

SMOKEFREE MULTI-UNIT HOUSING RUBRIC

October 2024

Rubric language that is crossed out (e.g. Q32c1) indicates that PETS analysis is temporarily not being done on these questions and thus data is not yet available for these fields. PETS will resume analysis and data collection on these questions at a future date.

Fields	Category	Max Points	Response Options and Points
County Name	Core Variable	0	
County FIPS Code	Core Variable	0	
City Name or Unincorporated (for County)	Core Variable	0	
City FIPS Code	Core Variable	0	
Policy Topic	Core Variable	0	
Most Recent Date Enacted	Core Variable	0	
Most Recent Effective Date	Core Variable	0	
Model Policy Date	Core Variable	0	
Filename	Core Variable	0	
1. Does the policy apply to all inhaled tobacco and nicotine products (i.e. products that produce emissions)?	Tracking	0	Yes; No
2. Does the policy apply to electronic smoking devices, such as e-cigarettes?	Specificity	3	Yes, everywhere in MUH areas where smoking is prohibited=3; Less than everywhere smoking is prohibited/No=0
2a. If e-cigarette use is prohibited less than everywhere smoking is prohibited, are MUH units free of e-cigarette use?	Tracking	0	Yes; Partial; No
2b. If e-cigarette use is prohibited less than everywhere smoking is prohibited, are outdoor MUH areas free of e-cigarette use?	Tracking	0	Yes; Partial; No
3. Does the policy apply to smoking and vaping marijuana?	Specificity	3	Yes, both smoking <i>and</i> vaping everywhere smoking is prohibited=3; Only smoking marijuana is prohibited where smoking is prohibited generally/Only vaping marijuana is prohibited where smoking is prohibited generally/No=0

Fields	Category	Max Points	Response Options and Points
3a. Are the marijuana restrictions free of exemptions for medical use (smoking and/or vaping)?	Tracking	0	Yes; No
3a1. If there are medical use exemptions, specify parameters.	Tracking	0	Text field
3b. Are the marijuana restrictions free of exemptions for ESD-only marijuana use?	Tracking	0	Yes; No
4. Does the policy apply to hookah, in all of the scored venues?	Specificity	1	Yes, everywhere smoking is prohibited generally=1; Less than everywhere smoking is prohibited generally/No=0
5. Does the policy apply to heated tobacco products, like IQOS, in all of the scored venues?	Specificity	1	Yes, everywhere smoking is prohibited=1; Less than everywhere smoking is prohibited generally/No=0
6. What is the minimum number of units in a building to be covered by the policy?	Restrictiveness	6	2 units=6; 3+ units/No provisions in place=0
6a. Duplexes included.	Tracking	0	Included as MUH; Excluded from MUH restrictions; Not Specified
6b. Accessory dwelling units/in-law units included.	Tracking	0	Included as MUH; Excluded from MUH restrictions; Not Specified
6c. Mobile home parks included.	Tracking	0	Included as MUH; Excluded from MUH restrictions; Not Specified
7. Apartments only: Are enclosed common areas required to be smokefree?	Restrictiveness	3	Yes=3; Sections/No=0
8. Apartments only: Are private units required to be smokefree?	Restrictiveness	5	Yes, 100% of units=5; Yes, but only new units/specified buildings=2; Yes, but exemption for certain % of units=1; Other specified exemption=1; No=0
8a. If Certain % of units are smokefree, specify the final %.	Tracking	0	Text field; Not Specified
8a1. Is a date specified for the final %?	Tracking	0	Yes; No
8b. Only new units/specified buildings must be smokefree.	Tracking	0	Yes; No
8c. If Other Specified Exemption, describe.	Tracking	0	Text field

