



**BreatheDC**  
*Breathe Healthy. Every Breath Counts.*

# SMOKEFREE HOUSING STRATEGIES

Resources for Tenants of Multi-Unit Housing  
in Washington, DC



**District of Columbia  
Smokefree Housing**  
*Live Smokefree in Washington, DC*



# District of Columbia Smokefree Housing

## Strategies for Establishing a Smokefree Policy in Your Building \*

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### Strategy 1: Documenting the Problem and Building Support

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#### Start by Learning the Facts

While a lot of people have heard that secondhand smoke is harmful, few people actually know just how harmful it is. Study and learn the health facts included in this toolkit so that you can speak with authority on the health consequences of secondhand and thirdhand smoke.

#### Determine the Source of the Secondhand Smoke and Document the Problem

- When do you smell smoke: all the time, only in the evening or morning?
- Where is the smoke entering your unit?
- Where do you think it is coming from?
- Keep [a log](#) of when and where in your unit you smell smoke.

#### Once You Know the Facts, Look for Solutions

The most effective way to eliminate secondhand smoke exposure in a multi-unit building is to convince your landlord to establish a smoke-free policy. Just like prohibiting pets, landlords can prohibit smoking at their properties, even in individual units. It is both legal and easy to do, and will probably save the landlord money.

#### Get Testimonials

Have others confirm the presence of secondhand smoke in your unit or their own. The consensus of neighboring tenants, friends, maintenance personnel and others can be very convincing.

### **Build Consensus Among the Other Tenants and Get Their Support**

Ask neighbors in the building whether they are experiencing the same problem. Talk to them about the benefits of a smoke-free building. Have them document the problem just like you did. Send letters to other tenants asking them to get involved. Keep track of all conversations and correspondence.

### **Keep Track of All Symptoms and Illnesses**

- Document any health problems you and your family are experiencing as a result of secondhand smoke in your apartment.
- Health problems may include ear infections, sore throats, asthma attacks, and bronchitis.
- Ask your health care provider to [write a letter](#) stating that the secondhand smoke causes your family to be sick.

### **Make a List of the Solutions You've Already Tried**

- What steps have you taken? View our [temporary fixes](#) in the Appendix for short-term solutions.
- Fans, air fresheners, and other “smoke eaters” will only mask the problem, but trying some temporary solutions might help you illustrate the situation to your property manager.

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## **Strategy 2: Talk to Your Building Management**

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### **Write a letter to your building manager or property owner**

- Introduce the problem by explaining to your landlord that drifting secondhand smoke is a serious problem in the building.
- Recommend adopting and implementing a smoke-free housing policy as a solution.
- Encourage other tenants to write letters expressing their concerns about secondhand smoke in the building.
- Start a petition and get as many tenants as possible to sign it in support of a smoke-free policy and share it with your landlord or management company.
- If appropriate, include a copy of a letter from your doctor explaining your health problems.
- Keep copies of any correspondence.

### **Follow up by approaching your property manager to discuss the situation**

- Be positive, polite, and stick to the issue.
- Ask your property manager and neighbors to work together to solve the problem instead of getting angry or arguing.

### **Provide management with resources on going smoke-free**

- Tell your landlord or management company about the many benefits of going smoke-free.
- Provide management with information on how to adopt a smoke-free policy by using the tools and materials available from the Living Smoke Free in DC website.

### **Offer solutions**

- Work with your property manager and offer to brainstorm or implement solutions.

Possible solutions include:

1. Conduct a [resident survey](#) (See Appendix).
2. Hold a residents' meeting.
3. Relocate to a different building on the property or a different part of the building (either you or the person who is smoking).
4. End your lease early so you can move to a smoke-free building.

### **Respond to your landlord's concerns through education**

- Smoke-free policies are a growing trend. A substantial number of apartment buildings in the District of Columbia are already smoke-free. Smokers are welcome in these properties. They just need to smoke outside.
- **Emphasize that building owners can [legally](#) make their buildings smoke free.**
  1. For HUD (Housing and Urban Development) units, you can share with your property manager the [HUD notices](#) that show HUD encourages smoke-free policies (See Appendix).
  2. For HUD units, point out that changing “House Rules” may be easier to accomplish than making a formal lease change.



