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# Editorial: Renters deserve relief from smoking

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Fewer than 14 percent of Californians smoke cigarettes or other tobacco products.

While they have the right to choose the risks of smoking for themselves, they do not have the right to impose their smoke involuntarily on others. That is why California has statewide laws that ban smoking in workplaces, restaurants and bars.

Now legislators are considering taking the next step – apartments and condominiums. With shared walls, floors, ceilings or ventilation systems, the drift of smoke is palpable in neighboring units.

A child with asthma or an elderly person with multiple health issues – or any nonsmoker who doesn't want the health hazard of secondhand smoke – is out of luck if a smoker moves into an adjacent apartment or condo. For most in this situation, the choice is to move out or to endure the health hazard. For low-income people who cannot afford to move, there is no choice; they have to endure the smoke.

Assemblyman Marc Levine, D-San Rafael, attempts to address this problem with Assembly Bill 746. It would enact a statewide ban on smoking in apartments and condos that have two or more units and share walls, floors, ceilings or ventilation systems. While details remain to be worked out, this bill is the right thing to do.

Some landlords and condo associations already have voluntarily adopted smoke-free policies in leases, bylaws, rules and regulations that renters or buyers sign – no different from enforcing quiet hours or no-pet rules. And 29 California cities and counties, starting with Belmont in the East Bay in 2007, already ban smoking in apartments and condos.

AB 746 would extend these policies statewide.

The Belmont experience is telling. According to City Manager Greg Scoles, complaints of smoking infractions are rare and resolved quickly by making people aware of the rules. The city has an education program, which was key during the transition period. The city, to his knowledge, has not issued any citations, which carry a \$100 fine. People comply.

Landlords have reduced turnover costs – units that smell of smoke or are covered in residue are more costly to clean. They also have reduced fire risk, improving the cost of fire insurance. The U.S. Fire Administration recommends that people smoke outdoors; smoking in homes is the primary cause of fire-related injuries and deaths.

The Western Center on Law & Poverty worries that low-income people would be evicted under AB 746 – citing examples in low-income public housing complexes that already have smoke-free

policies.

Low-income people do smoke at higher rates than average; 17.7 percent of those who earn less than \$15,000 a year are smokers. Clearly, lawmakers should be most concerned about the vast majority who are nonsmokers and should not have to endure neighbors' smoke seeping into their apartments.

The aim of AB 746 is to have smokers go outside and away from the building to smoke, a good solution. But the bill's language needs to be revisited. Currently it says that owners and condo associations "may designate" an outdoor smoking area. This should be changed to ensure that people actually do have an outdoor area to smoke.

Echoing city ordinances, the bill includes a \$100 fine for violations.

Given that cities have not had to issue citations, is this really necessary? Instead, why not include a provision to revisit penalties in five years when we have a record of compliance?

While Belmont's debate was contentious and City Council member Coralin Feierbach says she was the target of insults and threats, she believes it was all worth it. She has received nothing but gratitude since it passed – particularly from low-income elderly people. She encourages state lawmakers to be courageous.

One person's smoke invading a neighbor's apartment or condo is not just a nuisance in the way that excessive noise at 3 a.m. is a nuisance. It is a health hazard and should not be allowed. Levine is on the right track with AB 746.

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