

Going Smoke Free:

A Guide for

Tenants



SMOKE-FREE
LIVING

Allen County Smoke-Free Housing Project



Funded by the Preventive Health and Health Services Block Grant from the Centers for Disease Control and Prevention (CDC) and administered by the Ohio Department of Health, Bureau of Healthy Ohio, Creating Healthy Communities Program. This publication was supported by Grant Number 2B01DP009042-12 from CDC. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of CDC.



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Introduction

Did you know that secondhand tobacco smoke (the smoke from the end of a burning cigarette, cigar, or pipe) traveling into your apartment is harmful to your health? Secondhand smoke is in the highest class of carcinogens – things that cause cancer. Protect yourself, and your family, by lowering or removing secondhand smoke in your home.

Start by learning the facts. While many people have heard that secondhand smoke is harmful, few people know just how harmful it is. Did you know?

- Secondhand smoke is the third leading preventable cause of death in the U.S.¹
- Children who are around secondhand smoke are more likely to develop breathing problems or even sudden infant death syndrome (SIDS).¹
- Adults who are around secondhand smoke get immediate harm to the heart and blood vessels.^{1,2}
- Secondhand smoke can cause heart disease and lung cancer in adults.^{1,3}
- Once secondhand smoke gets in an apartment, it can stay in the air for hours.⁴

Once you know the facts, look for solutions. The easiest way to get rid of secondhand smoke from a multi-unit building is to get your landlord to create a smoke-free policy. Just like not allowing pets, landlords can ban smoking at their properties, even in individual units. It is both legal and easy to do, and will probably save the landlord money. More and more landlords are making their properties completely 100% smoke-free.



Under the Ohio Smoke-Free Workplace Act, any enclosed area where people work has to be smoke-free. If your building employs cleaning crews or other staff, those common areas where they work should be smoke-free. Smoking is not allowed in common areas of the building such as hallways, laundry rooms, or stairways. To report suspected violations of the Act, call 1-866-559-OHIO (6446). If you have questions about the law or for information on how to file a complaint, contact the Allen County Health Department at 419-228-4457 to see if those areas of your building should be smoke-free under the Ohio Smoke-Free Workplace Act.

While a smoke-free policy is your best protection, some landlords may not be willing to go smoke-free. In those cases, try to take steps to protect yourself and your family. Try speaking with smokers in your building and explain that secondhand smoke is drifting into your apartment and that you are trying to find a good solution to stop it. You can find more on how to talk to neighbors and your landlord later in this guide.

Know your rights under the law. You have the legal right to a safe and livable apartment. If a lot of secondhand smoke is filling your apartment, you may be able to take legal action to force the landlord take steps to cut down or remove secondhand smoke from the building. On the other hand, legal action should be your last choice because of the cost and time it takes.



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Secondhand Smoke Facts

Everyone knows that smoking is harmful, but many people do not realize that secondhand smoke can also be extremely harmful to the health of non-smokers as well. Most exposure to secondhand smoke occurs in the home and workplace and can cause many long-lasting and debilitating illnesses or make breathing problems worse, especially in infants, children and older persons.

According to the Centers for Disease Control (CDC), Secondhand smoke – the smoke from the end of a burning cigarette, cigar or pipe, or the smoke that has been breathed out by the person or people smoking it – contains more than 7,000 chemicals, including hundreds that are toxic and about 70 that can cause cancer.

In children, secondhand smoke causes the following¹:

- Ear infections
- More frequent and severe asthma attacks (sometimes fatal)
- Respiratory symptoms (e.g., coughing, sneezing, shortness of breath)
- Respiratory infections (i.e., bronchitis, pneumonia)
- A greater risk for sudden infant death syndrome (SIDS)

In adults who have never smoked, secondhand smoke can cause heart disease and/or lung cancer.

Heart Disease

- For nonsmokers, breathing secondhand smoke has immediate harmful effects on the cardiovascular system that can increase the risk for heart attack. People who already have heart disease are at especially high risk.^{1,2}
- Nonsmokers who are exposed to secondhand smoke at home or work increase their heart disease risk by 25–30%.¹
- Secondhand smoke exposure causes an estimated 46,000 heart disease deaths annually among adult nonsmokers in the United States.³

Lung Cancer

- Nonsmokers who are exposed to secondhand smoke at home or work increase their lung cancer risk by 20–30%.¹
- Secondhand smoke exposure causes an estimated 3,400 lung cancer deaths annually among adult nonsmokers in the United States.³



Photo Provided by CDC/ Debora Cartagena

The U.S. Surgeon General stated in a 2006 report, “There is no safe risk-free level of exposure to secondhand smoke.”



