

Secondhand Smoke: A Nuisance for Tenants and Landlords

By Francisco L. Manzano, Tobacco-Free Communities Coalition



According to the California Department of Public Health approximately 86% of Californians do not smoke, and for non-smokers forceful exposure to another person's secondhand smoke is a nuisance!

For the millions of Californians who live in rental housing where smoking is allowed, forced exposure to secondhand smoke is a daily nuisance. Smoking in apartments and condos affects all tenants because secondhand smoke drifts through ventilation systems, electrical sockets and open windows. Forced exposure to a smoker's secondhand smoke is an unreasonable and substantial interference upon—and injurious to—health. Tenants are aware of the science proving secondhand smoke is poisonous; and according to the California Air Resources Board, secondhand smoke is as toxic as automotive exhaust and industrial fumes.



But what does this mean for landlords and local policy makers? Landlords and local policy makers are responsible for keeping residents safe, and ensuring that properties are clean and free of known dangers.

In light of current scientific findings that show secondhand smoke clearly poses a known danger to health, smoking should be prohibited in apartment common areas and units to protect non-smoking residents. For some tenants secondhand smoke exposure can mean life-or-death. Imagine a newborn baby or ill elderly tenant being exposed to secondhand smoke—the California Air Resources Board links tobacco smoke to asthma deaths, Sudden Infant Death Syndrome (SIDS), and increased incidences of breast cancer in non-smoking women.

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nance that defines forced exposure to secondhand smoke as a nuisance. A nuisance policy can help protect non-smoking tenants from forced exposure, and property owners with a structure to control nuisance causing tenants.

Landlords are legally entitled to implement non-smoking policies on their properties because there is no constitutional right to smoke, smokers are not a group protected under California's fair housing laws, and the right to privacy does not include smoking. Non-smoking properties also have reduced property damage (to carpets, drapes and paint with odor and stains) and cigarette induced fires.

Please be aware of the dangers secondhand smoke poses to tenants and property, consider eliminating smoking in your building, and talk with your local city councilmember about a nuisance policy.

Landlords and policy makers have an obligation to abate this nuisance as any other; a neighbor's secondhand smoke is more dangerous than their barking dog.

The Tobacco-Free Communities Coalition is a collaboration of over 35 community-based and non-profit public health organizations, and provides countywide tobacco control education and policy advocacy.

We cannot wait for tenants to be injured in order to do something about smoking in apartments. Landlords need to request that local city councils adopt an ordi-