwells and bathrooms, cooking, dining, lounge, laundry facilities, recreation and lobby areas, except that smoking is permitted ten feet or more away from a door or window in an outdoor common area within the perimeter, a common hall open to the outdoors on at least one side, or courtyard of any multi-unit housing complex. Except for purposes of ingress and egress, the entry doors of private residential units shall be closed at any time that smoking is occurring within an individual dwelling unit of either a multi-unit housing complex or a mixed-use building where the door opens into an area where smoking is prohibited under this Section. (Section 1009.22 (f) - P13; L 23-24 & P14; L 1-9)</p> <p>Notify existing tenants of a multi-unit housing complex, within 90 days of the effective date of this legislation, of the smoking prohibitions contained in this Article. (Section 1009.22(i) (4) - P 16; L 19-20)</p>	<p>Violation of any part of this Article is not grounds for eviction of residential tenants. (Section 1009.22 (j) – P 17; L 3-4)</p> <p>If the owner or manager has complied with all the requirements in this Article, smoking in a multi-unit housing complex where prohibited under this Article shall not be considered a substantial reduction in housing services that would qualify a tenant for a reduction in rent under San Francisco Administrative Code Chapter 37. (Section 1009.22 (k) - P 17; L 5-8)</p>
<p>Multi-Unit Housing Complexes – Entryway</p>		<p>Smoking outside entrances, exits and operable windows and vents of all buildings is only permitted at the curb of the nearest street, sidewalk or alley. If there is no curb within fifteen feet of the building, smoking is prohibited within fifteen feet of entrances, exits, and operable windows and vents of any building. (Section 1009.22(e) – P13; L18)</p> <p>Post clear and prominent signs at each entrance to the</p>	<p>This subsection does not require a property owner or manager of a multi-unit housing complex to enforce a smoking prohibition outside the building against persons who are not tenants of the building. (Section 1009.22 (h) - P14; L19-21)</p>

		premises. (Section 1009.22(i) (1) – P 15; L3)	
		Signage Requirements	
Multi-Unit Housing Complexes		Post clear and prominent "no smoking" signs in any area on the premises where smoking is prohibited. (Section 1009.22(i) (2) – P 15; L17)	For multi-unit housing complexes, the signs need only be posted in the common building lobby, common mailbox area, or common elevator. (Section 1009.22(i) (2) – P15; L18-19)
Multi-Unit Housing Complexes		Request any person smoking in areas where smoking is prohibited under this Article refrain from smoking. (Section 1009.22 (i) (3) – P 15; L 20)	<p>But this subsection does not require a property owner or manager of a multi-unit housing complex of less than 16 units to make the request that a person refrain from smoking unless the owner or manager observes the person smoking in areas where smoking is prohibited under this Article. (Section 1009.22(i) (3) – P 15; L21-24)</p> <p>Nor does this subsection require a property owner or manager of a multi-unit housing complex to enforce a smoking prohibition outside the building against persons who are not tenants of the building. (Section 1009.22(i) (3) - P 16; L1-4)</p> <p>For purposes of this subsection, a request that someone refrain from smoking does not require the physical ejection of a person from the premises. (Section 1009.22(i) (3) - P16; L16-18)</p>
Multi-Unit Housing Complexes		Remove any ashtrays from enclosed common areas. No persons, employer, business or non profit entity shall knowingly or intentionally permit the presence or placement of ash receptacles within an enclosed area where smoking is prohibited. (Section 1009.22 (i) (5) – P 16; L21)	
Multi-Unit Housing Complexes		Upon receipt of a written complaint from a tenant or the Department of Public Health or when any person is observed smoking where smoking is prohibited, an owner or manager of a multi-unit housing complex must post a notice in the building lobby, common mailbox area, or common elevator for a period of not less than ten days, advising that a tenant has been observed smoking in a portion of the building where smoking is prohibited under San Francisco Health Code Article 19F, and requesting that all tenants refrain from smoking in those areas. If there is no common building lobby, common mailbox area or common elevator, then the owner may provide notice to tenants in another reasonable manner. If the owner knows the identity of the tenant who was smoking in a prohibited area, the owner must additionally make the request to the tenant in writing, and keep a record of the request for a reasonable period of time. (Section 1009.22(i)(3) – P16; L5-15)	
Multi-Unit Housing Complexes		The duties described in Sections (1)-(5)-of this Section are baseline requirements and are not the only responsibilities of owners or managers to prevent smoking in multi-unit housing complexes. (Section 1002.22(i) - P17; L 1-2)	If the owner or manager has complied with all the requirements in this Article, smoking in a multi-unit housing complex where prohibited under this Article shall not be considered a substantial reduction in housing services that would qualify a tenant for a reduction in rent under San Francisco Administrative Code Chapter 37. (Section 1009.22(k) - P 17; L 5-8)