

ATTACHMENT 2

9-20.080 Landlord compliance with smoking prohibition in multifamily residences

(A) Every landlord of a multifamily residence, as defined in this chapter, in order to demonstrate compliance with the applicable provisions in this chapter, shall at a minimum include in every lease or rental agreement for a multifamily residence a provision prohibiting any smoking within any such unit, including any exclusive use areas such as patios, balconies and porches, as well as in common areas and on the property as a whole, except in a designated smoking area consistent with this chapter. Such provision, which may be incorporated by amendment to house rules applicable to the property, shall (1) state that any violation of the smoking prohibition by, through or under the control of tenant be construed as a material breach of the lease or rental agreement, and (2) be included in any rental or lease agreement at the soonest date possible, but in no event later than ~~May 9, 2016~~ August 7, 2016 for those multifamily units already in existence and occupied pursuant to a lease other than a month-to-month lease as of the effective date of the ordinance. Multifamily residences rented or leased on a month-to-month basis, and owner-occupied multifamily residences, shall be converted to nonsmoking at the soonest date possible, and no later than 60 days from the effective date of this ordinance.

(B) Compliance with the requirement set forth in (A) above shall not excuse the landlord of a multi-family unit from taking appropriate steps to ensure tenant compliance with this chapter, ~~, such as posting signs, sending every tenant information on the requirements of this ordinance, and contacting individual tenants in the event of a complaint to further educate on the requirements this ordinance.~~ Landlord shall be prepared to respond to and address complaints from other tenants on the property of violations of the smoking prohibitions.

(C) For purposes of this section, appropriate steps shall include the following:

(1) Posting signs in compliance with the requirements of this chapter.

(2) Sending every tenant written information on an annual basis for the first three years following the adoption of this ordinance about the requirements of this chapter, to include no smoking requirements, ~~dates,~~ and the location, if any, of a designated smoking area on the property.

(3) Notifying each tenant who is the subject of a smoking complaint of the requirements of this chapter as well as the fact that a complaint was lodged against the tenant and encouraging compliance.

(D) So long as Landlord can demonstrate that it ~~is making good faith efforts to~~ has implemented ~~implemented all of the~~ appropriate steps towards compliance with this ordinance, Landlord shall not be found in violation of the ordinance.