Fields	Category	Max Points	Response Options and Points
9. Apartments only: If smoking in units is restricted, is the policy free of exceptions for current residents who smoke?	Restrictiveness	6	Yes, completely free of exceptions once final policy effective date has passed=6; Temporary exception for duration of lease=4; Exception for as long as resident lives in unit=0; Other=0
9a. If specified timeframe, note the duration:	Tracking	0	Text field
9b. If other, specify.	Tracking	0	Text field
10. Apartments only: What is the phase-in period for current residents?	Tracking	0	One year (12 months) or less; 13 months to 24 month; 25+ months/Not specified/Unable to determine phase-in period
10a. What is the phase-in period (e.g. number of months)?	Tracking	0	Text field
11. Apartments only: If smoking in units is restricted, does the policy require exclusive use outdoor spaces, such as balconies and patios, to be smokefree?	Restrictiveness	2	Yes=2; No/Not Specified=0
12. Apartments only: Are all unenclosed common areas, such as pool areas, courtyards, entryways, and staircases, required to be smokefree?	Restrictiveness	2	Yes=2; Yes, but only specified areas/distance=1; No=0
12a. If "Yes, but only specified areas/distance," list all areas/distance mentioned.	Tracking	0	Text field
13. Apartments only: If smoking in units is restricted, does the policy require <i>existing</i> apartment complexes to be smokefree?	Restrictiveness	4	Yes=4; Yes, but with exemptions=1; No=0
13a. If "Yes, but with exemptions," specify exemption(s).	Tracking	0	Text field
14. Apartments only: What is the phase-in range for nonsmoking restrictions in <i>existing</i> units?	Restrictiveness	2	One year (12 months) or less=2; 13 months to 24 months=1; 25+ months/Not specified/Unable to determine phase-in period=0
14a. What is the phase-in period (e.g. number of months)?	Tracking	0	Text field
15. Apartments only: If smoking in units is restricted, does the policy require <i>new</i> apartment complexes, i.e. units that will be built or occupied after the ordinance is adopted, to be smokefree?	Restrictiveness	3	Yes=3; Yes, but with exemptions=1; No=0
15a. If "Yes, but with exemptions," specify exemption(s).	Tracking	0	Text field
16. Condos only: Are enclosed common areas required to be smokefree?	Restrictiveness	3	Yes=3; Sections/No=0

Fields	Category	Max Points	Response Options and Points
17. Condos only: Are private units required to be smokefree?	Restrictiveness	5	Yes, 100% of units=5; Yes, but only new units/specified buildings=2; Yes, but exemption for certain % of units=1; Other specified exemption=1; No=0
17a. If Certain % of units are smokefree, specify final %.	Tracking	0	Text field; Not Specified
17a1. Is a date specified for the final %?	Tracking	0	Yes; No
17b. Only new units/specified buildings must be smokefree.	Tracking	0	Yes; No
17c. If Other Specified Exemption, describe.	Tracking	0	Text field
18. Condos only: If smoking in units is restricted is the policy free from exceptions for current residents who smoke?	Restrictiveness	6	Yes, completely free of exceptions once final policy effective date has passed=6; Exception for as long as resident lives in unit=0; Other=0
18a. If specified timeframe, note the duration:	Tracking	0	Text field
18b. If Other, specify:	Tracking	0	Text field (e.g. 1 year, etc.)
19. Condos only: What is the phase-in period for current residents?	Tracking	0	One year (12 months) or less; 13 months to 24 months; 25+ months/Not specified/Unable to determine phase-in period
19a. What is the phase-in period (e.g. number of months)?	Tracking	0	Text field
20. Condos only: If smoking in units is restricted, does the policy require exclusive use outdoor spaces, such as balconies and patios, to be smokefree?	Restrictiveness	2	Yes=2; No/Not Specified=0
21. Condos only: Are all unenclosed condo complex common areas, such as pool areas, courtyards, entryways, and staircases required to be smokefree?	Restrictiveness	2	Yes=2; Yes, but only specified areas/distance=1; No=0
21a. If "Yes, but only specified areas/distance," list all areas/distance mentioned.	Tracking	0	Text field
22. Condos only: If smoking in units is restricted, does the policy require <i>existing</i> condo complexes to be smokefree?	Restrictiveness	4	Yes=4; Yes, but with exemptions=1; No=0
22a. If "Yes, but with exemptions," specify exemption(s).	Tracking	0	Text field
23. Condos only: What is the phase-in range for nonsmoking restrictions in <i>existing</i> units?	Restrictiveness	2	One year (12 months) or less=2; 13 months to 24 months=1; 25+ months/Not specified/Unable to determine phase-in period=0

