



## Secondhand Smoke in Multi-Unit Housing

### Health Effects of Secondhand Smoke (SHS):

- The U.S. Environmental Protection Agency has classified SHS as a group A carcinogen [*such as, asbestos, arsenic, benzene and radon gas*], the most dangerous class of carcinogens.<sup>1</sup>
- The U.S. Surgeon General has concluded that there is no risk-free level of exposure to SHS.<sup>2</sup>
- The California Air Resources Board has put SHS in the same category as the most toxic automotive and industrial air pollutants, categorizing it as a toxic air contaminant, for which no safe level of exposure.<sup>3</sup>
- Only 5 minutes of exposure to SHS causes the main artery carrying blood from the aorta, to stiffen as much as if the person had smoked a cigarette, thereby causing the heart to work harder to pump blood.<sup>4</sup>
- 30 minutes of exposure to SHS reduces the arterial function of a non-smoker's circulatory system to that of an active smoker's, increasing the nonsmoker's risk of heart disease.<sup>5</sup>
- Exposure to outdoor SHS may present a hazard under certain conditions of wind and smoker proximity.<sup>6</sup>

### Housing-Specific Issues & Facts:

- SHS does not respect boundaries. It drifts into units from multiple locations depending on wind conditions and other factors.<sup>7</sup>
- Conventional air cleaning systems can remove large particles, but not the smaller particles and gases found in SHS.<sup>8</sup>
- The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the preeminent U.S. standard-setting body on ventilation issues, has concluded that ventilation systems cannot remove SHS from indoor environments.<sup>9</sup>
- Results from a 2005 survey of 300 California apartment owners/managers revealed that 44% have had tenants complain about SHS smoke drifting into their apartment. Also, 69% think that SHS can drift from apartment to apartment and 80% believe that SHS can drift from outside into a unit.<sup>10</sup>
- In July 2006, 400 Latino renters in California were surveyed and 63% of respondents reported that SHS had drifted into their apartment and 82% felt there is a need for laws to limit smoking in apartments.<sup>11</sup>

### Legal Implications:

- There is no constitutional right to smoke.<sup>12</sup>
- California law declares that anything which is injurious to health or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance.<sup>13</sup>
- Local governments have broad latitude to declare nuisances and are not constrained by any prior definitions of nuisance.<sup>14</sup>
- A local ordinance that authorizes residential rental agreements to include a prohibition on smoking of tobacco products with rental units is not prohibited by state law.<sup>15</sup>

### Economic Costs:

- Statistics show that maintenance costs are significantly higher in units where smoking has occurred. Refurbishing these units includes: repainting, replacing carpets, draperies, and upholstered furniture.<sup>16</sup>
- According to the State Fire Marshall, in one year, cigarettes were found to have caused over 1,400 fires in California homes, apartment, and mobile homes with an estimated \$18 million loss in property and contents.<sup>16</sup>

*\*References cited are available upon request.*

**Tobacco Prevention Settlement Program**  
**Santa Barbara 681-5407 or Santa Maria 346-7275**  
**<http://www.sbcphd.org/tobacco/default.html>**

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