

## What You Can Do about Secondhand Smoke in Your Housing

Is secondhand smoke drifting into your home from a neighbor's unit, the hallway, or outdoors? You are not alone and we want to help you do something about it.

This toolkit includes these topics:

- A. Secondhand Smoke and Tenants' Rights
- B. How Renters Can Reduce Exposure to Secondhand Smoke
- C. How to Find Smokefree Housing
- D. How to Talk to Your Landlord and Neighbors about Secondhand Smoke
- E. Sample Neighbor Letter
- F. Sample Landlord Letter
- G. Community Mediation Centers

Find these tools online at [www.smokefreehousingNW.com](http://www.smokefreehousingNW.com) or call us and we'll send you a copy:

- A Landlord's Guide to No-Smoking Policies
- Legal Options for Tenants Suffering from Drifting Tobacco Smoke

The Portland-Vancouver Metro Area Smokefree Housing Project is working 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 [www.smokefreehousingNW.com](http://www.smokefreehousingNW.com)

American Lung Association in Oregon 503-718-6145 or [healthinfo@lungoregon.org](mailto:healthinfo@lungoregon.org)  
Clackamas County Community Health 503-742-5382  
Clark County Public Health 360-397-8000 x7378  
Multnomah County Health Department 503-988-3663-x29356  
Washington County Health & Human Services (503) 846-3626



## Secondhand Smoke & Tenants' Rights

Currently there are no laws that specifically protect renters from secondhand smoke, but you still have options.

### 1. Apartments as Smokefree Workplaces

The smokefree worksite laws in both Oregon and Washington prohibit smoking in most indoor public places and workplaces, including common areas of most apartment buildings. If smoking is happening in the common areas of your building, please call 1-866-621-6107 in Oregon and 1-877-463-6901 in Washington to make an anonymous report.

### 2. Fair Housing & Secondhand Smoke

Currently there are no laws that protect renters from secondhand smoke. However, if you have a pre-existing health condition or disability that is aggravated by secondhand smoke, you may be qualified for protections under the Fair Housing Act. You may request Reasonable Accommodations so that you can enjoy your housing like others without pre-existing health conditions. Health conditions aggravated by secondhand smoke include:

- \*Severe Asthma
- \*Severe Allergies
- \*Lung Cancer
- \*Chronic Bronchitis or other lung diseases
- \*Multiple Chemical Sensitivities

Please call the Fair Housing Council of Oregon, which also serves Southwest Washington, for help. Call the Fair Housing Hotline at 503-223-8197 or 1-800-424-3247.

### 3. Legal Options

Tenants who have been harmed by secondhand smoke may want to take legal action. Visit the website [www.smokefreeoregon.com/housing](http://www.smokefreeoregon.com/housing) to view the article "*Legal Options for Tenants Suffering from Drifting Tobacco Smoke.*"

*NOTE: The information provided by the Portland-Vancouver Metro Area Smokefree Housing Project is for educational purposes only. It is not offered or intended to be and should not be construed to be legal advice, nor to be a substitute for obtaining legal advice from a licensed attorney.*

All of the handouts and links mentioned are available at  
[http://www.smokefreeoregon.com/housing/tenants/renter\\_resources.php](http://www.smokefreeoregon.com/housing/tenants/renter_resources.php)

## How Renters Can Reduce 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.

### What you can do:

- Move into a smokefree home. If your health or that of your family is seriously at risk, the fastest solution may be to search for an apartment or house to rent where indoor smoking is not allowed.
- Talk to your landlord. Ask your landlord to adopt a smokefree policy or no smoking rule. If there is a policy but it isn't being enforced, try talking with your neighbors.
- Talk to your neighbors. Let your neighbors know that their secondhand smoke is affecting you. Try working with your neighbors to get a smokefree policy adopted.

