

# Smokefree Apartment House Registry

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## Why are Smoke-Free Apartments Legal?

As a general rule, property owners are permitted to impose restrictions on their tenants unless those restrictions violate existing laws or are discriminatory. A smokefree policy is no different than a no-pet, no loud music, or any other policy that protects other tenant's well-being or the landlord's property. Common law generally affords the owner with a right (and in some cases, obligation) to protect other tenants and the owner's own property.

David Ezra, Attorney-at-Law, Orange County

If you decide to adopt a smokefree policy for your apartment building, be assured that this is not prohibited by law. A smokefree policy remains part of the inherent rights of one who owns property, and should be viewed as preserving the value of your property and a protection of your tenants (residents).

Jay R. Petterson, Los Angeles County Real Estate Attorney and former  
U.S. Magistrate Judge