

STEPS TO CREATING SMOKE-FREE APARTMENTS



For Tenants

“Residents across the country have been successful in organizing smoke-free policies and creating a healthy environment.”

– Tobacco Free Utah (www.tobaccofreeutah.org)

Step 1: Get Informed About the Benefits of Smoke-Free Housing

- Learn about the harmful effects of secondhand smoke listed on the “Facts About Secondhand Smoke” sheet (included).
- The Surgeon General has concluded that the only way to fully protect yourself and your loved ones from the dangers of secondhand smoke is through 100% smoke-free environments.
- Cities and states across the country are already putting smoke-free policies in place.
- Smoke-free policies prevent involuntary exposure to secondhand smoke by children and adults.
- Smoke-free housing reduces the risk of fires.

Step 2: Survey Your Community

- Conduct a survey of residents, property managers, and owners.
- Do neighbors and your landlord know the health effects of secondhand smoke, such as sudden infant death syndrome (SIDS), heart disease, lung cancer, bronchitis, and asthma?¹
- Do neighbors and your landlord currently allow smoking in their home?
- Are your neighbors bothered by smoke in common areas or drifting into their apartment?
- Would residents support a smoke-free policy?

Step 3: Educate Your Community

- Distribute flyers about the benefits of being a smoke-free community.
- Hold meetings about secondhand smoke and why you want your community to be smoke-free.
- Talk to both smokers and non-smokers. You might be surprised to find that smokers often have a smoke-free policy in their own unit already.

Step 4: Create a Plan and Have Residents Sign a Petition

- Decide if the entire complex, just a building or two, or the bottom floors in a building (smoke rises) should be smoke-free.
- Work together to develop a smoke-free plan that works for everyone.
- Have residents sign a petition to go smoke-free.



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Step 5: Present Your Recommendation

- Present your smoke-free petition and ideas to a manager or owner.
- Educate your landlord on the benefits of going smoke-free.
- Provide your landlord with resources. A Smoke-free Housing Toolkit is available from Columbus Public Health that is designed for property owners and managers.

Step 6: Keep the Following Facts in Mind

- Smoke free policies are legal. There is no constitutional “right to smoke”.
- Smoke-free housing sets the community apart from other rental units.
- Most people do not smoke. In Franklin County, nearly 80% of the population are nonsmokers.²

Step 7: Enjoy the Benefits of Being Smoke-Free

- Enjoy a healthier environment for all tenants and guests.

Options available to residents of an apartment or condominium who are exposed to secondhand smoke against their will:

1. Document the problem and any health effects suffered as a result of a neighbor’s smoke.
2. It can be helpful to have a letter from a physician diagnosing your health issue.
3. Examine your lease. Many prohibit activities that interfere with the enjoyment of the premises by tenants.
4. Discuss the issue with the smoking neighbor to see if they will stop smoking on the premises.
5. Bring the issue to your management or landlord with your documented health issue.
6. Let them know they have the authority to restrict smoking.
7. If agreements cannot be reached, there are legal options that can be taken. Consult a legal counsel if you plan to consider these options.
 - Common Law Theories. Significant precedent exists for pursuing remedies under the common law, including bringing legal action under the following theories:³
 - breach of the covenant of quiet enjoyment
 - negligence
 - nuisance
 - breach of warranty of habitability
 - battery
 - intentional infliction of emotional distress
 - trespass
 - constructive eviction
 - Americans with Disabilities Act. Non-smoking tenants who are afflicted with breathing disorders may use the Americans with Disabilities Act to bring legal action against landlords for not making reasonable accommodations to protect these tenants from secondhand smoke in common areas or in their apartments.³

Adapted from: Utah Tobacco Prevention and Control Program www.tobaccofreeutah.org

1. U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
2. Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2007.
3. Smoke Free Environmental Law Project. Secondhand Smoke in Apartment Buildings and Condominiums. The Center for Gerontology, Inc. Available at: http://www.tcsg.org/sfelp/apt_condofact.htm, (Retrieved December 9, 2009).



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