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Legal Rights of Tenants

You can live in a smoke-free environment. Understanding your legal rights - and the legal rights of smokers - is the first step to making smoke-free changes to the apartment building where you live. Here are some important things you should know:

-  Landlords and property managers can have smoke-free policies. There is no law that states that these policies are against the law. Smoke-free policies are like any other lease term, such as rules for pets.
-  Smokers are not a protected legal class of people. There is no “right to smoke” under law. The U.S. Constitution does not extend special protection to smokers.⁵ There are laws that you can use to defend your rights to a smoke-free apartment.
-  Landlords and apartment managers can (and do) make their entire building smoke-free. Some property owners choose to apply the policy to different parts of the building, or to some buildings and not to others. Usually they also apply smoke-free policies in specific areas other than living units, such as laundry rooms, recreation rooms, or areas where children play. Some states, counties, cities, and towns now have laws that do not allow smoking in these areas. Ohio is one of these states (ORC 3794). Under the Ohio Smoke-Free Workplace Act, any enclosed area where people work has to be smoke-free. If your building employs cleaning crews or other staff, those common areas where they work should be smoke-free.
-  Nothing can stop secondhand smoke from moving between units. Secondhand smoke travels through walls, electrical outlets and under doors. Air filters and ventilation systems do not work.⁶ They leave behind the cancer-causing chemicals in tobacco smoke.
-  Non-smokers with serious breathing problems or smoke allergies have legal protection under the Americans with Disabilities Act (ADA) and the Fair Housing Act.⁷ If you are considered to be disabled under state or federal law and secondhand smoke makes your condition worse, you might be eligible for special legal protections.⁸ If secondhand smoke affects your ability to breathe, it is helpful to talk to a doctor to have your condition recorded.
-  If your landlord decides to have a smoke-free policy, he/she must “grandfather” in the

smoking residents that currently live in the complex until the smoking policy can be legally changed under the terms of the lease/rental agreement and Ohio law, for example, at the time of lease renewal. Some landlords choose to allow the residents that already live in the building to continue smoking as long as they live there, with the smoke-free policy taking effect in that unit when a new tenant moves in.

Get it in writing. Check that your lease says the building is 100% smoke-free, including balconies and patios.





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Working with Neighbors and Landlords to Go Smoke Free

The best way to get rid of secondhand smoke in a multi-unit building is for your landlord to make the building completely smoke free, which more and more landlords are making their properties smoke-free. It is legal and simple to do. When current tenants renew their leases, the landlord simply has them sign a lease addendum that bans smoking. New tenants sign the addendum when signing their lease.

So, how do you get your landlord to make the change? The key is to talk to him/her and make the issue important to the landlord. Landlords are particularly interested in keeping their costs low and lowering conflict among tenants. Here are some things you can do:

- 1. Document the problem.** Identify when you notice the secondhand smoke, where it is coming from, and how it enters your apartment. Make a list of any health affects you feel from the smoke – headache, sore throat, or any illnesses that the smoke makes worse, such as asthma, allergies, emphysema or any other illness. Keep a written record with dates and times. Just mentioning to your landlord that you smell secondhand smoke makes it seem like a simple complaint instead of a serious problem.
- 2. Examine the rent (lease) agreement.** Most agreements do not allow people to take part in activities in his or her own apartment that keep other residents from enjoying the building or grounds. Some activities that can bother people that live in the building are making bad odors (such as by cooking) and/or creating loud noises (such as by playing loud music or having parties late at night). Smoking should be added to the list of things that could bother other residents, especially when the smoke drifts from one apartment to the other, causing illness or discomfort.
- 3. Get testimonials.** Other people in your building may also be experiencing problems with tobacco smoke coming into their units or they can help you prove that smoke comes into your apartment. Talk to other neighbors, join in resident meetings, write an article for an apartment newsletter, and post notices in elevators and on building bulletin boards. You may find other residents that have the same thing to share.
- 4. Build consensus among the other tenants and get their support.** If you find that others are having the same problem, have them document the problem just as you did. Talk to them about the benefits of a smoke-free building and the dangers of secondhand smoke. Give out surveys to other residents to help convince management that most residents support a smoke-free policy. Send letters to other residents asking them to get involved. A more serious complaint comes from many people rather than just one person.





