

Suggestions if you are being exposed to tobacco smoke.

(Prepared in collaboration with the UCLA Center for Health Policy Research)

Exposure to tobacco smoke can cause serious health problems including lung cancer, heart disease and stroke. It can cause asthma and make asthma worse in adults and children who already suffer from it. Secondhand tobacco smoke is especially dangerous for children since it can cause permanent damage to their growing lungs. It can also cause respiratory illnesses like bronchitis and pneumonia, ear infections, and even sudden death syndrome (SIDS) in babies.

As a person living in an apartment, you have every right to live in a safe environment, where you and your family aren't exposed to anything that's harmful to your health, especially secondhand smoke. California law requires landlords to protect tenants from foreseeable harm.

Step 1: Check the Rules & Talk to Your Neighbor

If you're being exposed to smoke drifting into your apartment from a neighbor, here's what you can do:

- a.** Try to figure out where it is coming from, and how it's getting into your unit.
- b.** Check if your lease or rental agreement says anything about regulating smoking.
- c.** Once you have determined where the smoke is coming from, talk to your neighbors who you think are smoking about the problem. It is important to do so calmly and politely. Explain how it is affecting your household. Explain that tobacco smoke contains 7,000 chemicals and chemical compounds and can cause serious illness. It may also be worsening the illness of a member of your household.
- d.** Ask your neighbor if he/she can smoke outside, away from the building. Explain that scientists have proven that tobacco smoke will move into an apartment from nearby units. It will also move into units from people smoking outside in courtyards, by swimming pools and on balconies/patios. When people are smoking outside, the smoke has been shown to move into doors and windows of nearby units, sometimes even when they are closed. Our buildings are not built to be air-tight.

e. You may also talk to other neighbors in your building because they may also be breathing the neighbor's secondhand smoke. Ask them if they are also breathing tobacco smoke in their apartment homes. Explain what you have learned about the serious health problems that can be caused by breathing even a little bit of tobacco smoke. According to the Surgeon General of the United States, there is no safe level of exposure to tobacco smoke. Ask your neighbors if they will join you in making a complaint to the landlord, the manager of the building, and/or the property management company that manages the building.

Step 2: Report it to the Landlord or Management Company

Talk to the manager or landlord about the problem. When you complain to the management of the building, it is helpful to do it in person or in writing. Send your letters to management certified mail, return receipt requested. If you meet with management, follow up the meeting with a letter stating what was discussed. Click on the Landlord section of this website and print out some of the documents that you feel would help management to understand the problem.

Step 3: Check with Your Doctor and Work with Your Landlord

Request a reasonable accommodation under Fair Housing Laws. If you or someone in your household is getting sick or suffers from an illness that is being made worse by secondhand smoke, visit your doctor and ask for a letter that states you have a medical condition that is being made worse by secondhand smoke exposure. Ask the doctor to include that you or a member of your household needs to be protected from secondhand smoke.

Include the letter from your doctor in your communications with management. Send it certified mail, return receipt and indicate a date by which management needs to provide a response (e.g. 10 business days). In the letter, you can discuss possible options to remedy the problem (e.g. moving to another unit for the same rent or a release from the lease with no penalty).

Step 4: Document Everything

Document when you are exposed to secondhand smoke. Keep a "diary" of every time you smell smoke in your unit. Keep it brief with only dates and times and how long the smell of the smoke lasts. Ask your neighbors to keep track of how often tobacco smoke is entering their units.

"When my neighbor smoked, I could smell it and my daughter would have trouble breathing. He - and our landlord - didn't realize that smoke drifts through air vents and in through windows. So, I spoke up to my neighbor and my landlord. Together, we were able

to make the building smoke-free and designate an area for my neighbor to smoke. Now everyone is happy." – Renter

Step 5: Review Solutions

Review possible solutions that an Owner or Property Manager can implement. Management may make one of the following suggestions:

- a.** Sealing cracks in your walls or floors, or attaching something underneath your door to keep the smoke out. However, it has been proven that these solutions are not likely to work.
- b.** Air purifiers are an option, but cannot guarantee to keep out all of the gases in tobacco smoke; although they may remove some of the particles and some of the smells attributed to tobacco smoke.
- c.** Suggest to management that they consider adopting a no-smoking policy for the building and most of the outdoor areas near the building. Explain that a no-smoking policy will save money in maintenance and protect the building from fires. In addition, some insurance companies, like CIG (Capital Insurance Group), are providing discounts for buildings that are smokefree.

Step 6: Educate Your Landlord

Inform and Educate Landlords and their Management Team. Help Management understand the benefits of a no-smoking policy.

- a.** Explain to management that most people don't smoke and prefer to live in a non-smoking environment.
- b.** Suggest to management that they conduct a simple one-question survey whether people would prefer to live in a no-smoking building – Yes or No. Most people will say yes. If management agrees to conduct a survey, see the landlord section of this website for more information for management.

Step 7: What to Do if Your Landlord is Unresponsive

- a.** Ask to be moved to a comparable unit in another section of the building.
- b.** In addition, ask that all new tenants moving into units adjacent to the unit you are moving into be required to sign leases or rental agreements that they will not smoke in their unit and on their balcony/patio. If your building is small and/or hardly ever has vacancies, that might not be a possible solution.

c. If the landlord or property management company owns or manages other buildings in the area, ask to be moved to a similar apartment in another building. (Look at Reasonable Accommodation option).

d. If the unit is similar to the unit you are moving out of, there should not be an increase in rent or an additional security deposit. For more information about Fair Housing Laws, [click here](#).

e. If these suggestions are not helpful, you might want to consider moving to another property.

Step 8: Contact Your Representatives

Sometimes it's necessary to contact elected and appointed public officials to help you.

a. Communicate with members of your city council and/or your local health department. Let them know of the problem with drifting tobacco smoke where you live and ask if there are laws about smoking in apartments (and condominiums) in your city.

b. In some cities where apartment buildings are under a rent-control law, the landlord may not be able to adopt a no-smoking policy for the entire building, or to require the person who is smoking to stop smoking on the property. In that case, contact the local Rent Control Board or your city's housing department for suggestions about what to do.

Remember:

There is no constitutional right to smoke. Based on surveys that have been conducted throughout the country, most people don't complain when they and the members of their household are being exposed to secondhand smoke. Smoking tobacco is a legal activity, but, where people do it can be regulated. Landlords, managers and property management companies have the legal right to regulate smoking in apartments indoors and outdoors. In cities with a rent control law, it may only be possible for the landlord or manager to apply a new no-smoking policy to new tenants. Ask if that is the case.

[Learn more from the UCLA Center for Health Policy Research here.](#)

This information should not be construed as legal advice. Please consult your attorney or other health organizations regarding legal issues related to secondhand smoke exposure.