

What **You** Can Do about Secondhand Smoke in Your Home

A TOOLKIT FOR RENTERS



Is secondhand smoke drifting into your home from a neighbor's unit, the hallway, or outdoors?

This guide can help you understand your rights and take steps to protect yourself and others from secondhand smoke.

Clark County Public Health has worked with property owners and managers to show them how no-smoking rules are a win-win for business and for health.

Please see our website <http://www.clark.wa.gov/public-health> for more information, including how to search for rental housing where smoking is not allowed.

If you have questions after looking through this packet and our website, please contact us. We will be happy to assist you.

Clark County Public Health **360-397-8000**

This toolkit includes these topics:

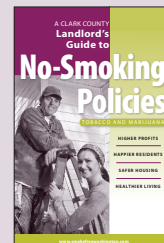
How to reduce exposure to secondhand smoke	1
How to talk to your landlord and neighbors about secondhand smoke	2
Secondhand smoke and tenants' rights	4
How to find smokefree housing	5

Helpful tools:

Sample neighbor letter	6
Sample landlord letter	7
Sample resident survey questions	8

More tools online or call us and we'll send you:

- *A Landlord's Guide to No-Smoking Policies*
(www.clark.wa.gov/public-health)
- *Legal Options for Tenants Suffering from Drifting Tobacco Smoke* (www.ChangeLabSolutions.org)



How you can reduce your exposure to secondhand smoke

The **only** way to avoid the health hazards of secondhand smoke is to live in a 100% non-smoking building*. If secondhand smoke is drifting into your apartment, your health may be at risk. If your apartment complex does not have a smokefree policy or a no-smoking rule, or if there is a policy but it isn't being enforced, here are some options.

What you can do:

If your own health or a family member's health is seriously at risk, remember that the simplest, and often fastest, solution may be to begin searching now for an apartment or house to rent where indoor smoking is simply not allowed. If where you are living doesn't fit the bill, consider looking. If your rental agreement is month-to-month you should be able to settle with your current landlord and move to a smokefree environment in as short a time as just 30 days. If you have a lease, and its renewal date is not coming up soon, you may need to negotiate with your landlord to get out of the lease early.

Moving isn't for everyone so other solutions can be more helpful to you. If you otherwise like where you live and want to make it work, consider these steps:

Ask your landlord to:

- Enforce the building's no-smoking rule if there is one.
- Let you move to a building where smoking isn't allowed or unit that does not have anyone who smokes living near it. Ask them if they would allow you to break your lease without penalty.
- Inspect and improve the ventilation* system in your unit. This could include adding more fresh air intake; cleaning, changing, or installing better filters, and/or reducing the amount of air exhausted through the ventilation system from the units of tenants who smoke.
- Seal* off your unit and your neighbors' units. This might require installing door sweeps; filling cracks in the walls; insulating air spaces around plumbing; and/or insulating and installing electrical outlet covers.
- Think about adopting a no-smoking rule for the apartment building. The sample resident survey questions on pages 8 and 9 is one way to find out how many residents would prefer to live in a building where smoking isn't allowed.

* Ventilation and sealing your apartment cannot guarantee protection from secondhand smoke.

“Currently, the only way to effectively eliminate health risk associated with indoor exposure is to ban smoking activity.”

– ASHRAE,
American Society of Heating, Refrigeration and Air Conditioning



How to talk with your landlord

It is vitally important to talk with your landlord if you are having a problem with secondhand smoke. If no one speaks up, landlords assume that there is no problem.

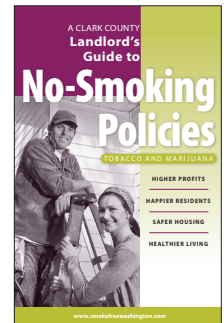
Most landlords want to keep their buildings safe and attractive to tenants. They may not know that you – and possibly your neighbors – would rather live in a smokefree building. They may already be thinking about a no-smoking rule for their buildings, or they may not, but it's your job as their customer to let them know what you want.