**\*Ventilation and sealing your apartment cannot guarantee protection from secondhand smoke. “Currently, the only way to effectively eliminate the health risks associated with indoor exposure is to ban smoking activity”**

***ASHRAE, the American Society of Heating, Refrigerating, and Air Conditioning Engineers***

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## How to Find Smokefree Housing

You may need to move if you need immediate relief from exposure to secondhand smoke. **The only way to avoid the health hazards of secondhand smoke is to live in a 100% non-smoking building.** Ventilation and sealing your apartment cannot guarantee protection from secondhand smoke.

If your rental agreement is month-to-month you can give a written 30 days notice to move out when you are ready. If you have a lease, and its renewal date is not coming up soon, you may need to negotiate with your landlord in order to be allowed out of the lease obligations early. Consult an attorney to do this.

**HousingConnections.org** is a free service in the Portland-Vancouver Metro area that can help you find smokefree rental housing. Go to [www.housingconnections.org/smokefree.cfm](http://www.housingconnections.org/smokefree.cfm) or you can call 211, a phone number that connects people with important community services.

The following apartment search guides also advertise smokefree buildings and properties:  
*The Apartment Guide* (print directory available throughout the community)

[www.apartmentguide.com](http://www.apartmentguide.com)

[www.showmetherent.com](http://www.showmetherent.com)

[www.rentals.com](http://www.rentals.com)

[www.oregonlive.com](http://www.oregonlive.com)

### Whenever you call or visit a property, ask these questions:

- Is there a smoking rule?
- Are there any tenants who currently smoke inside or outside?
- How is the rule enforced?
- Are signs posted to make visitors aware of the no-smoking rule?
- Did the previous tenant in the unit you are interested in smoke?



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## Talking to your Landlord & Neighbors about Secondhand Smoke

Do...	Don't...
<input checked="" type="checkbox"/> Put everything in writing and keep copies of your communications.	
<input checked="" type="checkbox"/> Be brief and clear about the problem & your proposed solutions.	<input type="checkbox"/> Don't confuse the issue by making lots of other complaints at the same time.
<input checked="" type="checkbox"/> Find out if other neighbors would like to live in a smokefree building. Ask your landlord to conduct a survey.	<input type="checkbox"/> Don't assume you're the only one who cares about this. Find others who are concerned to help you.
<input checked="" type="checkbox"/> Let your landlord know about the business benefits of a no-smoking rule (high market demand, savings on cleaning & maintenance, reduced liability).	<input type="checkbox"/> Don't assume that your neighbors and landlord are already aware of the problem.
<input checked="" type="checkbox"/> Be polite and business-like.	<input type="checkbox"/> Don't make threats or accusations.
<input checked="" type="checkbox"/> If you choose to move to a nonsmoking unit, let your landlord know why they lost you as a tenant.	<input type="checkbox"/> Don't stay in the housing if your health is at risk. If you can, move to a smokefree building.

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## Talking to Your Landlord

It is important to talk to 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 their buildings to be safe and attractive to tenants. They may not know that residents would rather live in a smokefree building. It's your job to let them know what you want.

Here are some things you can do to get a no smoking rule in your building:

1. Use the *Sample Landlord Letter* as a guide to writing your own letter to your landlord to tell them about the problem and ask them to fix it. Smokefree housing is good business for your landlord. Refer them to the website [www.smokefreehousingNW.com](http://www.smokefreehousingNW.com) to access "A Landlord's Guide to No-Smoking Policies."

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 discriminatory.
  - If your landlord adopts a no-smoking rule, they may "grandfather in" tenants who smoke until lease renewal.
2. Find out if your neighbors would prefer to live in a smokefree building. Ask your landlord to use the *Sample Tenant Survey* ([www.smokefreeoregon.com/housing/landlords/landlord\\_resources.php](http://www.smokefreeoregon.com/housing/landlords/landlord_resources.php)) 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!
  3. Remember to put everything in writing, make copies and keep track of your correspondence. You may want to send letters by certified mail.

