



CHOOSE

SMOKE-FREE HOUSING

THE RIGHT DECISION FOR YOU, YOUR
FAMILY & THE COMMUNITY



Dear Tenant:

Is secondhand tobacco smoke drifting into your home from a neighbor's unit, the hallway, or outdoors? You are not alone. This booklet can help you get the smoke-free housing you want.

Apartments are not included in Washington's Smoking in Public Places Law (the law that keeps public places and places of employment smoke-free), but every day, apartments adopt no-smoking policies to save lives and money. Most landlords want their buildings to be safe and attractive to tenants. They may not know that people would rather live in a smoke-free building. It is your job to let them know what you want!

It is appropriate to expect smoke-free housing. Just as landlords might have rules about pets or loud music, they may choose to make rules which include a no-smoking policy. Please remember the material in this booklet is not intended to provide legal advice but only information to help you protect yourself and your family from drifting secondhand tobacco smoke.

Thank you for your interest in creating a healthier place for you, your family and others to live!

Sincerely,

The Northwest Tobacco-Free Partnership



SNOHOMISH
HEALTH DISTRICT
WWW.SNOHD.ORG



We are a partnership of tobacco prevention professionals from Snohomish, Skagit, Whatcom, and Island counties dedicated to educating communities about secondhand tobacco smoke.

Cover building photo is of Evergreen Village, a Senior Services of Snohomish County building that opened June 2003. On July 1, 2008, Senior Services adopted a no-smoking policy for all of its 633 units - now 704 units with the opening of additional properties.

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SECONDHAND TOBACCO SMOKE

WHAT IS SECONDHAND TOBACCO SMOKE?

Smoke released from the burning end of a cigarette, cigar, or pipe and smoke exhaled by someone who smokes.¹

IS SECONDHAND TOBACCO SMOKE TOXIC?

Secondhand tobacco smoke contains over 4,000 chemicals, more than 50 of which are known to cause cancer in humans and animals. The following common chemicals are present in secondhand tobacco smoke¹:

- Arsenic: a poisonous chemical used to kill weeds and pests¹
- Benzene: a chemical found in gasoline fumes¹
- Cadmium: a metal used to make batteries and plastics¹
- Polonium-210: a radioactive chemical element¹
- Vinyl chloride: a substance used to make plastics¹
- Formaldehyde: a chemical used by embalmers¹
- Ethylene oxide: a chemical used to make antifreeze¹

“The debate is over. The science is clear. Secondhand smoke is not a mere annoyance but a serious health hazard.”

*Former U.S. Surgeon General Richard Carmona,
The Health Consequences of Involuntary Exposure to Tobacco Smoke, 2006*

¹ *Secondhand smoke: Questions and answers.* National Cancer Institute Fact Sheet, 2007, August (reviewed 2010, October). <http://www.cancer.gov/cancertopics/factsheet/Tobacco/ETS>

FACTS ABOUT SECONDHAND TOBACCO SMOKE

SECONDHAND TOBACCO SMOKE & HEALTH RISKS

- More than 53,000 people die each year from secondhand tobacco smoke-related illnesses in the United States.¹
- As little as 30 minutes of exposure to secondhand tobacco smoke has immediate negative effects on the heart, increasing the risk of a heart attack.²

“At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity.”

*ASHRAE - American Society of Heating, Refrigerating,
& Air-Conditioning Engineers*

ASHRAE Position Document on Environmental Tobacco Smoke, June 2008

- Many people suffer from secondhand tobacco smoke-related diseases including: emphysema, cancer, heart disease, stroke, chronic bronchitis, and asthma.³

SECONDHAND TOBACCO SMOKE & CHILDREN



- Breathing secondhand tobacco smoke can cause sudden infant death syndrome (SIDS).⁴
- Children can get lower respiratory illnesses, middle ear infections and more severe asthma from being around secondhand tobacco smoke.⁴
- Secondhand tobacco smoke causes at least 150,000 cases annually of pneumonia and bronchitis in children under 18 months of age.⁵

1 Glantz, S. A. & Parmley, W., "Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry," *Circulation*, 1991; 83(1): 1-12

