

## Some apartments bar residents from smoking at home

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No Smoking signs are popping up at some apartment complexes and condos, barring people from lighting up even in their own homes.

And in places where smoking is permitted, tenants and owners are beginning to seek protection from the secondhand smoke they say is seeping into their apartments.

“A lot of the demand is just coming from people realizing that smoke doesn’t stay in one unit,” said Rita Turner, deputy director of the Center for Tobacco Regulation, Litigation and Advocacy at the University of

Maryland Law School. “Buildings are designed to breathe.”

The Centers for Disease Control and Prevention say secondhand smoke can cause asthma, respiratory and ear infections, sudden infant death syndrome, heart disease and lung cancer. “There is no risk-free level of exposure to secondhand smoke,” the agency says on its website.

Such concerns have led to efforts to ban smoking not only in common spaces of buildings, but also in individual apartments.

The Department of Housing and Urban Development issued a notice last year encouraging public housing authorities to consider smoke-free policies, and many have, officials said. Some private developers also are doing so.

The Alaire, which is in Rockville, Md., lists among its “green” features a saline swimming pool without chlorine chemicals, a solar-powered trash compactor, the use of recycled soda bottles on its roof for plants — and a smoking ban.

“Without a doubt, this has driven far more residents to us than it has detracted,” said Matt Blocher, senior vice president of marketing for the JBG Companies, which own the complex.

John Brothers, who has lived at the Alaire since July, said the no-smoking policy added to the building’s appeal for him and his wife, who is sensitive to smoke.

“Knowing that the neighbors weren’t going to be smoking on the porch below was kind of a nice thing,” he said.

Brothers, a former smoker, said building management was upfront about the rules. “I’m all for self-selection,” he said. “If you want to live in a place where you want to smoke in your apartment, there are plenty of places where that can be found.”

JBG is opening a second smoke-free apartment building nearby.

“It’s a strong trend,” said Tony Greenberg, the company’s vice president of development, citing smoking bans on airplanes, in public spaces and at offices. “People are used to it. They have come to expect it and will demand it.”

Organizations like Turner's Center for Tobacco Regulation, Litigation and Advocacy are forming to assist people seeking to make their multifamily dwellings smoke-free.

"If it's a landlord-tenant situation, most people are calling to find out if they have any rights," she said.

Most leases have nuisance clauses, Turner said. "You can do whatever you want in your apartment as long as it doesn't bother anyone else," she said. Her group says property managers should treat secondhand smoke the way they treat excessive noise: "When it begins to interfere (with others), you have to enforce your nuisance clause."

Bob Radlinski and Laura Galvin have gathered more than 500 signatures from neighbors in a high-rise co-op in Bethesda, Md., seeking a vote on whether individual apartments should be made smoke-free for new residents. They said the co-op board insisted that the proposed bylaw change should grandfather-in existing residents.

The pair acted after a smoker moved in next door. They said that because of concerns over secondhand smoke, they're no longer comfortable using a den-bedroom that adjoins that neighbor's apartment.

What about the rights of smokers?

Susan Pizza of Washington, D.C., calls herself a "courteous smoker" who respects that many people don't appreciate cigarette smoke. But she believes that people have the right to smoke in their own homes.

"It infuriates me that that right is not considered an equal right," she said.

Kat Sennhenn, of Madison, Wis., who calls herself an "occasional smoker — just in social situations," said firewalls prevent smoke from seeping into her neighbors' apartments.

"If an apartment or condo community chooses to ban smoking, I would have no problem with that ... and then it should of course be written into the lease," she said. "However, I would be against a complete government policy stating that has to be the case."

One challenge in implementing smoke-free housing rules is "what do you do with the people who have been smoking and living there for a long time?" said Jon Gant, director of HUD's Office of Healthy Homes and Lead Hazard Control. One possibility is helping them stop smoking. Another is to grandfather in those already living there.

Gant said many public housing authorities have made their buildings completely smoke-free, even in individual units.

Tenants are fairly split over these smoking bans, said Linda Couch, vice president of the National Low Income Housing Coalition. "There are stickier issues if it's an existing property," she said, with smokers already living there.

"Any department policy wouldn't prohibit housing to smokers," said Peter Ashley, director of policy and standards for the HUD office. "It would just prohibit smoking in the building."

For those looking for smoke-free housing, the Center for Tobacco Regulation, Litigation and Advocacy keeps a list of homes that fit the bill. It works with landlords and condo boards who are considering going smoke-free, helping to draft lease language, among other things.

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