## Talking to 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, try the following:

1. Use our *Sample Neighbor Letter* to write your own letter and give it to everybody in the building or just to the neighbors you believe may be the source of the secondhand smoke.
2. Talk to other residents about urging your landlord to adopt a no-smoking rule or to conduct a tenant survey to get input about a no smoking rule.
3. Ask your landlord to hold a tenant meeting, so that you can talk about secondhand smoke with your neighbors.

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## Sample Neighbor Letter

Renter  
123 St., Apt. A  
Our Town, OR 97000

Date:

Neighbor Renter  
123 St., Apt. B  
OurTown, OR 97000

Dear Neighbor Renter,

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/my 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? I have learned that there's no way to stop secondhand smoke from drifting, even with a really strong ventilation system, windows, or fans.

Smoking outside or quitting smoking will...

- protect your family *and* your neighbors
- 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, call the Oregon Tobacco Quit Line: 1-800-QUIT-NOW.

Thank you,

Renter

**\*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,"**

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## Sample Landlord Letter

Renter  
789 St., Apt. Z  
My Town, OR 97000

Date:

Property Manager/Owner  
Property Management Co.  
123 St.  
Your Town, OR 97999

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).

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 (if it already exists)
- 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
- Consider a no-smoking rule for the building
- Conduct a survey to see how many residents would rather have a no-smoking rule
- Other:

Did you know that a no-smoking rule can be good for business? Please visit [www.smokefreehousingNW.com](http://www.smokefreehousingNW.com) to access "A Landlord's Guide to No-Smoking Policies" and for more information about how smokefree policies 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 would appreciate a written response to this letter.

Sincerely,  
Renter

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## Community Mediation Centers in the Portland-Vancouver Metro Area

*Need some help talking with your landlord or neighbor?*

*Consider contacting your local mediation center for free or low-cost assistance.*

### Beaverton Dispute Resolution Center

- Website: [www.beavertonoregon.gov/departments/disputeresolution/](http://www.beavertonoregon.gov/departments/disputeresolution/)
- 4755 SW Griffith Dr., Beaverton, OR 97076
- Phone: (503) 526-2222, TTY/TDD: (503) 526-2523
- Email: [disputemail@ci.beaverton.or.us](mailto:disputemail@ci.beaverton.or.us)

### Clackamas County Dispute Resolution Center

- Website: [www.co.clackamas.or.us/cscscc/mediation.htm](http://www.co.clackamas.or.us/cscscc/mediation.htm)
- 112 11th Street, Oregon City, OR 97045
- Phone: 503-655-8850

### Community Mediation Services of Clark County, WA

- Website: [www.cityofvancouver.us/mediation](http://www.cityofvancouver.us/mediation)
- Esther Short Building, 610 Esther St., Vancouver, Washington  
Phone: (360) 619-1140
- Email: [community.mediation@ci.vancouver.wa.us](mailto:community.mediation@ci.vancouver.wa.us)

### East Metro Mediation

- Website: [www.greshamoregon.gov/mediation](http://www.greshamoregon.gov/mediation)
- 1333 Eastman Parkway, Gresham, OR 97030
- Phone: 503-618-3247
- Email: [anndy.wiselogle@ci.gresham.or.us](mailto:anndy.wiselogle@ci.gresham.or.us)

### Hillsboro Mediation Program

- Website: [www.ci.hillsboro.or.us/Police/mediation.aspx](http://www.ci.hillsboro.or.us/Police/mediation.aspx)
- 250 SE 10<sup>th</sup> Avenue, Hillsboro, OR 97123
- Phone: 503-615-6651

### Resolutions Northwest

- Website: [www.resolutionsnorthwest.org](http://www.resolutionsnorthwest.org)
- 1827 NE 44th Avenue, Suite 300, Portland, OR 97213
- Phone: 503-595-4890
- Email: [info@resolutionsnorthwest.org](mailto:info@resolutionsnorthwest.org)

***Did you know?*** According to Resolutions NW, mediation has an **80% chance** of resulting in concrete solutions and at least **95% of people** report satisfaction from the opportunity to directly talk about a challenging issue in a safe environment.

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