



SMOKE-FREE HOUSING NOW SUPPORTED BY CALIFORNIA LAW

For years, California landlords have placed various “house rules” on their rental properties such as no pets, no noise, and no water beds are allowed! Although some have also had “no smoking” policies in place – these no tobacco restrictions were not actually supported by a specific law. On January 1, 2012, however, California Senate Bill 332 went into effect giving landlords legal standing to demand no smoking within rental units and/or on common grounds.

Landlords who wish to exercise authority under SB 332 and prohibit smoking must include a provision in the lease or rental agreement which specifically sets forth the areas where smoking is not allowed. For **future** leases and/or rental agreements yet to be entered into, incorporating this language in the agreement is a relatively easy task (just add a provision which sets forth exactly where in the complex smoking is prohibited). However, placing any type of **new restriction** on a **pre-existing tenant** may constitute a change in tenancy terms making it a much more difficult task. This is because landlords must abide by various notice requirements under state (and sometimes local) law when making a change to a pre-existing rental contract.

At Tharpe & Howell, LLP, our Real Estate and Construction Law Practice Group serves the distinct needs of a wide variety of clients in both commercial and residential real estate and construction matters. Should you have any questions re implementation of a no smoking rule in residential properties you own and/or manage, please contact Firm Partner Robert Freedman at (818) 205-9955 to see how we can help. Once properly introduced, such a policy may help reduce future clean-up costs while also contributing to the tenants’ good health.