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5. Recommend going smoke-free as a solution. Make sure your landlord knows that drifting secondhand smoke is a serious problem in the building, and then suggest a smoke-free rule as a solution. Have as many people as possible that live in the building sign a petition for a smoke-free rule and share the petition with the landlord. The more people there are, the more important the issue becomes.

6. Tell your Landlord about the many benefits of going smoke-free. When landlords make their properties smoke-free, they can:

- *Attract more tenants.* There is a high request for smoke-free housing. Many smokers do not smoke inside their homes and want smoke-free housing.⁹
- *Increase interest in their properties.* Surveys have shown that most people are instantly less interested in an apartment when they smell secondhand smoke.



Non-smoking units are easy to fill because most tenants want to live in a non-smoking building. In Ohio, as in the nation, an increasing number of families have a smoke-free home rule. Currently, 66.7% of Ohio homes have this rule.¹⁰ Secondhand smoke complaints and requests for unit transfers drop following the implementation of a smoke-free policy. Nationwide, less than 21% of the general population smokes, so it makes sense that a majority of tenants want to live in a smoke-free environment.¹¹

- *Save money by bringing down the need for repairs.* Apartments where smoking is allowed will require more time and money to re-rent. Landlords and property managers who adopt smoke-free policies can save 2-7 times the amount on cleaning up a unit that people were allowed to smoke in.¹²

- *Eliminate the leading cause of residential fires.* Nationally, property damage from fires caused by cigarettes is more than \$663 million annually.¹³
- *Keep tenants happy.* Tenants may choose to move out instead of being around secondhand smoke.

7. Provide your landlord with resources on going smoke-free. Resources are available in the Landlord Toolkit provided by the Allen County Health Department (available on our website www.allencountyhealthdepartment.org).

8. Respond to your landlord's concerns. Keep the following facts in mind if your landlord brings up concerns about making a change:

- Smoke-free policies are legal (ORC 3794). Many apartment buildings are already smoke-free. Smokers are welcome in these properties, they just need to smoke



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outside.

- Implementing a smoke-free rule is easy and low-cost. When current tenants renew their leases, the landlord simply has them sign a lease addendum that bans smoking. New tenants sign when signing their lease. Sample lease addendums are available in the Landlord Toolkit (provided by the Allen County Health Department).
- Smoke-free policies are easy to enforce. No-smoking rules are largely self-enforcing.⁷ They attract tenants who support smoke-free policies. Tips for enforcing smoke-free policies are included in the Landlord Toolkit.
- Smoke-free policies should not increase liability. With a properly drafted no-smoking rule, landlords can be flexible and take the time they need for enforcement. The real threat of liability comes from ignoring the problem and allowing secondhand smoke to continue.

In the Meantime...

There are steps you can take while you are working with the landlord and other residents toward a smoke-free living space.

If the neighbor refuses to quit smoking in the building, other options include:

- ✓ Speak with people who smoke and ask that they smoke only near open windows and with enhanced air filtration (fans, etc.) or in certain rooms.
- ✓ Have your landlord or management improve the air filtration system (add more fresh air intake; change, clean, or install better filters; control the amount of air blown from the residence of a person who smokes).
- ✓ Have your landlord install door sweeps to keep out drifting smoke.
- ✓ Ask to have all cracks filled or patched, including those around plumbing pipes and those inside of cabinets on common walls.
- ✓ Request to have the structure of your residence checked. Sometimes structural weaknesses will allow secondhand smoke to travel through the building.

Ideally, the person affected by secondhand smoke will let their smoking neighbor know about the problem. He or she could share with the smoker the dangers of smoking and other health problems it could cause or make worse – asthma, bronchitis, ear infections (especially in young children), heart disease and even lung cancer.

When Such Efforts Are Not Enough...

If taking the steps described above do not solve the problem, you may have to seek legal counsel to take legal action to protect the right to breathe clean air in your apartment.



