

Is Secondhand Smoke Infiltrating Your Apartment or Condominium?

Secondhand smoke exposure in multi-unit dwellings such as apartments and condominiums is unfortunately both a common problem and also dangerous for you and your family. Exposure to secondhand smoke can lead to serious health problems including lung cancer, heart disease and stroke, and can make asthma worse in adults and children. It is especially dangerous for children as it can result in permanent damage to growing lungs, and cause respiratory illnesses like bronchitis and pneumonia, ear infections and sudden infant death syndrome (SIDS).¹

Secondhand smoke can seep into multi-unit dwellings from many places, including vents and cracks in walls or floors.

You are not alone in being exposed to secondhand smoke in your multi-unit dwelling. Based on several studies, an estimated 44 percent to 53 percent of multi-unit housing residents that do not allow smoking in their home, have experienced secondhand smoke infiltration in their home from elsewhere in or around the building.² The steps below can help you if you find yourself facing this difficult situation.

Steps to Take to Protect You and Your Family from Secondhand Smoke Exposure

1. Check your lease for your apartment or rules for your condominium to see if smoking is addressed or even allowed
2. See if there are laws in your community that apply to secondhand smoke in multi-unit housing
 - In Maine and Oregon and some local jurisdictions in other states, owners/managers of apartments are required to disclose to renters where smoking is allowed or not before they rent an apartment to a tenant.
 - Some [local communities in California](#) prohibit smoking in all or a certain percentage of units of multi-unit housing.
3. Talk with your neighbors about your exposure to secondhand smoke.
 - If you know where the smoke is coming from and feel comfortable talking with your neighbor about it, see if an agreement can be reached about where and when they smoke. Try to be calm, polite and offer solutions.
 - Engage and connect with other neighbors about how secondhand smoke may be affecting them and their families, and work together.
4. Talk with your doctor if secondhand smoke is affecting your health and get a note from them that exposure to secondhand smoke is or may be contributing to your illness.



5. Talk with your landlord/property manager about the secondhand smoke problem in your apartment.
 - An in person meeting or written communication is better, keep a record of all communications in case it is needed later.
 - Be calm, polite, stick to the issue, and ask what solutions might be available.
 - Bring with you or include your doctor's note about exposure to secondhand smoke if applicable.
 - Ask other neighbors who are being affected by secondhand smoke to attend the meeting with you or send letters too.
 - If your building does not have an indoor smokefree policy, including in living units, ask them about adopting one.
 - Ask them to conduct a tenant survey to gauge the views of residents about a policy prohibiting smoking in all indoor areas. Generally, the majority of residents will be supportive of a voluntary smokefree housing policy.
6. If and when the landlord/property manager gets back in contact with you, they may try to fix the problem by plugging underneath your door or sealing cracks in your walls. This may solve the problem temporarily, but most likely not permanently.
 - Eliminating secondhand smoke exposure indoors is the only permanent solution.
7. You have additional options if the landlord/property manager can't or won't fix the problem.
 - The Federal Fair Housing Act could be used if secondhand smoke is causing breathing difficulties, for more information go to, http://www.mdsmokefreeapartments.org/tenants/fair_housing_act.html.
 - There are also other legal options, although a lawsuit should be your last resort after other options have been tried. For more information: http://publichealthlawcenter.org/sites/default/files/resources/tclc-syn-condos-2009_0.pdf.
 - If possible, consider moving to another property. If it comes to that, you should ask your landlord/property manager to waive any penalties for breaking your lease.

Additional Resources

There are many additional resources that can provide more information on secondhand smoke in multi-unit housing, here are a few of them:

- The American Lung Association has several nationwide resources available, including its online course and an issue brief in English and Spanish, all available at www.lung.org/smokefreehousing.
- The U.S. Department of Housing and Urban Development (HUD) has created an online toolkit, <http://portal.hud.gov/hudportal/documents/huddoc?id=pdfresidents.pdf> that provides materials to residents of public housing authorities looking to adopt smokefree buildings.
- There are a number of state and local level websites focused on secondhand smoke in multi-unit housing that may be able to provide more individual assistance in your state or community.
- Online listing of Fair Housing Enforcement Agencies, <http://www.civilrights.org/fairhousing/laws/state-agencies.html>.

Adopting a Building Wide Smokefree Policy is the Best Way to Protect All Residents from Exposure to Secondhand Smoke

It is perfectly legal for landlords/property owners to adopt policies prohibiting smoking in all indoor areas of their buildings, including in living units or even on their property. There is no legal or [constitutional right to smoke](#).

You can learn more about how to help adopt a smokefree policy in your building through the American Lung Association's free online course, *Smokefree Policies in Multi-Unit Housing: Steps for Success*. You can register to take the course at www.lung.org/smokefreehousing.

¹The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta: 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, 2014

²Licht, A. S., King, B. A., Travers, M. J., Rivard, C., & Hyland, A. J. (2012). Attitudes, experiences, and acceptance of smokefree policies among U.S. multiunit housing residents. *American Journal of Public Health, 102*, 1868–1871.