Fields	Category	Max Points	Response Options and Points
23a. What is the phase-in period (e.g. number of months)?	Tracking	0	Text field
24. Condos only: If smoking in units is restricted, does the policy require <i>new</i> condo complexes, i.e. units that will be built or occupied after the ordinance is adopted, to be smokefree?	Restrictiveness	3	Yes=3; Yes, but with exemptions=1; No=0
24a. If "Yes, but with exemptions," specify exemption(s).	Tracking	0	Text field
25. Apartments only: Are landlords required to include no-smoking lease terms in rental agreements?	Enforcement	3	Yes=3; No=0
26. Apartments only: Are landlords required to alert residents to the smokefree requirements?	Enforcement	2	Yes, Current and prospective=2; Yes, Current only=1; No=0
27. Apartments only: Are MUH complexes required to disclose the location of smoking and nonsmoking units?	Enforcement	3	Yes=3; No/Not Applicable=0
27a. Apartments only: Are MUH complexes required to disclose the smoking history of a unit?	Tracking	0	Yes; No
28. Apartments only: Can private individuals seek to enforce the smokefree housing ordinance (i.e. is there a cause of action against neighbors)?	Enforcement	2	Yes=2; No=0
29. Apartments only: Is secondhand smoke designated as a nuisance?	Tracking	0	Yes; No
30. Apartments only: Does the policy require the posting of "no-smoking" signs wherever smoking is regulated?	Enforcement	1	Yes=1; No=0
31. Apartments only: Does the policy specify that a specific government official or agency will be responsible for enforcing the policy?	Enforcement	2	Yes=2; No=0
31a. If yes, health agency?	Tracking	0	Yes; No
31b. If yes, law enforcement?	Tracking	0	Yes; No
31c. If yes, fire department?	Tracking	0	Yes; No
31d. If yes, code enforcement officer?	Tracking	0	Yes; No
31e. If yes, elected officials?	Tracking	0	Yes; No
31f. If yes, administrator?	Tracking	0	Yes; No
31g. If yes, housing authority?	Tracking	0	Yes; No
31h. If yes, other	Tracking	0	Text field
32. Apartments only: Are penalties specified?	Enforcement	2	Yes=2; No=0
32a. Graduated penalty system?	Tracking	0	Yes; No
32b. Is injunction/abatement of nuisance available as a remedy?	Enforcement	1	Yes=1; No=0
32c. Are fines a possible penalty?	Tracking	0	Yes; No
32c1. If fines, specify:	Tracking	0	Text field
32d. Infraction?	Tracking	0	Yes; No
32e. Misdemeanor?	Tracking	0	Yes; No
32f. Is eviction a possible penalty?	Tracking	0	Yes; No
32f1. If Yes, which number penalty?	Tracking	0	Text field

Fields	Category	Max Points	Response Options and Points
32g. Other specified penalties?	Tracking	0	Text field
33. Condos only: Are HOAs/condo boards/equivalent governing bodies required to include no-smoking terms in governing rules/regulations?	Enforcement	3	Yes=3; No=0
34. Condos only: Are HOAs/condo boards/equivalent governing bodies required to alert residents to the smokefree requirements?	Enforcement	2	Current and prospective=2; Current only=1; No=0
35. Condos only: Are condo complexes required to disclose the location of smoking and nonsmoking units?	Enforcement	3	Yes=3; No/Not Applicable =0
35a. Condos only: Are condo complexes required to disclose the smoking history of a unit?	Tracking	0	Yes; No; Not Specified
36. Condos only: Can private individuals seek to enforce the smokefree housing ordinance (i.e. is there a cause of action against neighbors)?	Enforcement	2	Yes=2; No=0
37. Condos only: Is secondhand smoke designated as a nuisance?	Enforcement	0	Yes; No
38. Condos only: Does the policy require the posting of "no-smoking" signs wherever smoking is regulated?	Enforcement	1	Yes=1; No=0
39. Condos only: Does the policy specify that a specific government official or agency will be responsible for enforcing the policy?	Enforcement	2	Yes=2; No=0
39a. If yes, health agency?	Tracking	0	Yes; No
39b. If yes, law enforcement?	Tracking	0	Yes; No
39c. If yes, fire department?	Tracking	0	Yes; No
39d. If yes, code enforcement officer?	Tracking	0	Yes; No
39e. If yes, elected officials?	Tracking	0	Yes; No
39f. If yes, administrator?	Tracking	0	Yes; No
39g. If yes, other	Tracking	0	Text field
40. Condos only: Are penalties specified?	Enforcement	2	Yes=2; No=0
40a. Graduated penalty system?	Tracking	0	Yes; No
40b. Is injunction/abatement of nuisance available as a remedy?	Enforcement	1	Yes=1; No =0
40c. Are fines a possible penalty?	Tracking	0	Yes; No
40c1. If fines, specify.	Tracking	0	Text field
40d. Infraction?	Tracking	0	Yes; No
40e. Misdemeanor?	Tracking	0	Yes; No
40f. Is lien/foreclosure a possible penalty?	Tracking	0	Yes; No
40g. Other specified penalties?	Tracking	0	Text field
41. Do the MUH provisions as they relate to units apply to combustible tobacco products?	Tracking	0	Yes; No
	Total points:	100	

© 2024, California Department of Public Health. This material may not be reproduced or disseminated without prior written permission from the California Department of Public Health.