

NOTICE TO PROSPECTIVE RESIDENTS OF FRESNO'S NON-SMOKING ORDINANCE

Notice of Applicability of Ordinance Prohibiting Smoking In and Around Multiunit Rental Properties. As required by Section 10-2004(b) of the Fresno Municipal Code, prospective residents are hereby notified that this rental property is subject to Article XX of Chapter 10 of the Fresno Municipal Code (hereinafter "Ordinance"), which prohibits smoking in and around multiunit rental properties.

City of Fresno Advisory Regarding Ordinance. The following advisory regarding the Ordinance was prepared by the City of Fresno:

"As of January 1, 2022, smoking is prohibited in all units, common areas, and outdoor areas, except for specifically designated smoking areas.

On October 14, 2021, the Fresno City Council passed Ordinance 2021-045 prohibiting smoking in all multi-unit rental properties in Fresno (Ordinance). The Ordinance will go into effect on January 1, 2022.

According to section 10-2004(a)-(b) of the Ordinance, all existing tenants must receive a written notice of the Ordinance no later than January 1, 2022. All new leases initiated after January 1, 2022, will include non-smoking provisions. Please note the new law prohibits smoking in all units and common areas, excluding any exclusive use outdoor areas, regardless of whether it is included in the lease, and violators of the law may be subject to a fine.

Under the smoke-free ordinance, "Multi-unit residence" means residential property containing two or more rental units where the majority of the units share at least one common wall with an adjacent unit. "Smoking" means inhaling, exhaling, or burning any tobacco, nicotine, or marijuana, or plant product, whether natural or synthetic, intended for inhalation, or using an "electronic smoking device." "Exclusive Use Outdoor Area" means an area accessible only by the occupant of a unit, such as a private balcony, deck, porch, or patio. For additional provisions, see attached Ordinance.

The U.S. Surgeon General's find that there is no safe level of exposure to secondhand smoke and the California Air Resources Board's decision to classify secondhand smoke as a toxic air contaminant has prompted jurisdictions across the state and country to reduce multi-unit residents' exposure to secondhand smoke."

More Restrictive Smoking Policy in Rental/Lease Agreement Controls. The Ordinance does not affect or prohibit the implementation or enforcement a more restrictive smoking policy than set forth in the Ordinance. Therefore, you are notified that the landlord may have a stricter non-smoking policy than the Ordinance requires, and if so, the stricter non-smoking policy controls.