To get started, here is a list of things you can do to get a no-smoking rule in your building:

1. Think carefully about how you would like your landlord to solve the problem. Review “How you can reduce exposure to secondhand smoke” on page 1 and *A Landlord's Guide to No-Smoking Policies* on our website or ask to have a copy mailed to you.
2. Use the sample landlord letter on page 7 as a guide to writing your own letter to your landlord to inform them about the problem and ask them to fix it. Give them a copy of the

booklet, *A Landlord's Guide to No-Smoking Policies*. Make sure to point out all the good business reasons for a no-smoking rule.

3. Find out if your neighbors would prefer to live in a smokefree building. Ask your landlord to use the sample resident survey on pages 8 and 9 to get tenant input about a no-smoking rule. **The more people who ask for smokefree living, the more likely you are to get it!**
4. If you have a chronic health condition or disability that is affected by secondhand smoke, you may be eligible to request reasonable accommodations or modifications so that you can have equal access to your housing. See Fair housing and secondhand smoke on page 4.
5. Remember to put everything in writing, make copies and keep a record of all communications. You may want to send letters certified mail with a return receipt.



DO	DON'T
<ul style="list-style-type: none"> ✓ Put your requests in writing and keep a record of your communications. 	<ul style="list-style-type: none"> ⊘ Stay in the housing if your health is at risk. If you can, move to a smokefree building.
<ul style="list-style-type: none"> ✓ Be brief and clear about the problem and your proposed solutions. Be polite and business-like. 	<ul style="list-style-type: none"> ⊘ Confuse the issue by making other complaints at the same time.
<ul style="list-style-type: none"> ✓ Find out if other neighbors would like to live in a smokefree building. Ask your landlord to conduct a survey. 	<ul style="list-style-type: none"> ⊘ Assume you're the only one who cares about this. Find others who are concerned to help you.
<ul style="list-style-type: none"> ✓ Let your landlord know about the business benefits of a no-smoking rule (high market demand, cheaper cleaning and maintenance, reduced liability). 	<ul style="list-style-type: none"> ⊘ Assume that your neighbors and landlord are aware of the problem.
<ul style="list-style-type: none"> ✓ Let your landlord know why they lost you as a tenant, if you choose to move. 	<ul style="list-style-type: none"> ⊘ Make threats or accusations.

How to talk with your neighbors

Your neighbors may not realize that secondhand smoke is a problem for you. And you may not realize how many of your neighbors are also bothered by the secondhand smoke. If you feel comfortable talking with your neighbors about the issue, here are some things you can do:

1. Review the information and tools in this booklet.
2. Make a list of key points you want to share, and practice saying them. Then, look for opportunities to talk with your neighbors.
3. Write a letter explaining your concerns. You can use the sample neighbor letter to help you write the letter. Give it to everybody in the building or just to the neighbors you believe may be the source of the secondhand smoke.
4. Let your neighbors know they can demonstrate “customer demand” by asking the landlord to conduct a resident survey. This will help find out how widespread the problem is and how many people would rather have a no-smoking rule.
5. Ask your landlord to hold a tenant meeting to talk about secondhand smoke and to come up with solutions that everyone can agree to and support.
6. After learning how your neighbors feel about the issue, you may need to think carefully about whether it would be best to move to a smokefree building. See “How to find smokefree housing” on page 5.

Secondhand smoke and tenants' rights

First the bad news: There are currently no laws that specifically protect renters from secondhand smoke. The good news: you still have options.

1. Apartments as smokefree workplaces

In Washington there is a law against smoking in most indoor public places and workplaces, including common areas of most apartment buildings. You can report smoking in common areas of your building to Clark County Public Health, **1-360-397-8000**. Reports can be anonymous. Or you can make a report on-line at <http://www.clark.wa.gov/public-health/concern.html>.