2 Otsuka, R., et. al. "Acute Effects of Passive Smoking on the Coronary Circulation in Healthy Young Adults," *Journal of the American Medical Association*, 286: 436-441, 2001. Retrieved from http://www.ncbi.nlm.nih.gov/entrez/query.fcgi?cmd=Retrieve&db=PubMed&list_uids=11466122&dopt=Abstract

3 *Secondhand smoke: Questions and answers*. National Cancer Institute Fact Sheet, 2007, August (reviewed 2010, October). <http://www.cancer.gov/cancertopics/factsheet/Tobacco/ETS>

4 U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

5 *Smoke-free homes and cars program*. U.S. Environmental Protection Agency. Retrieved from <http://www.epa.gov/smokefree/>

SECONDHAND TOBACCO SMOKE & PETS

- Secondhand tobacco smoke has been shown to contain many cancer-causing compounds, making it hazardous for animals as well as humans.

Does secondhand tobacco smoke harm your pets? **YES!**

Research proves secondhand tobacco smoke is harmful for pets:

- Dogs are three times more likely to develop lung or nasal cancer.
- Dogs can have allergic reactions. Scratching, biting, and chewing their skin might not be from fleas or food allergies.
- Cigarette butts are lethal. Two tobacco butts eaten by a puppy can kill it quickly.
- Cats have higher rates of feline lymphoma, a deadly form of cancer, and squamous cell oral cancer. When cats groom, they ingest poisons from secondhand smoke that settle on their fur.
- Cats can develop breathing problems, inflamed lungs, and asthma.

There are 4,000 chemicals in secondhand smoke, and 43 are known to cause cancer.

Keep your pets safe!
Protect them from secondhand smoke.



Washington State
Tobacco Quit Line:
1.800.QUIT NOW or
www.quitline.com



NORTHWEST TOBACCO-FREE PARTNERSHIP

(Tobacco prevention professionals dedicated to educating communities about secondhand tobacco smoke.)



Poster produced by the Northwest Tobacco-Free Partnership. Statements in poster obtained from the American Lung Association New Hampshire.¹
(www.lungusa.org/associations/states/new-hampshire)

1 Environmental Tobacco Smoke and Risk of Malignant Lymphoma in Pet Cats -- Bertone <http://aje.oxfordjournals.org/cgi/content/full/156/3/268>

BENEFITS OF GOING SMOKE-FREE

MARKET DEMAND

There is a market demand for smoke-free housing. The 2005 Healthy Community Environments Survey shows that Washington residents want smoke-free housing.

- 85% of total renters prefer to live in smoke-free housing¹
- 95% of people who do NOT smoke prefer to live in smoke-free housing¹
- 52% of people who smoke prefer to live in smoke-free housing¹
- 87% of Washington residents do not allow smoking in their homes, the 4th highest in the nation²

LANDLORDS CAN MAKE NO-SMOKING POLICIES

Landlords may adopt a no-smoking policy for their property and establish reasonable rules to protect their investments and the health of their tenants.

PROTECT PROPERTIES FROM FIRE

“Smoking-related fires have historically been the leading known cause for fire fatalities in Washington State...in 2009, smoking was reported as the leading cause of fire fatalities resulting in 17% of the deaths.”³

AVOID LIABILITY

Apartment owners can run an increased risk for liability when their property is not smoke-free. Unlike people who smoke, non-smokers with serious breathing disabilities or smoke allergies have legal protection under federal and state laws.⁴

1 Washington State Department of Health, *2005 Healthy Community Environment Survey*

2 Centers for Disease Control and Prevention, Washington State Highlights, http://www.cdc.gov/tobacco/data_statistics/state_data/state_highlights/2010/states/washington/index.htm, page 3

3 Washington State Patrol, Office of the Fire Marshall, *Fire in Washington 2009*, <http://www.wsp.wa.gov/fire/docs/nfirs/2009firpt.pdf>, page 21

4 Public Health Law & Policy: Technical Assistance Legal Center, *How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke.*, June 2008, <http://www.talc.phipnet.org/tobacco-control/products/disabilitylawsdriftingsmoke>

REDUCED CLEANING & MAINTENANCE COSTS

It can cost up to \$3,000 to turn over a smoking unit when someone who has smoked moves out. Costs can include removing odors, painting yellow walls, fixing burn holes and replacing carpet.

Cost Differences to Rehabilitate Apartments Smoked-in or Not Smoked-in Units:

	Not Smoked-in	Smoked-in
General clean	\$90.00	\$300.00
Refrigerator	\$20.00	\$45.00
Stove	\$20.00	\$45.00
Dishwasher	\$20.00	\$35.00
Vinyl	\$0.00	\$700.00
Carpet replace	\$0.00	\$775.00
Carpet clean	\$80.00	\$120.00
Walls	\$0.00	\$550.00
Surrounds of tub	\$0.00	\$45.00
Blinds	\$0.00	\$30.00
Laminate	\$0.00	\$250.00
Total	\$230.00	\$2,895.00

It costs \$2,665 more to turn an apartment unit after it has been smoked-in for 5-7 years.

It is 92% more costly for a smoked-in unit.

Bill Batson, Housing Maintenance Manager,
Senior Services of Snohomish County, May 2009

If you are having problems with secondhand tobacco smoke in your building, talk to your landlord. If no one speaks up, landlords assume there is no problem.

TENANT OPTIONS

Everyone should be able to breathe smoke-free air where they live. As a tenant, knowing what you can request from your landlord is the first step in creating a no-smoking policy at your building. Listed below are some other important facts to know as a tenant:

If you have a medical condition made worse by secondhand smoke drifting into your apartment, federal and state disability laws might help you address the problem. Depending on the nature of your disability, your landlord may be required to make changes to reduce your exposure.¹

- It has been argued that people who smoke are not a protected group. There is no constitutional right to smoke.²
- Landlords can make their entire building or apartment complex smoke-free. Some choose to apply the policy to specific units while others make the entire building and grounds smoke-free.
- Non-smokers with certain disabilities are protected under the Americans with Disabilities Act (ADA) and can seek help from Housing and Urban Development (HUD) or the Washington State Human Rights Commission.³
- If secondhand smoke affects your health, be sure to talk to your doctor and ask for documentation.

1 Public Health Law & Policy: Technical Assistance Legal Center, *How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke.*, June 2008, <http://www.talc.phlpnet.org/tobacco-control/products/disabilitylawsdriftingsmoke>

2 Graff, Samantha K. *There is No Constitutional Right to Smoke: 2008.* (March 2008) A Law Synopsis by the Tobacco Control Legal Consortium. http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-constitution-2008_0.pdf

3 *The Federal Fair Housing Act and the Protection of Persons Who Are Disabled by Secondhand Smoke in Most Private and Public Housing.* *Smoke-Free Environments Law Project*, The Center for Social Gerontology, Inc., Ann Arbor, Michigan. Retrieved from: http://www.tcsg.org/sfelp/fha_01.pdf.

AMERICANS WITH DISABILITIES ACT (ADA)

WHAT IS A DISABILITY?

- physical or mental conditions that substantially limit major life activities like walking or breathing.¹
- ADA disabilities can include severe asthma, chronic bronchitis, and chest pains that are made worse through exposure to secondhand tobacco smoke.¹

WHAT ARE YOUR OPTIONS UNDER ADA?

If you rent, your landlord may make changes to the rules to address your disability. Housing providers are not required to grant accomodation unless they know about the disability. Some examples of accomodation might be:

- making sure your landlord is enforcing common areas to be smoke-free¹
- moving you to a vacant unit away from drifting smoke¹
- asking your landlord to prohibit smoking in the apartments and balconies around your unit¹
- breaking your lease so you can move without financial penalties¹
- adopting a no-smoking policy for the whole building²



Reasonable changes do not include evicting the person who smokes or causing the landlord unreasonable expenses.¹

1 Public Health Law & Policy: Technical Assistance Legal Center, "How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke.", June 2008, <http://www.talc.phlpnet.org/tobacco-control/products/disabilitylawsdriftingsmoke>
2 *The Federal Fair Housing Act and the Protection of Persons Who Are Disabled by Secondhand Smoke in Most Private and Public Housing*, Smoke-Free Environments Law Project, The Center for Social Gerontology, Inc., Ann Arbor, Michigan. Retrieved from: http://www.tcsg.org/sfelp/fha_01.pdf, page 4

FAIR HOUSING ACT (FHA)

WHO IS COVERED BY FHA?

