

Oregon's New Law Requiring Landlords to Disclose their Smoking Policy:

WHAT RENTERS NEED TO KNOW

A new law, passed by the 2009 Oregon legislature, states:

...The rental agreement for a dwelling unit regulated under ORS Chapter 90¹ must include a disclosure of the smoking policy for the premises on which the dwelling is located. The disclosure must state whether smoking is prohibited on the premises, allowed on the entire premises or allowed in limited areas on the premises. If the smoking policy allows smoking in limited areas on the premises, the disclosure must identify the areas on the premises where smoking is allowed. Exempts from requirement rental agreements in which owner of manufactured dwelling or floating home secures the right to locate dwelling or home on real property of another. This act is also added to or made part of ORS 479.250 to 479.300².

Frequently asked questions about the new law:

Q. What's the effect of this new law?

A. The law goes into effect January 1, 2010 and it requires landlords, as part of the rental agreement, to disclose the smoking policy at the rental property. It does *not* require landlords to restrict smoking, it simply mandates that landlords inform renters if and/or where smoking is allowed.

Q. What is a Smoking Policy?

A. A Smoking Policy simply states whether or not smoking is allowed on the property and if so, whether there are any restrictions as to where one can smoke on the property. Landlords may choose any of the following:

Q. Is it legal for my landlord to ban smoking on the property?

A. Yes. No-smoking rules are legal. Smoking is not a protected under federal, state, or local fair housing laws; therefore, a landlord can have rules restricting it, just as they may have a "no-pets" policy.

Q. Why would a landlord have a no-smoking rule?

A. Many landlords adopt no-smoking policies to protect their properties from damage and fire hazards and to protect their residents from the effects of secondhand smoke.

Q. Why is this law good for renters?

A. This law gives renters the information they need to make an informed decision about where they will live. It assures that landlords and renters are in agreement about if and/or where smoking is allowed on the property. With this new law, you

¹ Chapter 90 in the Oregon Revised Statutes deals with residential landlord-tenant law (www.leg.state.or.us/ors/090.html).

² Chapter 479 is "Protection of Buildings From Fire; Electrical Safety Law" sections .250 -.300 concern smoke detection (www.leg.state.or.us/ors/479.html).

will know what to expect before you move in regarding smoking and the place you are renting.

If you choose to live in a non-smoking environment, you will be able to better protect yourself from 43 cancer-causing agents found in secondhand smoke. The US Surgeon General said in 2006, "The debate is over. The science is clear. Secondhand smoke is not a mere annoyance, but a serious health hazard." The American Society of Heating, Refrigerating, and Air Conditioning Engineers says, "Currently, the only way to effectively eliminate the health risk associated with indoor exposure is to ban smoking activity."

If you choose to smoke and want the freedom to do so in a rental home, you will know which properties allow this.

Q. Are there any exemptions to this law?

- A. Owners of manufactured or floating homes that rent the space where their homes sit are considered homeowners and not renters.

Q: Are there other smoking laws that relate to rental housing?

- A. Under both Oregon and Washington's laws, smoking is prohibited in all indoor common areas and anywhere an employee must enter as part of their duties, such as an office. Doorways, windows, vents and air intakes must be smokefree within 10 feet of a building in Oregon and within 25 feet in Washington.

This information is provided by Health In Sight LLC, the Tobacco Prevention and Education Program of the Oregon Public Health Division, the Fair Housing Council of Oregon, and the American Lung Association in Oregon

For more information about the landlord disclosure law, go to
www.smokefreehousinginfo.com

For more information and tools to assist renters with smoking-related issues, go to
www.smokefreehousingNW.com

For more general information about your rights under fair housing laws, visit
www.FHCO.org

