

Do California Real Estate Professionals Support Disclosure of Thirdhand Smoke in Home Sales?

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Our Goal

Assess the perspectives of California real estate professionals regarding disclosure of thirdhand smoke in home sales.


Background

- Tobacco smoke residue, or “thirdhand smoke,” is the toxic chemical residue left behind long after smoking stops.
- Over 25 California Proposition 65 chemicals, known to cause cancer or reproductive harm, have been identified in thirdhand smoke.¹
- In California, thirdhand smoke is not legally required to be disclosed,² and buyers are not required to receive any education as they do with other environmental hazards.³ (e.g., asbestos, lead, mold, radon) This poses a risk to new homeowners who unknowingly purchase polluted property.
- A 2020 survey of Pennsylvania REALTORS® showed that 96% found it more difficult to sell smoking-permitted homes, and only 20% viewed mandatory disclosure of tobacco history as negative.⁴
- A 2021 poll of California residents showed 96% of Californians would want to know if a home they are about to buy contains tobacco smoke residue.⁵

Methods

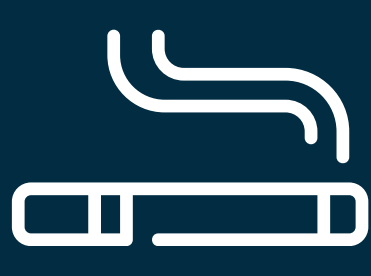
- Review and summarize the required disclosure documentation for home sales in the state of California.
- Develop a survey with a combination of original questions, questions adapted from the Klassen et. al. study⁴ of Pennsylvania REALTORS®, and thirdhand smoke knowledge and attitude scales developed by Record et. al.⁶
- Conduct a survey of real estate agents (n=11) and home appraisers (n=17) about:
 - Experience selling/appraising homes that have been smoked in
 - Position on disclosure in real estate transactions and/or standard home appraisals
 - Knowledge and attitudes (KA) regarding thirdhand smoke

California real estate agents agree with Californians, who support requiring disclosure of thirdhand smoke in home sales.




The three **legally required** documents in home sales do not ask the seller or agent to disclosure thirdhand smoke or smoking history of a property.

- ✗ Real Estate Transfer Disclosure Statement
- ✗ California Residential Environmental Hazards: A Guide For Homeowners, Landlords, and Tenants
- ✗ Agent's Visual Inspection Disclosure




Only one document, used by the California Association of REALTORS®, asks about a property's smoking history.

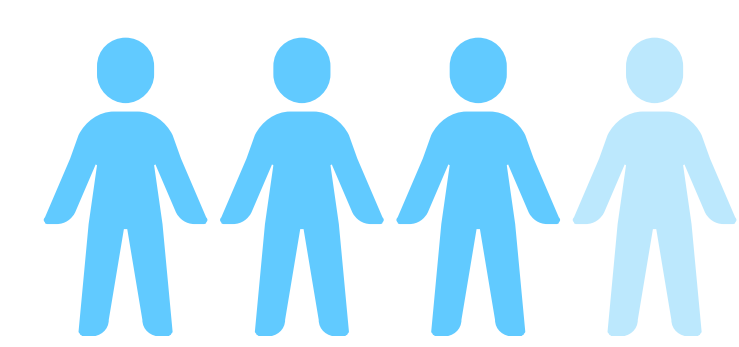
- ✓ C.A.R. Seller Property Questionnaire




96% of California residents want to know if the home they are about to buy contains tobacco smoke residue.⁵



91% of California real estate agents surveyed support requiring disclosure of thirdhand smoke in home sales.



73% of California real estate agents surveyed support adding thirdhand smoke to the California Residential Environmental Hazards Guide.




53% of California home appraisers surveyed support including evidence of thirdhand smoke as part of standard appraisal reports.

Diane*, Real CA Homeowner

“ I recently purchased a home and unbeknownst to me the previous owner smoked in the house since 1993. I am unable to reside in the house. I immediately feel nauseous and get headaches...

It appears the seller covered up the smell by painting over everything that could be painted, using air freshener, air purifiers and airing out the house prior to my viewing...

I have had a contractor and another smoke remediation expert out and both believe that so much damage has been done that the only way to get rid of it is by tearing everything out and start rebuilding. ”



*Name has been changed for privacy.

