

FREQUENTLY ASKED QUESTIONS RE: DISCLOSURE ORDINANCE

1. What types of multi-unit residential buildings does this ordinance cover?

Multi-unit residential rental properties, which are defined as public or private buildings, or portion thereof, containing 2 or more dwellings or other housing units including, but not limited to, a building with live/work units, apartment buildings, condominiums, senior citizen residences, nursing homes, housekeeping room/units, residential or single room occupancy hotels, and other multiple unit residential dwellings, group housing, or boarding facilities.

2. What does this ordinance require rental property owners to do?

- A. Designate each residential rental unit as smoke-free or smoking optional. The timeline for this depends on how many units the property owner has in San Francisco.
- B. Include smoke-free or smoking optional designation in vacancy listings.
- C. Before offering a rental unit to an applicant, provide them with a list showing the designation of smoking optional units in that building.
- D. Before entering into a new rental or lease agreement, disclose in writing to the applicant whether the unit for rent has been designated as a smoke-free or smoking optional unit.
- E. Develop and maintain a master list for tenants that identify the location of each smoking optional unit. Notify tenants that this master list is available upon request in the leasing office or from building management.

3. How do I go about designating units as non-smoking or smoking optional?

Property owners must provide written notice to each existing tenant clearly stating the proposed initial designation of their units as smoke free or smoking optional.

- A. If an existing rental unit has a current lease that does not permit smoking inside the unit, then the proposed designation of that unit must be smoke-free.
- B. If an existing unit does not have a current lease designating that unit as non-smoking, then the proposed designation shall be smoking optional.
- C. Tenants that live in units where the proposed designation is smoking optional may request that the property owner designate that unit as smoke-free instead of smoking optional.
- D. The property owner must provide each existing tenant with at least 30 days to review the proposed designation and to make comments before finalizing the initial determination.

4. What is the timeline for designating units as non-smoking or smoking optional?

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If you are a property owner with 50 or less residential units in San Francisco as of January 1, 2013, then the designation must be completed by December 31, 2013. If you are a property owner with more than 50 residential units then you must complete the final initial designation by December 31, 2014.

5. Does this ordinance apply to SROs (Single Residency Occupancy Hotels)?

Yes.

6. Does this ordinance apply to residential buildings with just two units?

Yes. However if both units have already been designated as smoke-free then the property owner need not do anything.

7. I own a condo and rent it out to tenants. Do I have to comply with this ordinance?

The ordinance would only apply to the rental units of a property owner in that condominium.

8. All the units in my apartment building are already non-smoking. Do I have to do anything to comply with this ordinance?

No, this ordinance only applies to multi-unit housing where not 100% of the units have already been designated as non-smoking.

9. Does this ordinance change lease/rental agreements for existing tenants?

No, the ordinance only requires disclosure of information. It does not require any percentage of smoke free units, nor does it require any change in existing leases.

10. Does this disclosure need to be part of a new lease?

The ordinance does not state that the disclosure needs to be part of the lease. However the property owner may incorporate the disclosure as part of the lease or develop a separate form to disclose to the tenants whether the unit has been designated as a smoke-free or smoking optional unit.

11. Does this ordinance violate any existing tenant's privacy rights?

No, the policy does not require that a property owner ask a current tenant whether or not he/she smokes. It does not require the property owner to disclose anything about current tenants. It only requires that a property owner disclose the units in the building that are designated as smoking optional.

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12. If a tenant requests that their unit be designated as smoke-free, what is the property owners' responsibility?

This ordinance does not require the property owner to do more than designate units and provide notification regarding the designation. Nothing in this article allows a property owner to change an existing lease with no designation to a smoke free unit unless the tenant requests such a change in writing. The property owner may want to include a lease addendum with the no smoking provision if a tenant requests that their unit be designated as non-smoking.in writing, although that is not required by this ordinance.

13. Do I need to submit any documents to the City and County regarding the designation of units?

No, you only need to develop and maintain a master list for tenants which identifies the location of each smoking optional unit. You must also notify tenants that this master list is available upon request in the leasing office or from building management.

14. If a tenant does not comply with the smoke-free designation, what is the property owner's responsibility?

This ordinance does not require the property owner to enforce the smoke-free designation. The ordinance is not meant to provide a guarantee that units designated as smoke-free will be smoke-free. The intent is to provide an educative and informative tool for property owners, tenants, and prospective tenants.

15. Does this ordinance include smoking marijuana?

No, it only applies to smoking of tobacco.