

Smoke-Free Housing – When It's the Law!

Using Policy to Make it So



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Why Legislate Smoke-Free Housing?

- Provides legislative remedies when civility and voluntary policies fail
- Provides protections for both landlords and tenants



Why Legislate Smoke-Free Housing? Changing Demographics

- Declining smoking rates – Only 10% of Bay Area residents smoke
- Of the smokers, less than 1/3rd smoke indoors at home
- Increased public awareness of 2nd & 3rd hand smoke dangers



Existing Legislation - California

- **Common Indoor Areas: Covered in Buildings with Over 5 Employees** (CA Smokefree Workplace Act 1995)
- **Residences Used as Licensed Child Care Facilities** (during the hours of operation where children are present)
- **22 Local Jurisdictions (cities/counties)** have adopted either Smoke-Free Units laws* (50-100%) and/or Landlord/Condo Seller Disclosure provisions since 2007.



Most Common Provisions

- No smoking in **common** indoor and/or outdoor areas (105 cities/counties)
- **Non-smoking units** in multi-unit housing (17 cities/counties)



Most Common Provisions

- **Landlord disclosure** of where on property smoking is not allowed & how enforced (19 cities/counties)
- Secondhand tobacco smoke declared a **nuisance** (10 cities/counties)



Smoke-Free Housing Policies

- Additional California local jurisdictions are in the process of considering 80-100% s-f laws. (Compton, Baldwin Park, Alameda)
- Population range: 7,000 to 420,000



Proposed New State Legislation

SB 332 Padilla – Smoke-Free Housing

- Explicitly allows landlords to prohibit smoking on their property
 - Comment: Current law is silent on the right of landlords to do so although many have already done so.
- If a landlord does prohibit smoking anywhere on his/her property, it must be explicit in leases executed after Jan. 1, 2012.
- If a landlord chooses to convert existing occupied units to non-smoking, it must be done so as a change in the terms of tenancy.

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