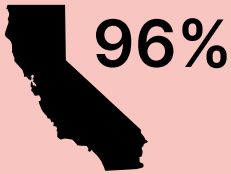


Required Disclosure Documents Leave California Home Buyers Unprotected and Uninformed About Toxic Tobacco Smoke Residue

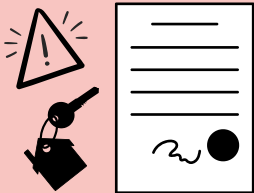
Background



Smoking indoors leads to the buildup of **tobacco smoke residue**, toxic chemical residue that lingers in building materials and on surfaces for years after smoking has stopped.



A 2021 survey of 1,800 California residents showed that **96% of Californians want to know** if there is tobacco smoke residue in a home they are buying or renting.



Unlike other environmental hazards, there is currently **no legal requirement for sellers to disclose** toxic tobacco smoke residue or for buyers to receive education about it.

Current Disclosure Requirements

Current as of March 2025

In California home sales, sellers are required by law to disclose substances that pose a hazard to human health and home buyers must receive information about the hazards. Real estate agents must also perform a visual inspection of the home and note their findings.

Tobacco smoke residue is known to contain over 25 chemicals listed under California's Proposition 65 and can require costly renovation to remove. However, it is not currently listed as a residential environmental hazard in California, and disclosure is not legally required in home sales.

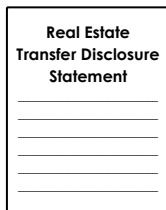
Current Hazards List

- Asbestos
- Carbon Monoxide
- Formaldehyde
- Hazardous Waste
- Lead
- Mold
- Radon

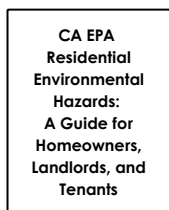


Tobacco Smoke Residue is Left Out

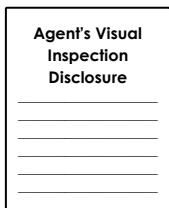
Official State Documents



The **CA Transfer Disclosure Statement** asks the seller about legally required disclosures including residential environmental hazards.¹



The **CA Hazards Guide** satisfies the requirement to provide buyers information about hazards. If provided, no additional information is required.²

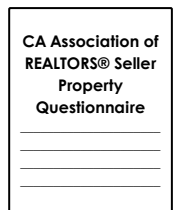


The **Agent's Visual Inspection Disclosure** is an open-ended form completed during an agent's limited visual inspection of the property.

Tobacco smoke residue is **not listed as an environmental hazard in CA**, so it is not included in either of these documents.

Each agent decides what to include. Agents are **not allowed** to determine if environmental hazards are present.

C.A.R. Document



The **Seller Property Questionnaire** is filled out by the seller if their agent is a member of the CA Association of REALTORS®. C.A.R. requires all members to use the SPQ. It is not required by CA law.

The SPQ is the **only document that asks about the smoking and vaping history** of a property.

Conclusion

Tobacco smoke residue is hazardous to humans, especially children, and Californians overwhelmingly agree they would **want to know** if it is present in a home.

Other toxic substances such as lead and radon must be disclosed in the Transfer Disclosure Statement, and education about the dangers of their presence in the home is required, whether by the CA Hazards Guide or other educational materials.

In CA today, legally required disclosure documents **fail to inform** potential buyers and homeowners about toxic tobacco smoke residue.

Published May 2025. Funded by the Tobacco-Related Disease Research Program #T33PC6863 and #T32PT6244.