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Scan the QR code to read or download the poster.



Results

REAL ESTATE AGENTS

- 91%** of CA real estate agents surveyed support requiring disclosure of tobacco smoke residue in home sales.
- 91%** of CA real estate agents surveyed did not believe disclosure would have a negative impact on CA home sales.
- 73%** of CA real estate agents surveyed support adding tobacco smoke residue to the CA Hazards Guide.
- 73%** of CA real estate agents surveyed agree tobacco smoke residue contains dangerous chemicals.
- 45%** of CA real estate agents surveyed incorrectly believed tobacco smoke residue is already included in the Hazards guide.

HOME APPRAISERS

- 29%** of CA appraisers surveyed support requiring disclosure of tobacco smoke residue in home sales, with **47% remaining undecided**.
- 53%** of CA appraisers surveyed support including evidence of tobacco smoke residue in appraisal reports.
- 88%** of CA appraisers surveyed agree tobacco smoke residue contains dangerous chemicals.

Conclusion

- Real estate professionals surveyed agree that tobacco smoke residue is dangerous.
- Real estate agents show strong support for disclosure, and a majority of appraisers support inclusion in standard appraisal reports.
- A need and desire for education about tobacco smoke residue in homes remains among professionals.

1. State of California, Environmental Protection Agency. (2022). Chemicals Known to the State of California to Cause Cancer of Reproductive Toxicity. Office of Environmental Health Hazard Assessment. <https://oehha.ca.gov/proposition-65/proposition-65-list>

2. Disclosures in Real Property Transactions. California Department of Real Estate. 2005.

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4. Klassen, A. C., Lee, N., Lopez, J. P., Bernardin, C., Coffman, R., & Tefferi, M. (2020). Realtors as Partners in Tobacco Control: Results from a Pennsylvania Survey. Tobacco Regulatory Science, 6(6), 392-404. <https://www.researchgate.net/profile/Ann-Klassen/publication/347516798-Realtors-as-Partners-in-Tobacco-Control-Results-from-a-Pennsylvania-Survey/links/6624d5b1008aa54d7ac88693/Realtors-as-Partners-in-Tobacco-Control-Results-from-a-Pennsylvania-Survey.pdf>

5. Thirdhand Smoke Resource Center. (2021). Your Home, Your Right to Know About Thirdhand Smoke. Retrieved from: <https://thirdhandsmoke.org/wp-content/uploads/2023/01/YourHomeYourRight-Disclosure-Infographic.pdf>

6. Record, R. A., Greiner, L. H., Wipfli, H., Pugel, J., & Matt, G. E. (2022). Thirdhand Smoke Knowledge, Attitudes, and Behavior: Development of Reliable and Valid Self-report Measures. Nicotine Tob Res, 24(1), 141-145. <https://doi.org/10.1093/ntr/ntab133>

<https://www.ncbi.nlm.nih.gov/pubmed/34165559>

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4. Klassen, A. C., Lee, N., Lopez, J. P., Bernardin, C., Coffman, R., & Tefferi, M. (2020). Realtors as Partners in Tobacco Control: Results from a Pennsylvania Survey. *Tobacco Regulatory Science*, 6(6), 392-404. https://www.researchgate.net/profile/Ann-Klassen/publication/347516798_Realtors_as_Partners_in_Tobacco_Control_Results_from_a_Pennsylvania_Survey/links/662d5b1008aa54017ac88f83/Realtors-as-Partners-in-Tobacco-Control-Results-from-a-Pennsylvania-Survey.pdf
5. Thirdhand Smoke Resource Center. (2021). Your Home, Your Right to Know About Thirdhand Smoke. Retrieved from: https://thirdhandsmoke.org/wp-content/uploads/2023/01/YourHomeYourRight_Disclosure-Infographic.pdf
6. Record, R. A., Greiner, L. H., Wipfli, H., Pugel, J., & Matt, G. E. (2022). Thirdhand Smoke Knowledge, Attitudes, and Behavior: Development of Reliable and Valid Self-report Measures. *Nicotine Tob Res*, 24(1), 141-145. <https://doi.org/10.1093/ntr/ntab133> <https://www.ncbi.nlm.nih.gov/pubmed/34165559>