FHA prohibits discrimination against individuals with disabilities by owners and operators of most housing. To be covered by the FHA a person who is impaired by exposure to secondhand tobacco smoke must be able to show that such impairment is severe and chronic.¹

WHAT TO DO

A tenant or condominium owner with a disability who thinks he or she has been denied a reasonable accommodation can file a complaint with HUD or the Washington State Human Rights Commission. Complaints need to be made within one year after the alleged denial. It can be helpful to include a letter from your doctor describing your secondhand tobacco smoke related health problems. HUD will often investigate the complaint at no cost to the person with a disability.

Complaints can be made to HUD:

- call 1.206.220.5170 or toll-free 1.800.877.0246 or TTY 1.206.220.5185
- complete the “on-line” complaint form available on the HUD Web site www.hud.gov/complaints/housediscrim.cfm
- mail a completed Housing Discrimination Complaint Form and/or letter to HUD:

Seattle Regional Office of FHEO
U.S. Department of Housing and Urban Development
Seattle Federal Office Building
909 First Avenue, Room 205
Seattle, Washington 98104-1000

- fax a completed complaint form to HUD at: 206.220.5447.

Complaints can be made to the Washington State Human Rights Commission:

- call 1.360.753.6779 or toll-free 1.800.223.3247 or TTY 1.800.300.7525 and ask for the intake department
- file on-line at www.hum.wa.gov/CQ/Index.html

Mediation and dispute resolution services in your local community may also be an option.

¹ *The Federal Fair Housing Act and the Protection of Persons Who Are Disabled by Secondhand Smoke in Most Private and Public Housing*, Smoke-Free Environments Law Project, The Center for Social Gerontology, Inc., Ann Arbor, Michigan. Retrieved from: http://www.tcsq.org/sfelp/fha_01.pdf.

TALKING TO YOUR LANDLORD

Here are tips for preparing to speak with your landlord:

1. Read this booklet to become more familiar with facts about secondhand tobacco smoke and no-smoking policies.
2. Keep a log to show how secondhand tobacco smoke affects your health, as well as steps you have taken to try and solve the problem.
3. Talk to your neighbors. They may also be having similar problems with secondhand tobacco smoke.
4. Talk to your landlord. Let him or her know about secondhand tobacco smoke coming into your unit. Showing him/her this booklet and your log may help solve the problem.

POSSIBLE NEXT STEPS

If the problem is not solved after talking to your landlord, there are other steps you can take.

1. Ask your doctor to write a letter about your health condition. However, sharing the letter with your landlord might compromise your privacy by publicly sharing your medical problems. (See Sample Letter to Landlord, page 13.)
2. Write a letter to your landlord, including how secondhand smoke is affecting your health. The log you have kept and the note from your doctor may also help resolve the problem. (See Sample Note From Your Doctor, page 15.)
3. Put your requests in writing and keep copies of your logs and letters. This creates a “paper trail” if you decide to take future actions.¹

¹ Public Health Law & Policy: Technical Assistance Legal Center, *How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke.*, June 2008, <http://www.talc.phlpnet.org/tobacco-control/products/disabilitylawsdriftingsmoke>

LOG ABOUT SECONDHAND TOBACCO SMOKE EXPOSURE

Date	Time	Describe what happened	Results
8/15/09	6 p.m.	Smoke filled my apartment through an open kitchen window.	My eyes started to water and I began coughing.
8/16/09	7 p.m.	Met with my neighbors, John and Jane Doe, Apt. 203. I asked them not to smoke on their balcony so the smoke doesn't come into my unit.	John rolled his eyes and walked away. Jane told me to mind my own business.