2. Smokefree housing is good for your landlord's business

Show your landlord what a good idea it is to have a no-smoking rule. See *A Landlord's Guide to No-Smoking Policies* for all of the great reasons. Keep in mind:

- No-smoking policies are legal under federal, state, and local laws, even in HUD-assisted housing.
- Smokers are not a protected legal class. There is no "right to smoke" under any law.
- No-smoking rules are not illegally discriminatory.
- If your landlord decides to adopt a no-smoking rule, they may "grandfather in" tenants until their leases renew. The landlord may ask these tenants to sign a lease addendum agreeing to the change.

3. Fair housing and secondhand smoke

If you have a pre-existing chronic health condition or disability that is made worse by secondhand smoke, you may be eligible for protections under the federal Fair Housing Act. You may be able to request Reasonable Accommodations or Modifications so that you can have equal access to your housing. Anyone with a disability can make a request including people with a physical or mental condition that substantially limits one or more major life activities such as walking, seeing, hearing and breathing. Secondhand smoke-related conditions could include:

- Severe asthma
- Severe allergies
- Chronic bronchitis or other lung diseases
- Specific chemical sensitivities
- Lung cancer

To find out if you qualify call the Fair Housing Council of Oregon, which also serves Southwest Washington, for help, 1-800-424-3247 Ext. 2.

4. Legal Options

Tenants who have been harmed by secondhand smoke may want to take legal action. Visit www.ChangeLabSolutions.org to view the article "Legal Options for Tenants Suffering from Drifting Tobacco Smoke."

How to find smokefree housing



If you need immediate relief from exposure to secondhand smoke you may need to move. The only way to avoid the health hazards of secondhand smoke is to live in a 100% smokefree building. Ventilation and sealing your apartment cannot guarantee protection from all secondhand smoke. An electronic air filter, charcoal filter, or ozone treatment may cut the smell of smoke. They do not take away the smoke particles that cause health problems.

The American Lung Association offers a free rental housing search service in Washington that can help you to find smokefree rental housing. Go to <http://alaw.rentlinx.com/Search.aspx>. You can search by city, county, zip code or school district.

When you call or visit a property, ask these questions

1. Does the property have a no-smoking rule?

Is it written into the lease or is it part of the community rules? Does it apply to everyone or just to new tenants? Does the no-smoking rule cover only indoor areas or are outside areas included?

2. Are there any tenants who currently smoke inside or outside?

Where do they smoke? Note: If residents are smoking anywhere in the building and there is a share ventilation, it is likely that secondhand smoke will get into your unit. If they smoke outside near your windows or doors, the smoke could drift inside your unit.

3. How is the no-smoking rule enforced?

Does the landlord do regular checks to make sure rules, such as no-smoking, are followed? What would the landlord do if you made a complaint about a smoking neighbor? If a tenant or their guest is smoking, what would the landlord do about it?

4. Are signs posted to make visitors aware of the no-smoking rule?

5. Did the unit's previous tenant smoke?

If so, what did the landlord do to clean the apartment? Were the walls sealed and repainted? Were the carpets and drapes cleaned or replaced? Make sure you visit and see (and smell) for yourself before signing a lease.

Sample neighbor letter

Dear Neighbor

I am writing to everybody in this apartment building because I/my family have been getting a lot of secondhand smoke in our unit. I/members of my family have developed some serious health problems and we're pretty sure it's from the smoke. I don't know exactly where the smoke is coming from, but if you happen to be someone who smokes in your unit, would you please consider smoking outside instead? I have learned that there's no way to stop secondhand smoke from drifting, even with a really strong ventilation system, windows, or fans.

Please see the attached fact sheet from www.SmokefreeWashington.com on the dangers of secondhand smoke.

Smoking outside or quitting smoking will...

- protect your family and your neighbors from the deadly poisons in secondhand smoke
- prevent fires in your home
- reduce damage to your apartment...maybe helping you get back more of your cleaning deposit
- make you feel good because you are doing a good thing for your family and neighbors

If you are ready to quit smoking, there are many programs that can help you.

Thank you,

Renter

Sample landlord letter

Renter
789 St., Apt. Z
My Town, WA 98000

Date

Property Manager/Owner
Property Management Co.
123 St.
Your Town, WA 98000

Dear Property Manager,

I am writing this letter to request your help in dealing with secondhand smoke in my unit. Secondhand smoke has been getting into my unit from neighboring units/common areas/outside my window/doorway/other. I and/or members of my family have been having health problems due to the secondhand smoke. Please see the enclosed letter from my healthcare provider.

