

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Rental Housing Act of 1985 to prohibit smoking in a common area of, and outdoors within 25 feet of an entrance or window of, a multifamily rental accommodation, to authorize a housing provider to provide a designated smoking area in an indoor common area, to prohibit the eviction of a tenant who violates the smoking prohibition, to require housing providers to post no smoking signs, to authorize the Department of Health to enforce the smoking prohibition, and to establish penalties for violating the smoking prohibition.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rental Housing Smoke-Free Common Area Amendment Act of 2018”.

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended by adding a new section 509 to read as follows:

“Sec. 509. Restrictions on tobacco smoking.

“(a)(1) Smoking shall be prohibited in an indoor common area of a multifamily rental accommodation and outdoors within 25 feet of an entrance or a window of a multifamily rental accommodation.

“(2) A housing provider may designate a portion of an indoor common area as a designated smoking area. The designated smoking area shall:

“(A) Be as small as is practicable to accommodate the number of smokers expected to use the area;

“(B) Have a fan-based ventilation system that exhausts the smoke directly to the outside of the building; provided, that the venting duct shall not be within 25 feet of a window or entrance of a rental unit, or a building entrance; and

“(C) Be identified with conspicuous signs as a “designated smoking area”.

“(3) No tenant may be evicted from a rental unit for a violation of this section; provided, that nothing in this section shall be construed to prevent a housing provider from including a smoking prohibition in a lease or rental agreement.

“(b)(1) In a common area of a multifamily rental accommodation, a housing provider shall post or cause to be posted signs that read “No Smoking. Need to quit? Contact the D.C. Quitline” and which includes the current telephone number for the D.C. Quitline and the

internationally recognized “no smoking” symbol.

“(2) It shall be unlawful for any person to obscure, remove, deface, mutilate, or destroy any sign posted in accordance with the provisions of this section.

“(c)(1) The Department of Health may conduct inspections and assess penalties at all places where smoking is prohibited by this section to ensure that smoking in such places is not taking place and that all signage required under this section is posted.

“(2) The housing provider of a multifamily rental accommodation where smoking is prohibited pursuant to this section shall remind persons observed smoking in violation of this section to refrain from smoking.

“(d) Any person who violates this section by:

“(1) Smoking in a “no smoking” area shall be assessed a civil fine of no less than \$10 nor more than \$50 for the first violation and no less than \$50 nor more than \$100 for each second or subsequent violation;

“(2) Obscuring, removing, defacing, mutilating, or destroying a sign posted in accordance with the provisions of this section shall be assessed a civil fine of no more than \$100; and

“(3)(A) Failing to post or cause to be posted “no smoking” signs or failing to warn a smoker or user of tobacco products observed to be smoking or using tobacco products in violation of this section to stop doing so, as required by subsections (b)(1) and (c)(2) of this section, shall be assessed a civil fine of no more than \$100.

“(B) Each day that the violation of subsection (b)(1) of this section continues shall constitute a separate violation, and the civil penalties provided for in this section shall be applicable to each separate offense; provided, that such civil penalties shall not be levied against an employee or officer of a branch, agency, or instrumentality of the District government who is acting in an official capacity.”.

“(e) For the purposes of this section, the term:

“(1) “Common area” means those areas of a multifamily rental accommodation available for the use of all tenants of the housing accommodation, including a community room, community bathroom, lobby, hallway, laundry room, stairway, offices, elevator, recreational area, and other similar areas.

“(2) “Multifamily rental accommodation” means a housing accommodation of 2 rental units or more, except for single-family accommodations, as defined in section 103(14).

“(3) “Smoking” means the inhaling, exhaling, burning, or carrying of a lighted or heated cigar, cigarette, pipe, electronic smoking device, or any other tobacco or plant product intended for human consumption through inhalation, in any manner or in any form.

“(f) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.”.

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Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia