**Sample Template for Novato Homeowners Associations (HOA) Property Managers**

Date: July \_\_\_\_\_\_2017

From: \_\_\_\_\_\_\_\_\_\_\_\_Homeowners’ Association Property Management

To: Owners (please forward to your tenants if you are leasing your condo)

Regarding: City of Novato Ordinance # 1616 Smoke-Free ordinance

The Novato City Council enacted a law on January 24, 2017 to protect residents of multi-unit housing including duplexes, apartments, townhouses and condos from the health and safety hazards of drifting smoke and fires caused by tobacco, flammable marijuana and electronic smoking devices. This ordinance is not about smokers, but it is intended to protect those who do not choose to smoke or inhale marijuana smoke or toxic aerosols from electronic smoking devices, which are also prohibited. By law, both medical and recreational marijuana may not be smoked in any area where smoking is prohibited. Some users of medical marijuana use wafers or lozenges, Marinol or other non-flammable options.

Novato’s Ordinance # 1616 requires all multi-unit complexes to be 100 percent non-smoking. This new law closed loopholes in the older ordinance and no longer provides exemptions. Some property management companies are extending the policy to their grounds and parking lots as 100% smoke-free, since the ordinance provides HOAs the option and authority to establish the entire property as 100% smoke-free including all outdoor areas and parking lots.

HOA’s are obligated to comply with all laws or face penalties. Therefore, we have adopted a 100% smoke-free policy to comply with this ordinance.

Benefits of this new ordinance may include: fire prevention, improved air quality, improved neighborhood relations, and increased market value of condos. Some insurance companies also offer discounts for smoke-free units. Real estate companies have discovered that smoke-free condos increase in value, especially when the entire condo complex property is 100% smoke-free, enabling condo owners can enjoy a healthier quality of life.

Some components of the ordinance (such as pools and other common areas) have already gone into effect. All requirements of the ordinance must go into full effect by January 2018.

**Owner’s obligations under the new smoke-free law include the following:**

1. Every condo or townhouse including all indoor areas, porches, balconies, decks, patios and a 20 foot buffer zone around the building must be designated as smoke-free.
2. Common areas, club houses, pools in addition to all indoor units are required to be smoke-free by law.
3. Please notify your visitors, guests, contractors and workers who come to your condo of the smoke-free policy. If they need to smoke or use their electronic smoking device, they may have to leave the property. Smoking residents of some apartments in other communities have used nicotine gum, inhalers or patches to ease night-time cravings instead of driving off the property to smoke.
4. During the phase in period leading up to its effective date in January 2018, every lease must be amended by law; (applicable to condo owners who lease their units). Non-smoking lease agreements are now mandatory for each unit. If you lease your condo, your tenants must sign an amended lease agreement that establishes their apartment as a nonsmoking unit. You can find amended lease agreements on this website:

<http://www.changelabsolutions.org/publications/model-smokefree-lease-amendment>.

1. Smoking is not permitted inside any unit, or within 20 feet of buildings including doors, windows or air intake vents. If you smoke in your car, make sure that it is not parked in front of a building. Some people smoke in their cars away from residential areas.
2. Smoking is also prohibited in common areas on the grounds. Please keep sidewalks free of cigarette litter including butts, since litter is a source of groundwater contamination and burning butts may cause fires.
3. Smokers are not required to stop smoking, but many choose to use this opportunity to quit smoking. Visit this website for smoking cessation resource options: <http://www.smokefreemarin.com/resources-to-quit-nicotine-addiction/>

**Enforcement:** Once the ordinance went into full effect in January 2017, violations should be reported to HOA property management as soon as possible.

Violations will be enforced by HOA property management the same way that other violations of CC&R’s (such as excessive noise) are addressed, including penalties for noncompliance. If you notice a violation, please report it to the property management office at: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

The City of Novato Code Enforcement Office (899-8928) may assist with compliance: <http://novato.org/home/showdocument?id=389>.

For more information, visit: <http://www.smokefreemarin.com/smoke-free-housing/> or City of Novato: <http://novato.org/about-novato/smoking-ordinance>. You can also contact the Marin County Tobacco Related Disease Control Program for more information at: [smokefreemarin@outlook.com](mailto:smokefreemarin@outlook.com).

Thank you for your cooperation in compliance with this ordinance which will create a safer and healthier environment for all our residents.