So far, I have tried sealing my apartment/running a fan/asking my neighbors to smoke outside/other) to fix this situation. I would like to request that you:

(Choose one or more of the following):

- Enforce the building's no-smoking rule
- Allow me to break my lease without penalty so I can move to a nonsmoking building
- Relocate me to a nonsmoking building that you own or manage
- Inspect and improve the ventilation system in my unit (though ventilation will not completely remove secondhand smoke)
- Consider a no-smoking rule for the apartment building
- Do a survey to see how many residents would rather live in a building where smoking isn't allowed
- Other:

Did you know that a no-smoking rule can be good for business? Please see the enclosed booklet entitled: "A Landlord's Guide to No-Smoking Policies" for more information about how going smokefree can save you money, protect your property, reduce turnover time and expenses, and help you gain a marketing edge. A no-smoking rule is entirely legal.

Thank you for your consideration. I believe this is a problem that has a win-win solution. I would appreciate a written response to this letter.

Sincerely,

Renter

Sample resident survey questions

Landlords: you can use these questions to create your own renter survey about smoking and secondhand smoking.

Residents: Please circle the answer that best describes you and your situation.

1. Do you or anyone else in your household smoke cigarettes, cigars or a pipe?

- A. Yes, regularly (daily or weekly)
- B. Yes, occasionally (less than weekly)
- C. No

If yes to Question 1, do you or any household members smoke indoors?

- A. Yes
- B. No

2. Which of the following statements best describes the rules about smoking inside your home:

- A. No one is allowed to smoke anywhere inside your home
- B. Smoking is allowed in some places or at some times
- C. Smoking is permitted anywhere inside your home

If your answer to Question 2 was "A", why don't you allow smoking in your home? Circle all that apply:

- a. The smoke makes someone in my home sick
 - b. I don't like the smell.
 - c. I am worried about fires.
 - d. I do not want my children to be around people smoking.
 - e. Other (Please explain) _____
-

If your answer to Question 2 was "B" or "C", why do you allow smoking in your home?

Circle all that apply:

- a. I don't want to smoke outside.
 - b. I don't want to ask others to smoke outside.
 - c. The smoke from cigarettes does not bother me.
 - d. Other (please explain) _____
-

3. Do you have children or teenage minors (0 – 17 years) living with you?

- A. Yes
- B. No

4. Do you have elderly residents (over 65 years) living with you?

- A. Yes
- B. No

5. Do you or someone who lives with you suffer from a chronic illness such as asthma, chronic bronchitis, heart disease, diabetes, arthritis, cancer or a cancer survivor?
- A. Yes, regularly (daily or weekly)
 - B. No
 - C. Maybe
 - D. Don't know
6. Do you think secondhand smoke is harmful to people's health?
- A. Yes, regularly (daily or weekly)
 - B. No
 - C. Maybe
 - D. Don't know
7. Have you smelled tobacco smoke in your home that comes from another apartment or from outside?
- A. Yes, regularly (daily or weekly)
 - B. No
 - C. Maybe
 - D. Don't know
8. Would you prefer to live in a building (select your top choice)?
- A. Where smoking is *not allowed* anywhere indoors and not allowed on outside property
 - B. Where smoking is *not allowed* anywhere indoors, including individual apartments; smoking is allowed outside away from the building
 - C. Where smoking is *not allowed* in indoor common areas, but allowed in individual apartments
 - D. Where smoking is *allowed* anywhere indoors and on outside property
 - E. Don't have a strong preference
9. If your building becomes non-smoking (including inside the units), what would you do?
- A. I would thank the landlord
 - B. It would not affect me (I don't smoke)
 - C. I would take my smoking outside
 - D. I would want to move
 - E. Don't know.

Thank you



Clark County Public Health
360 397 8000
www.clark.wa.gov/public-health