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Options for Legal Action

As the public's understanding of the damaging health effects of secondhand smoke has increased, concern has grown about unwanted exposure to secondhand smoke in apartment buildings. People are voicing concerns that the tobacco smoke produced by a neighbor is seeping into their apartments, causing annoyance, discomfort, and sometimes, illness. When concerns cannot be resolved between neighbors and building managers through discussion, legal action may be needed.

Legal actions can be settled out of court, while others lead to verdicts in favor of one of the parties. The affected party can take a number of legal approaches if exposed to secondhand smoke against his/her will. The following are possible legal options available¹⁴:

- Constitutional Law**
- State and Local Building Codes**
- State Sanitary Codes**
- Common Law Theories**
- Americans with Disabilities Act**
- Fair Housing Act**



HUD Letter

The Housing and Urban Development (HUD) office has issued a letter to Public Housing Agencies to help landlords make educated decisions about smoking policies in their buildings.

As a concerned tenant, here is what you should know:

- HUD allows landlords to adopt smoke-free policies in common areas or individual units.
- Federal law allows smoke-free policies.
- If an apartment owner who has HUD-assisted housing units decides to make the smoke-free policy a condition of the lease, HUD approval is necessary. However, the smoke-free policy can be adopted as a part of "house rules" without HUD approval.
- Landlords must also be sure to make considerations for smoking residents already living in their buildings, such as providing a reasonable period of notice, e.g., starting the smoke-free policy at the time of lease renewal.

Filing a Federal Housing Act (FHA) Complaint

Fair housing is your right. If you have been denied your housing rights, you may have experienced unlawful discrimination. Individuals who believe they have been subjected to housing discrimination relating to a disability caused or made worse by secondhand smoke may file a complaint with the Office of Fair Housing and Equal Opportunity (FHEO) of the Department of Housing and Urban Development (HUD).¹⁵ To file a complaint with FHEO, visit their website at www.hud.gov and click on "File A Fair Housing Discrimination Complaint."

References

1. U.S. Department of Health and Human Services, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, Atlanta: 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. Available at <http://www.surgeongeneral.gov/library/reports/secondhandsmoke/fullreport.pdf>.
2. Institute of Medicine, *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*, Washington: National Academy of Sciences, Institute of Medicine, 2009. Available at: <http://www.iom.edu/~media/Files/Report%20Files/2009/Secondhand-Smoke-Exposure-and-Cardiovascular-Effects-Making-Sense-of-the-Evidence/Secondhand%20Smoke%20%20Report%20Brief%202.ashx>.
3. Centers for Disease Control and Prevention, *Smoking-Attributable Mortality, Years of Potential Life Lost, and Productivity Losses—United States, 2000–2004*, Morbidity and Mortality Weekly Report, Vol.57, 2008. Available at: <http://www.cdc.gov/mmwr/PDF/wk/mm5745.pdf>.
4. Winickoff, M.D., M.P.H., Jonathan P., et al. Beliefs About the Health Effects of ‘Thirdhand’ Smoke and Home Smoking Bans. *Pediatrics*, September 29, 2008. Available at: <http://pediatrics.aappublications.org/content/123/1/e74.full.pdf+html>.
5. Graff, Samantha K. There is No Constitutional Right to Smoke (March 2008). Tobacco Control Legal Consortium. Available at: <http://www.tobaccolawcenter.com/documents/constitutional-right.pdf>.
6. American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). Environmental Tobacco Smoke Position Document. (Atlanta: June 30, 2005.)
7. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention National Center for Environmental Health, Division of Emergency and Environmental Health Services, Healthy Homes and Lead Poisoning Prevention Branch, *Healthy Homes Manual: Smoke-Free Policies in Multi-Unit Housing* (2011). Available at: http://www.cdc.gov/healthyhomes/Healthy_Homes_manual_WEB.pdf
8. Susan Schoenmarklin, Tobacco Control Legal Consortium, Infiltration of Secondhand Smoke into Condominiums, Apartments and Other Multi-Unit Dwellings: 2009 (2009). Available at: http://publichealthlawcenter.org/sites/default/files/resources/tclc-syn-condos-2009_0.pdf.
9. D. Hennrikus, PR Pentel and SD Sandell; *Preferences and Practices among renters regarding smoking restrictions in apartment buildings*, Tobacco Control, 2003. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1747712/pdf/v012p00189.pdf>
10. United States, Center for Disease Control and Prevention. Prevalence of Current Smoking among Adults Aged 18 Years and Over: United States, 1997-June 2008. (Atlanta: Department of Health and Human Services, 2008). Available at: http://www.cdc.gov/nchs/data/nhis/earlyrelease/200812_08.pdf.
11. Centers for Disease Control and Prevention, *Tobacco Control State Highlights*, 2010. Available at: http://www.cdc.gov/tobacco/data_statistics/state_data/state_highlights/2010/pdfs/highlights2010.pdf.

