

Handling Unwanted Tobacco Smoke in Multi-Unit Housing

LUCHA Tabaco
Health Education Council

Secondhand smoke seeping into an individual's home from neighboring units can pose a great threat to their health. To prevent this problem, a potential solution would be for the property manager or owner to adopt a smoke-free policy for the property or buildings. However, if this is not possible there are a few alternatives to protect tenants from secondhand smoke in their home. When weighing your options, keep in mind that air filtration and other ventilation systems do not eliminate the health hazards caused by secondhand smoke.

1. Do your homework

- a. Learn about the health impacts of secondhand smoke exposure and the benefits of a smoke-free home.
- b. Read your lease or condominium agreement. Most leases contain language about the enjoyment of quiet and safe premises, implied warranty of habitability, nuisance, and rules about noise and other potential nuisances. Even if your agreement does not specifically address smoking, you can make a case that another tenants' smoke drifting into your unit violates the protections in your agreement that address quality of life and safety.
- c. Check to see if there are any applicable local laws that regulate or prohibit smoking in multi-unit housing. Your city or county health department or local smokefree coalition can assist you.

2. Try to solve the situation amicably

- a. Approach the situation positively. Some people who smoke may not realize the negative impact they are having on their neighbors. Take a friendly, educational approach and let your neighbor know you are concerned about your own health. Let them know that you are flexible and interested in working out a mutually satisfying solution.
- b. The biggest obstacle in resolving disputes regarding secondhand smoke is misinformation. Your property owner may not be aware that it is legal to require that a building be smokefree, including private and communal areas. There is no legal right to smoke, and people who smoke are not a protected class.

3. Find allies

- a. You may not be the only person affected by this problem in your building. Other tenants may be willing to join you for a solution. Other good allies may include voluntary health groups such as the American Cancer Society, the American Lung Association, and the American Heart Association, local tobacco control coalitions, and your local health department.

For more information click [here](#).