

Where There's Smoke

By Reg P. Wydeven
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One of my favorite actors is Denis Leary. He was great in movies like 'Ice Age' and on his TV show 'Rescue Me.' I've liked him, however, since his early days as a standup comedian.

Unlike most comics, Leary didn't tell jokes. He would go off on 10-minute, non-stop rants about some topic he loathed in a biting, fast-paced style. One of my favorite diatribes is off his 1993 comedic album, 'No Cure for Cancer.' In it, he expresses his love for smoking cigarettes but fumes about his perception that smokers' rights are being taken away.

He seethes that non-smokers wanted their own sections in restaurants, which they got. Twenty years later, smoking isn't allowed at all in restaurants. Then Leary rages about how smoking was banned on airplanes. He quickly points out, though, that if the plane is crashing the first thing the pilot will say is, "Folks, this is your Captain speaking, light 'em up 'cause we're going down."

Leary also professes that he smokes seven thousand packs a day and will never quit, no matter how many laws they make. He jokes that the current law only allows people to smoke in their apartments under a blanket, with all the lights out. Well, two decades later, Leary's jokes may be more prophetic than he thought.

The town of San Rafael, California, passed an ordinance last month making it illegal for people to smoke in their own homes if they share a common wall with another dwelling. It covers apartments, condominiums, co-ops, and any multi-family residence containing three or more units. The rule also applies to smokers who either own or rent such residences.

City officials call the law the most stringent in the nation. Walnut Creek and Tiburon, other California cities, along with Cambridge, Massachusetts, passed similar ordinances, but not as restrictive as San Rafael's.

In passing the ordinance, San Rafael officials cited studies showing that secondhand smoke can seep through ventilating ducts and walls, potentially affecting the health of neighbors. Another cited study was conducted by UCLA in 2011 that revealed California property owners paid up to \$18 million a year to clean apartments vacated by tenants who were smokers.

Surprisingly, city officials claim there has been little opposition to the ban. Apparently Denis Leary does not live in San Rafael.

According to Jessica Scaperotti, a spokeswoman for the Related Companies, a real estate developer and property owner, the demand for smoke-free environments exceeds the number of units available. This summer, Related Companies implemented a smoking ban in all of its 40,000 rental residences in 17 states.

While residents of San Rafael have not been vocal in opposing the ban, there has been an outcry from smokers across the country who fear similar bans in their hometowns.

I was happy that smoking was banned in the apartment building I lived in during law school. I just wish Madison would have passed an ordinance banning my Scandinavian neighbors from making lutefisk.

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