SAMPLE LETTER TO LANDLORD

Just Like New Apartment Complex
Attention: Manager
0000 New Town Lane
New Town, WA 00000

October 2, 2009

A Jones
0000 New Town Lane, Apartment 201
New Town, WA 00000

Dear Manager:

I am writing to request a reasonable accommodation for my disability that is being made worse by exposure to secondhand tobacco smoke.

As we discussed on August 31, 2009, tobacco smoke has been entering my home from my neighbor's unit for the past six months. When the smoke enters my apartment, it makes it difficult for me to breathe. I believe the continuous exposure to secondhand smoke every evening has made my disability worse. I have had to see my doctor three times because of this. In 2006, the U.S. Surgeon General concluded that there is no safe level of exposure to secondhand tobacco smoke. This report can be found at: <http://www.surgeongeneral.gov/library/secondhandsmoke/factsheets/factsheet6.html>.

When we met last, I gave you a copy of a log of my exposure to secondhand tobacco smoke that includes my interactions with the neighbor. I have attached another copy of the log and a note from my doctor.

I am requesting that management allow me to move to a non-smoking unit, away from the drifting smoke. I also request that future empty apartments around me be rented to people who do not smoke and that no smoking be allowed on balconies

and patios surrounding my unit. This accommodation would reduce my exposure to drifting smoke. I feel this is a reasonable solution.

Please let me know in writing by October 16, 2009 what your decision is about my request.

Sincerely,

A Jones

A Jones

Cc: A Management Firm

Enclosures:

Log of Secondhand Tobacco Smoke Exposure
(sample, page 12)

Letter from Dr. Smith (sample, page 15)



SAMPLE NOTE FROM YOUR DOCTOR

(Doctor's Note should be on doctor's business stationery)

August 31, 2009

To Whom It May Concern:

A. Jones has been under my care for over 10 years. A. has disability which significantly interferes with his ability to breathe and walk very far.

A. has reported to me that tobacco smoke is drifting into his apartment every day from a neighboring unit. Due to A.'s condition, exposure to tobacco smoke is detrimental to his health. It increases the risk of making his disability significantly worse.

Eliminating A.'s exposure to secondhand tobacco smoke would be very helpful to control his medical condition.

Sincerely,

Dr. A. Smith

A. Smith, M.D.
Every Person
Medical Clinic



HOUSING AND URBAN DEVELOPMENT (HUD)

On July 17, 2009, the U.S. Department of Housing and Urban Development (HUD), along with the Office of Public and Indian Housing and the Office of Healthy Homes and Lead Hazard Control, jointly issued an important notice on adopting no-smoking policies in public housing authority buildings. The first sentence in Notice PIH -2009-21 (HA), titled “Non-Smoking Policies in Public Housing” clearly explains its purpose.

“This notice strongly encourages Public Housing Authorities (PHAs) to implement non-smoking policies in some or all of their public housing units.”

The full text of the HUD memo can be found at
<http://www.hud.gov/offices/pih/publications/notices/09/pih2009-21.pdf>

The notice highlights that PHAs are free to adopt no-smoking policies for the entire interior of their buildings, and that PHAs may make this policy effective for current residents who smoke, as well as for non-smokers. PHAs are also free to make the property outside of buildings non-smoking.

The HUD memo notes that no-smoking policies are good for the health of residents, especially children, the elderly, and persons with respiratory illnesses. Such policies are also a way of reducing costs. The extra costs of restoring units that have been smoked in can cost up to \$3,000 per unit or more, depending on the circumstances.

The HUD notice also cites the dangers of smoking-related fires in multi-unit housing. According to reports from the Washington State Fire Marshall, smoking is a leading cause of fire deaths. In other words, non-smoking policies are good for health and safety.

FINDING SMOKE-FREE HOUSING

In Washington state there is a free Web site for people to search for smoke-free housing and for landlords to advertise smoke-free rentals for free. The Web site is: <http://www.alaw.org>.



www.alaw.org

New!

