



LIZ ORTEGA

Assemblymember, District 20



AB 455

FACT SHEET

Bill Summary

AB 455 requires that all sales of single-family homes include a disclosure if there has been smoking or vaping on the property. The bill also requires that the Department of Toxic Substances Control, in coordination with the Center for Tobacco and the Environment and San Diego State University, update the Homeowners' Guide to Environmental Hazards (Guide) to reflect the dangers of thirdhand smoke.

Existing Law

Establishes the Guide and requires that the Guide include information on carbon monoxide, lead, and radon gas (Business & Professions Code Section 10084. 1; Health & Safety Code Sections 13261). Existing law also lists other disclosures required in the sale of residential property (Civil Code Section 1102.6).

Background

California law currently requires several disclosures in the sale of residential property, as applicable, including location in special tax districts, property tax reassessment requirements, fees, location in a fire hazard severity zone, any modifications or repairs done to the property, and the presence of any material found in the Guide.¹

The Guide was first created in 1991 by the Department of Health Care Services to inform homeowners and potential home buyers about environmental hazards they may find on or around their property. The Guide's most recent update, from 2011, includes asbestos, carbon monoxide, formaldehyde, hazardous wastes, lead, mold, and radon as listed hazards. AB 225 (Grayson, 2023) required that the Guide be updated to include three new sections on wildfires, climate change, and sea level rise.

Need for AB 455

"Thirdhand smoke" refers to the toxic residue left behind by tobacco smoke or vape. When smoking or vaping occurs indoors, thirdhand smoke spreads through the HVAC system, accumulates in the carpets, walls, and building materials of a home, and remains there for years, even after the smoking or vaping stops.² Thirdhand smoke is hard to remove, requiring deep cleaning at best and professional remediation or renovation at worst.³ Thirdhand smoke polluted buildings expose occupants to toxic chemicals and carcinogens, including some listed on California's Prop 65 warnings.⁴ Despite these dangers, disclosure of smoking or vaping is not currently required in the sale of residential properties in California, leaving individuals and families unaware of a serious hazard that may be present in their current or future home.

¹ [A Guide For Homeowners, Homebuyers, Landlords and Tenants](#)

² <https://pmc.ncbi.nlm.nih.gov/articles/PMC3666918/>

³ ["Getting Rid of Cigarette Smell in Your Home" This Old House](#)

⁴ <https://pubmed.ncbi.nlm.nih.gov/37263783/>

AB 455 will require that thirdhand smoke be included in the Guide and will require that all residential property sales include a disclosure if there has been smoking or vaping on the property. These measures will help potential homeowners be more aware of the dangers of thirdhand smoke and be fully informed before buying property that may be contaminated with this hazard.

Support

None on file.

Oppose

None on file.

For More Information

Colleen Herrmann, Assembly Fellow
Office of Assemblymember Liz Ortega
916.319.2769 | colleen.herrmann@asm.ca.gov