12. National Center for Healthy Housing, *Reasons to Explore Smoke-Free Housing*, 2009
Available at: http://www.nchh.org/Portals/0/Contents/Green%20Factsheet_Smokefree.pdf.
13. Hall, JR, Jr. "The Smoking-material Fire Problem." National Fire Protection Association, Fire Analysis and Research Division, March 2012. Available at: <http://www.nfpa.org/assets/files/PDF/OS.Smoking.pdf>.
14. Smoke-Free Environments Law Project, The Center for Social Gerontology, Inc., Ann Arbor, Michigan "Secondhand Smoke in Apartments and Condominiums" accessed August 15, 2012, available at http://www.tcsg.org/sfelp/apt_condofact.htm.
15. Smoke-Free Environments Law Project, The Center for Social Gerontology, Inc., Ann Arbor, Michigan, "The Federal Fair Housing Act and the Protection of Persons who are Disabled by Secondhand Smoke in Most Private and Public Housing" accessed August 15, 2012, available at http://www.tcsg.org/sfelp/fha_01.pdf.

Resources

American Lung Association Smokefree Housing Initiative

Smokefree Multi-unit Housing: Bringing Healthy Air Home, available at:
www.lung.org/assets/documents/healthy-air/smoking-in-multiunit-housing.pdf

Making the Case for Smokefree Multi-unit Housing, available at:
www.lung.org/about-us/our-impact/top-stories/making-the-case-for-smokefree.html

Smokefree Policies in Multi-unit Housing: Steps for Success, available at:
www.lung.org/stop-smoking/about-smoking/smokefree-housing.html

Centers for Disease Control and Prevention

Healthy Homes Manual, available at:
www.cdc.gov/healthyhomes/Healthy_Homes_Manual_WEB.pdf

GASP of Colorado (Group to Alleviate Smoking Pollution) (<http://mysmokefreehousing.org>)

Live Smoke Free Minnesota (<http://www.mnsmokefreehousing.org>)

Massachusetts Smoke-Free Housing Project
(<http://makesmokinghistory.org/secondhandsmoke/housing.html>)

Michigan Smoke-free Apartments (<http://www.mismokefreeapartment.org>)

National Center for Healthy Housing (<http://www.nchh.org>)

Smoke-Free Environments Law Project (Michigan) (<http://www.tcsg.org/sfelp/home.htm>)

Smoke Free Housing Coalition of Maine (<http://www.smokefreeforme.org>)

U.S. Department of Housing and Urban Development

Non-Smoking Policies in Public Housing, available at:
<http://portal.hud.gov/huddoc/12-25pihn.pdf>

Optional Smoke-free Housing Policy Information (HUD Letter), available at:
http://publichealth.columbus.gov/uploadedFiles/Public_Health/Content_Editors/Planning_and_Performance/Cardiovascular_Health/Tobacco-Free_Collaborative/huddoc.pdf

HUD Encourages PHAs to Become Smoke Free, available at:
http://publichealth.columbus.gov/uploadedFiles/Public_Health/Content_Editors/Planning_and_Performance/Cardiovascular_Health/Tobacco-Free_Collaborative/sept09.pdf

Appendix

Documenting Efforts Chart

Sample Petition

Tips to Writing a Letter to a Landlord, Owner, or Management

Sample Smoke Free Housing Letter

Smoking Cessation Resources



SMOKE-FREE LIVING

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Documenting Efforts Chart

This form can be used to track secondhand smoke and to resolve problems with tobacco smoke drifting into your unit. Be as specific as possible. Include dates, times, location, names of witnesses, what you noticed, any effects experienced from the secondhand smoke, and how long it lasted. This type of information may be helpful when contacting management and will likely be necessary to file a Federal Housing Act complaint or pursue a lawsuit.