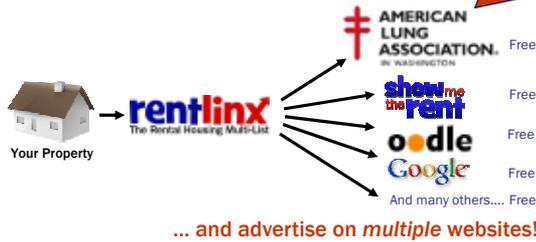
Advertise your smoke-free rentals on the ALA in Washington website!



Free online advertising!

Renters visit www.alaw.org to find smoke-free rental housing! Each listing includes up-to-date rent, availability, unlimited photos, interactive satellite maps & more!

Property managers list their properties once...



Property Managers

Cost: Free

1. Go to RentLinx.com
2. Click on 'List Your Properties'
3. Enter your property information

Why is this free?

Apartments present a unique challenge as secondhand smoke from one unit can drift into the living space next door.

American Lung Association in WA and RentLinx are on a mission to list all of the smoke-free rentals in Washington!

Renters

- Search smoke-free housing
- See photos & floor plans
- Interactive satellite maps
- Print a brochure
- Send to a friend
- Contact property manager
- Save favorites



The accuracy of the information presented in ads about no-smoking policies has not been verified and is only presented as true by the landlord or the apartment management company advertising the property. Be sure to ask the questions on the next page to verify smoke-free status.

QUESTIONS TO ASK BEFORE RENTING

You should not have to choose between your home and your health. However, as a last resort, you may need to consider moving if other tenants or your landlord do not respond to your requests for a smoke-free environment.

The <http://www.smokefreeoregon.com> Web site suggests asking the following questions when evaluating a possible place to live:

1. Is the smoking rule written in the lease and/or community rules?

Ask if the rule applies to everyone or just new tenants.

Ask if the rule covers indoor common areas, rental units and any places outside including decks, balconies and patios.

2. Are there any tenants who currently smoke inside or outside? If yes, where do they smoke?

Ask if they are smoking anywhere in the building. If there is shared ventilation, it is likely that secondhand tobacco smoke will get into your unit.

Ask if people smoke outside near your windows or doors since secondhand tobacco smoke could also drift inside your unit.

3. If there is a no-smoking policy, how does the landlord enforce the policy?

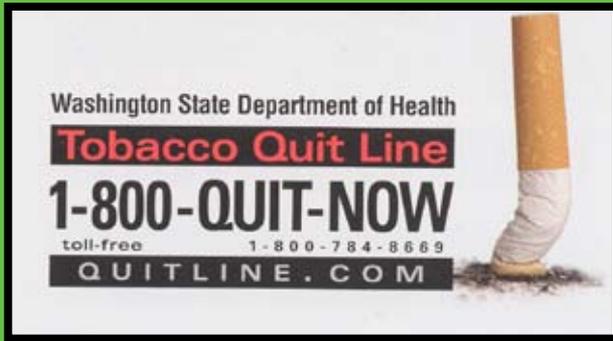
Ask if the landlord checks to make sure nobody is smoking.

Ask how the landlord would respond to complaints about a neighbor or guest smoking.

4. Are signs posted to make visitors aware of the no-smoking rule?

5. Did the previous tenant smoke? If yes, what did the landlord do to clean the apartment?

The residual odors and contamination from secondhand tobacco smoke can create thirdhand tobacco smoke residue that can be hard to eliminate if a thorough and extensive cleaning is not done.



Smoke-free housing: Ask for it, provide it, live it.

Julie Scholer M.Ed., Health Program Specialist II, Tobacco Prevention & Control, Spokane Regional Health District

For questions or for more copies of this booklet contact:

For more information on smoke-free housing visit:
www.smokefreewashington.com

Written and printed in collaboration with:
The Northwest Tobacco-Free Partnership



**SNOHOMISH
HEALTH DISTRICT**
WWW.SNOHD.ORG



**UNITED
GENERAL
HOSPITAL**



We are a partnership of tobacco prevention professionals from Snohomish, Skagit, Whatcom and Island counties dedicated to educating communities about secondhand tobacco smoke.



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