



Understanding California's New Smokefree Housing Law

November 2011

On September 6, 2011 Governor Jerry Brown signed Senate Bill 332 into law making it explicit that landlords have the right to make their rental properties smokefree. SB 332 was authored by Senator Alex Padilla (D-San Fernando Valley) and goes into effect on January 1, 2012. The new law simply places an existing authority into state law. In fact, many landlords throughout California have already prohibited smoking on their properties. More importantly, many cities and counties in California have gone much further than this new state law and prohibit smoking in multi-unit housing through local ordinances and housing authority policies.

This new state law has generated many questions from advocates, tenants, landlords and elected officials. This document serves to answer those questions by providing an overview of California's new smokefree housing law and how it impacts the different types of smokefree housing policies. For more smokefree housing resources, visit www.center4tobaccopolicy.org/localpolicies-smokefreehousing.

Common Questions about the New State Smokefree Housing Law

What specifically does this new law do?

While it has always been legal for landlords to prohibit smoking in the apartments they own and manage, this law specifically spells out that authority in state law. Moving forward, landlords who adopt a smoking restriction for anywhere on their property would need to include a provision in all leases and rental agreements specifying where smoking is prohibited and provide adequate notice for these changes in accordance with federal, state and local notice requirements.

What does this new law mean for smokefree housing policies for condominiums or housing authorities?

It was legal to prohibit smoking in condominiums and housing authority properties prior to this law and it remains legal to do so. Homeowners' associations and housing authorities can continue to adopt smokefree housing policies. Homeowners' associations and housing authorities were likely already providing adequate notice for changes and including information in leases and rental agreements when implementing nonsmoking policies, which this new law requires landlords to do. For more information about how to implement these types of policies, see the fact sheets from the Technical Assistance Legal Center on creating smokefree policies for [affordable housing](#) and [condo complexes](#).

What does this new law mean for existing and future local smokefree housing ordinances?

The state law specifically does not preempt any local ordinance in effect on or before January 1, 2012, including ordinances that grandfather tenants who smoke, and it does not preempt any provision of a local ordinance in effect after January 1, 2012 that restricts smoking. This means that cities and counties can continue to adopt ordinances that create nonsmoking units in multi-unit housing. Landlords implementing a local ordinance will need to include a provision in all leases and rental agreements specifying where smoking is prohibited and provide adequate notice for these changes in accordance with federal, state and local notice requirements. These requirements are standard for any sort of changes in terms for tenants and mostly already included in ordinances passed prior to this law.