



# LIZ ORTEGA

Assemblymember, District 20



## AB 1695

## FACT SHEET

### Bill Summary

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AB 1695 ensures a healthy living environment in California’s future affordable housing stock by prohibiting smoking in units and common areas of state-subsidized multiunit housing developments for which a certificate of occupancy is issued on or after January 1, 2027.

### Existing Law

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Existing law defines smoking as “inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic in any manner or in any form.” [Section 22950.5 B&P]

Existing law defines a tobacco product “containing, made, or derived from tobacco or nicotine... whether smoked ... inhaled” and includes “an electronic device that delivers nicotine or other vaporized liquids.” [Section 22950.5 B&P]

Existing law prohibits smoking in nearly all workplaces and in indoor public spaces and within 20 feet of all main entrances, exits, and operable windows [Section 6404.5 LAB].

Current law allows landlords to prohibit smoking cigarettes [Section 1947.5 CIV]. However, there is no statewide requirement that all landlords prohibit it.

California courts have recognized that intrusions and noxious odors can be appropriate subjects of nuisance actions. [Babbitt v. Superior Court, 2004 WL 1068817, at \*2 (Cal. App. 4th Dist. 2004)]

### Background

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California provides multiple grants and financing tools to help build multi-unit housing. This includes, but is not limited to, the California Housing Accelerator, Multifamily Housing Program, and the No Place Like Home Program, and the state Low-Income Housing Tax Credit program.

Secondhand smoke is a Class A Carcinogen containing over 7,000 chemicals<sup>1</sup> Secondhand smoke increases the risk of heart disease and can cause respiratory infections and asthma attacks.<sup>2</sup> Existing law recognizes thirdhand smoke as the residue that clings to carpets, walls, furniture, and building materials for years after smoking stops.<sup>3</sup> It creates a toxic reservoir that off-gasses carcinogens, risking future tenants long after the smoker has moved out. Exposure may increase the risk of cancer, stroke, and heart disease.<sup>4</sup>

### Need for AB 1695

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The U.S Surgeon General has found that even when a family does not smoke, secondhand smoke can still enter their home from other units or shared areas.<sup>5</sup> This happens because multiunit buildings often share air pathways—

<sup>1</sup> <https://www.cancer.gov/about-cancer/causes-prevention/risk/substances/secondhand-smoke>

<sup>2</sup> <https://www.cdc.gov/tobacco/secondhand-smoke/health.html>

<sup>3</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC3666918/>

<sup>4</sup> <https://doi.org/10.1136/tc-2023-057971>; <https://doi.org/10.1021/acs.chemrestox.6b00343>

<sup>5</sup> <https://www.cdc.gov/statesystem/factsheets/multiunithousing/MultiUnitHousing.html>



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through ventilation, plumbing, electrical openings, hallways, and other gaps. Research has found measurable tobacco-related particulates in “non-smoking” units when neighboring units begin smoking<sup>6</sup>. Studies also show that children living in multiunit housing can have higher levels of markers of nicotine exposure than children living in single-family homes.<sup>7</sup> This can degrade air quality, harm neighborhood relations, and increase morbidity.<sup>8</sup> Unfortunately, there are currently no engineering approaches that fully eliminate the risk of secondhand smoke exposure inside multiunit buildings.<sup>9</sup>

In addition to the risks of secondhand smoke exposure, the state recognizes thirdhand smoke as a residential environmental hazard with deleterious health effects [AB455, Statutes of 2025, Chapter 263]. Thirdhand smoke also raises housing costs. Thirdhand smoke is hard to remove, requiring deep cleaning at best and professional remediation or renovation at worst.<sup>10</sup> Affordable housing landlords may spend thousands of dollars cleaning or renovating units, while smoke-free buildings can reduce turnover costs and, in some cases, lower insurance premiums. One study found that if the state implemented a smoke-free policy, multiunit housing property owners would save \$18 million annually.<sup>11</sup> Another

study found that prohibiting smoking in all US subsidized housing would yield economic cost savings of \$521 million a year.<sup>12</sup> State housing funds should go toward tenant services and maintenance, not expensive remediation of preventable smoke damage.

Recognizing this risk, 101 municipalities in California already restrict smoking in multi-unit housing.<sup>13</sup> AB 1695 protects residents in new, state-subsidized multiunit housing from secondhand and thirdhand smoke by prohibiting smoking of tobacco products indoors in units and common areas for developments that receive a certificate of occupancy on or after January 1, 2027. By applying only to new buildings, this bill would not impact existing leases or tenants. AB 1695 ensures that building materials remain pristine, protecting future tenants whose health is most at risk from the legacy of previous residents’ habits.

### Support

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None on file.

### For More Information

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<sup>6</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC3436457/>

<sup>7</sup> <https://publications.aap.org/pediatrics/article-abstract/127/1/85/30083/Tobacco-Smoke-Exposure-in-Children-Who-Live-in?redirectedFrom=fulltext>

<sup>8</sup> <https://www.sciencedirect.com/science/article/pii/S2950362024000109>

<sup>9</sup>

<https://www.cdc.gov/statesystem/factsheets/multiunithousing/MultiUnitHousing.html#:~:text=Individuals%20who%20live%20in%20multi,shared%20areas%20in%20the%20building.>

<sup>10</sup> "Getting Rid of Cigarette Smell in Your Home" This Old House

<sup>11</sup> <https://www.uclahealth.org/news/release/smoke-free-policies-could-save-landlords-up-to-18-million>

<sup>12</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC4572888/>

<sup>13</sup> <http://no-smoke.org/wp-content/uploads/pdf/smokefreemuh.pdf>