Date, time, location	Witnesses (if any)	What did you notice/experience?
5/1/2011 6:00 pm	Daughter	<i>I noticed a strong smell of cigarette smoke while sitting in my living room. Seems to come from my living room vents. It made me cough. It lasted about 15 minutes.</i>

Source: GASP of Colorado (Group to Alleviate Smoking Pollution)



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Petition

As a resident of _____, I am concerned about the impact
[Condo or Apartment Name]
of secondhand smoke on our residents.

- **Any amount** of exposure to secondhand smoke is **unsafe**.
- There is NO legal **“right to smoke.”**
- If our building continues to allow smoking, **all residents are being exposed to the potential risk of serious health problems.**

I would like our property to amend the Conditions, Covenants, and Restrictions (CC&Rs) to include the following language: “Due to the increased risk of fire and the known adverse health effects of secondhand smoke, smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, tenants, guests, employees, and servicepersons.”

Name	Unit Number	Phone Number	Owner or Renter

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Tips to Writing a Letter to a Landlord, Owner, or Management

A series of written communications are recommended to begin the process of requesting a smoke-free policy. The first letter should have a friendly and helpful tone, followed by your concerns about tobacco smoke drifting into a unit. It may help to include a letter from a doctor, facts about secondhand smoke, why no smoking policies are legal, and other information.

Steps You Should Consider	Examples You May Borrow From (be original and use your own words)
<p>Start on a positive note. Landlords get a lot of different complaints, so start by explaining why you like your unit, the building, and any special services.</p>	<p>Dear _____,</p> <p>The _____ (name) apartment building is located very near my job, is affordable, has lots of storage space, and is well designed. Parking is convenient, the area is quiet, and the clubhouse helps me get some regular exercise. In short, I like living here.</p>
<p>What is the problem? Explain the problem, but do not go into detail yet. If others are affected, be sure to mention that too. Let them know you need their help. Keep the letter as factual as possible and avoid emotional statements.</p>	<p>However, as much as I like this apartment, I and other residents are experiencing serious health problems due to tobacco smoke seeping into our apartments from adjoining apartments. The situation has become intolerable and we need your assistance to resolve this problem.</p>
<p>What's in it for them? The costs of refurbishing a smoking apartment can be a huge incentive for making policy changes. Write about the benefits of a smoke-free policy and reassure them that they will not lose business – one of the reasons landlords permit smoking. You may want to provide a fact sheet or letter indicating that: 1) many residential buildings already have no-smoking policies; 2) it is legal to prohibit smoking in a residential building (ORC 3794); and 3) surveys indicate most residents prefer smoke-free housing.</p>	<p>This building and the health of all its residents could benefit from instituting a no-smoking policy because:</p> <ol style="list-style-type: none"> 1) A smoke-free building saves money by reducing the costs of cleaning and repairing carpets, fixtures, and window treatments; priming and painting walls; and general maintenance. Lower insurance premiums are a possibility as well. The cost for cleaning a two-bedroom, two-bathroom apartment that has damage caused by smoking can run anywhere from \$4,000 to \$15,000. 2) You will likely attract and retain residents. In Ohio, nearly 80% of all adults do not smoke and among people 65 and older about 93% are nonsmokers according to the Centers for Disease Control.⁸ This means you should be able to attract plenty of nonsmoking renters. 3) Surveys prove that there is strong support for smoke-free policies. 66.7% of households in Ohio report having smoke-free home rules, according to the Centers for Disease Control.⁸



