

9010. No Evictions for Violating Santa Monica Municipal Code Section 4.44.040 Which Prohibits Smoking in Multi-Unit Common Areas

- (a) Santa Monica Municipal Code (“SMMC”) section 4.44.040 regulates smoking in common areas of multi-unit residential properties by providing a private right of action against an individual who smokes in a common area. Multi-unit common area is defined in SMMC section 4.44.010 as: “Any indoor or outdoor area that is multi-unit residential property (including rental properties and condominiums) that is accessible to and usable by the occupant of more than one unit, including but not limited to halls, walkways, lobbies, laundry rooms, common cooking areas, outdoor dining areas, patios, play areas, swimming pools, gardens, and parking lots.”
- (b) SMMC section 4.44.040(a) states as the sole remedy a private right of action. Violators are not subject to criminal penalties.
- (c) SMMC section 4.44.040(c)(1) expressly states that “Nothing in this section may be used as grounds to terminate a tenancy. Nothing in this section shall render smoking in Multi-Unit Common Areas a violation of law pursuant to any rental housing agreement.”
- (d) No violation of SMMC section 4.44.040 shall be used as grounds to terminate a tenancy under section 1806.
- (e) This regulation does not affect existing grounds for eviction as set forth in section 1806.