	4) Enforcement generally is not a problem. “Few owners experience backlash from residents after implementing and enforcing a no-smoking policy,” according to the National Apartment Association.
Explain your health symptoms. Let the landlord know how secondhand smoke affects you, when you first noticed it, and what your doctor has told you. Attach a letter from your physician.	Personally, the fumes from tobacco smoke give me headaches, causes nausea, and dizziness, aggravate my breathing, and affect my weak heart. I began noticing the fumes shortly after a new resident moved into the unit directly below me in October. My doctor has prescribed some medications to reduce the pain, but has told me to avoid exposure to tobacco smoke because it affects my health. A letter from my doctor is attached.
Are other residents affected? If you have contacted other residents, mention how it affects them. Some may not want their names mentioned, so check with them first.	Other residents are experiencing health problems as well due to tobacco smoke coming into their units. For instance, the resident in unit 12 has chronic obstructive pulmonary disease (COPD), asthma, and allergic reactions to tobacco smoke. The resident in unit 33 is nearly blind from macular degeneration – which tobacco smoke irritates severely.
Propose a solution that benefits everyone.	I/We understand your desire to be sensitive to the wishes and concerns of all residents who live here. Therefore, I (and several other residents) ask that you consider conducting a survey to determine resident attitudes toward tobacco smoke exposure, how many people smoke in their units, and the level of support for a smoke-free policy. You might also consider holding a meeting to discuss this issue.
Ask for a response, and offer your assistance.	Please let me know in writing how you plan to address this issue. Let me also know if I can be of any assistance. If you would like to review samples of materials that other housing complexes have used to survey residents and to institute smoke-free policies, I would be happy to provide that. The Allen County Health Department may be able to provide guidance, assistance, and educational materials.
End on a positive note. * Have others review the letter before you send it.	Working together, we can make this building a better place for us all! I look forward to hearing from you. Sincerely,
Send copies to your local health department and other health groups. Your letters may be taken more seriously.	At the bottom of the letter, indicate where copies are being sent. CC: The local health department, Ohio Department of Health, The American Lung Association of Ohio, American Cancer Society of Ohio
Delivering the letter.	To obtain proof that your letter was received, use certified mail with a return receipt through the post office.
Response	If the response is positive, be sure to thank the landlord either by phone or by mail. If there is no response within 30 days or if it is negative, then a second letter may be appropriate.

This sheet is provided as a public service and is not intended as legal advice.

Adapted from GASP of Colorado (Group to Alleviate Smoking Pollution)



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John Smith, President
Board of Directors
Anywhere Apartments
1 Condo Drive
This Place, OH 12345

Dear Mr. Smith:

The _____ (name) apartment building is located very near my job, is affordable, has lots of storage space, and is well designed. Parking is convenient, the area is quiet, and the clubhouse helps me get some regular exercise. In short, I like living here.

However, as much as I like this apartment, I and other residents are experiencing serious health problems due to tobacco smoke seeping into our apartments from adjoining apartments. I am a tenant/owner of unit #xxx, and am writing because of concerns and challenges I have with secondhand smoke exposure as a result of tobacco smoke drifting in from another tenant(s) unit in our complex. The situation has become intolerable and we need your assistance to resolve this problem.

This building and the health of all its residents could benefit from instituting a no-smoking policy because:

- 1) A smoke-free building saves money by reducing the costs of cleaning and repairing carpets, fixtures, and window treatments; priming and painting walls; and general maintenance. Lower insurance premiums are a possibility as well. The cost for cleaning a two-bedroom, two-bathroom apartment that has damage caused by smoking can run anywhere from \$4,000 to \$15,000.
- 2) You will likely attract and retain residents. In Ohio, nearly 80% of all adults do not smoke and among people 65 and older about 93% are nonsmokers according to the Centers for Disease Control. This means you should be able to attract plenty of nonsmoking renters.
- 3) Surveys prove that there is strong support for smoke-free policies. 66.7% of households in Ohio report having smoke-free home rules, according to the Centers for Disease Control.
- 4) Enforcement generally is not a problem. "Few owners experience backlash from residents after implementing and enforcing a no-smoking policy," according to the National Apartment Association.

Personally, the fumes from tobacco smoke give me headaches, causes nausea, and dizziness, aggravate my breathing, and affect my weak heart. I began noticing the fumes shortly after a new resident moved into the unit directly below me in October. My doctor has prescribed some medications to reduce the pain, but has told me to avoid exposure to tobacco smoke because it affects my health. A letter from my doctor is attached.

Other residents are experiencing health problems as well due to tobacco smoke coming into their units. For instance, the resident in unit 12 has chronic obstructive pulmonary

disease (COPD), asthma, and allergic reactions to tobacco smoke. The resident in unit 33 is nearly blind from macular degeneration – which tobacco smoke irritates severely.

I/We understand your desire to be sensitive to the wishes and concerns of all residents who live here. Therefore, I (and several other residents) ask that you consider conducting a survey to determine resident attitudes toward tobacco smoke exposure, how many people smoke in their units, and the level of support for a smoke-free policy. You might also consider holding a meeting to discuss this issue.

Please let me know in writing how you plan to address this issue. Let me also know if I can be of any assistance.

Working together, we can make this building a better place for us all!

I look forward to hearing from you.

Sincerely,

Ms. Jane Doe
Resident-Owner
Anywhere Apartments Unit #123

cc: Allen County Health Department
Ohio Department of Health
The American Lung Association – Ohio
American Cancer Society - Ohio



SMOKE-FREE LIVING

Allen County Smoke-Free Housing Project

Smoking Cessation Resources in Allen County

Coping Strategies

2444 Cable Court, Lima

Contact: Stephanie Zimmerman, PhD (*Psychologist*)

Phone: 419-204-5677

Hypnosis for smoking cessation as well as cessation counseling and therapy.

Clinical Neuropsychological Services, Inc.

1045 Mackenzie Drive, Lima

Contact: Dr. Sohrabb Dadfar, PhD, LICDC (*Psychologist*)

Phone: 419-222-5672

Counseling for nicotine addiction.

Lima Memorial Health Systems

1001 Bellefontaine Avenue, Lima

Contact: Rita Nees, *Respiratory Care Practitioner*

Phone: 419-226-5036

Cessation counseling available upon request by the Respiratory Care Department in individual sessions.

Blanchard Valley Health System – Bluffton Hospital

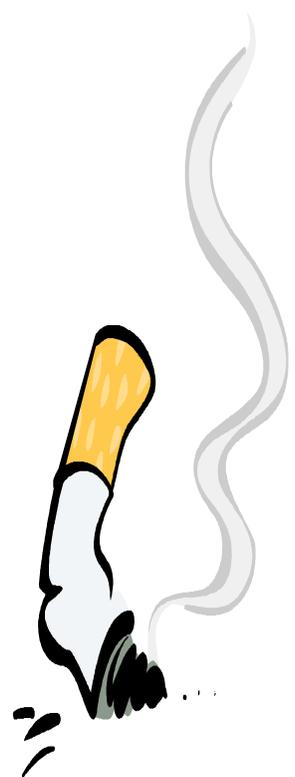
139 Garau Street, Bluffton

Contact: Bruce Parkins, *Cardiopulmonary Department*

Phone: 419-369-2309 or 419-230-4052

Individual counseling, inpatient lecture, and pamphlets.

Youth advisement available.



Websites and Self Help Materials



Ohio Tobacco Quit Line

<http://Ohio.Quitlogix.org>

Whether you are thinking about quitting, are not yet ready to quit, or have already quit, this online support program can help you with each step of the way. Available 24 hours a day, 7 days a week, it provides the latest information and research-based tools in efforts to quit, step-by-step guides and motivational messages for cutting down and quitting tobacco.

QuitLine: 1-800-QUIT-NOW (784-8669)

The Ohio Tobacco Quit Line is Ohio's FREE tobacco quit line counseling service for those who are ready to end their tobacco addiction. It is available to uninsured Ohioans, Medicaid recipients, and pregnant women. Callers whose health plans or employers are members of the Ohio Tobacco Collaborative will also be served. All other callers will be referred back to their health plans or employers.

American Lung Association

www.lungusa.org/stop-smoking/how-to-quit

Most smokers today know that smoking is bad for their health and harmful to people around them. They know they should quit but they also know it is going to be hard. This website offers resources to help smokers figure out their reasons for quitting and then take the big step of quitting for good.

HelpLine: 1-800-LUNG-USA (586-4872)

You may also email questions to: questions@alacallcenter.org.

American Cancer Society

www.cancer.org/Healthy/StayAwayfromTobacco

Quitting tobacco is not easy, but it can be done. Whether you're a smoker, someone who uses smokeless tobacco, or just someone trying to help a friend or loved one, you'll find the information you need on this website.

Become An Ex

www.becomeanex.org

The EX Plan is a free quit smoking program that can show you a whole new way to think about quitting. It is based on personal experiences from ex-smokers as well as the latest scientific research from experts at Mayo Clinic.

Smokefree.gov

www.smokefree.gov

Smokefree.gov is intended to help you or someone you care about quit smoking. Different people need different resources as they try to quit. The information and professional assistance available on this website can help to support both your immediate and long-term needs as you become, and remain, a non-smoker.



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For more information about this toolkit, contact:

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