- Smoke-free policies are easy to enforce. No-smoking rules are largely self-enforcing. They attract tenants who support smoke-free policies. Tips for enforcing smoke-free policies are available from the *Smoke Free Places - Home Healthy Home Project* at [www.breathedc.org](http://www.breathedc.org).
- Smoke-free policies should not increase liability. With a properly drafted smoke-free policy, landlords are given the flexibility and time they need for compliance. The real threat of liability comes from ignoring the problem and allowing secondhand smoke exposure to continue.
- Implementing a smoke-free policy is easy and inexpensive. When current tenants renew their leases, the landlord simply has them sign a lease addendum that prohibits smoking. New tenants sign when signing their lease. The *Living Smoke Free in DC* website has a copy of a sample smoke-free lease addendum available.

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## Strategy 3: Work with an Outside Authority

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### Contact Breathe DC

- Breathe DC can provide you with information, help you write letters, or suggest further steps to take.

### Consider contacting the following:

- Your building's owners (if different than the management)
- [DC Department of Health](#) (DOH)
- [Americans for Non-Smokers Rights](#)
- [DC Tobacco Free Coalition](#) at 202.821.1915
- [HUD's Multifamily Housing Complaint](#) line at 1-800-685-8470

### Share your story

- Place your testimonial on *Living Smoke Free in DC* website.
- Contact local elected officials such as a city council member or local legislator.

## Research your legal options

### The Sanitary Code

Your local health department or board of health is an important resource. Health inspectors work to ensure that apartment buildings are in compliance with ventilation and other code requirements. Correcting code violations often helps address drifting secondhand smoke. Your health inspector may have experience with this issue and can talk with your landlord to recommend changes that will help.

### Lawsuits

Litigation should be a last resort, but sometimes it is necessary. Tenants may bring legal action directly against landlords or the tenant whose smoke is drifting into their apartment. The following are some of the legal claims:

- Negligence
- Breach of the Covenant of Quiet Enjoyment
- Nuisance
- Violation of the Warranty of Habitability

If you think that secondhand smoke is contributing to your illness, speak with your doctor, who may be able to provide you with documentation that you can use when speaking with your landlord, or if you decide to pursue a legal action.

\*Sources for the above listed strategies: Living Smoke Free (MN) & The Massachusetts Smoke-Free Housing Project



# District of Columbia Smokefree Housing

## Live Smoke Free in DC

### Smoke-Free Apartment Living

[Enjoy Smoke-Free Air in Your Apartment](#)  
[The Smoker Next Door: Handling Unwanted Tobacco Smoke In Apartments And Condominiums](#)

### Protect Health and Safety

[The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, Executive Summary](#), 2006, U.S. Department of Health and Human Services, Public Health Service

2014 Surgeon General's Report: [The Health Consequences of Smoking—50 Years of Progress, Executive Summary Overview](#), 2014. U.S. Department of Health and Human Services

[Up in Flames: The Dangers of Smoking in Apartment Units](#)

### Educational Materials

[Secondhand Tobacco Smoke and the Health of Your Family](#)  
[EPA's Brochure on Living in a Smoke-Free Environment](#)  
[EPA's Clean Your Home of Asthma Triggers](#)  
[Let's Make the Next Generation Tobacco-Free \(Consumer Booklet\)](#)  
[What You Need to Know About Smoking](#)  
[Thirdhand Smoke - Passive Smoking in Babies](#)

### Organizing Tools

[EPA's Smoke Free Home Pledge Kit](#)  
[EPA's Community Action Toolkit](#)  
[EPA Smoke-Free Publications & Resources](#)  
[Smokefree.gov](#)  
Center for Disease Control - [Tips from Former Smokers](#)  
[National Cancer Institute Survey - Why Do You Smoke?](#)

### Talking Points

[5 Reasons Why We Are Going Smoke-Free](#)  
[Fire Safety](#)  
[Fact Sheets About Smoking Hazards](#)

### Cost Savings

[Save Money, Save Your Building: Insurance Premiums](#)  
[Restoring a Smoke Damaged Apartment](#)

<b>Secondhand and Thirdhand Smoke Cannot be Contained</b>	<a href="#">Fact Sheet on Secondhand Smoke in Condos and Apartments</a> <a href="#">Thirdhand Smoke in Apartments and Condos: Recommendations for Landlords and Property Managers</a> <a href="#">Options for Condo Owners Suffering From Drifting Secondhand Smoke</a>
<b>Residents Prefer Smoke-Free Housing</b>	<a href="#">Smoke-Free Common Interest Communities: Results of a Survey of Minnesota Owner-Occupants</a>
<b>Legal Help for Tenants</b>	<a href="#">Tobacco Control Legal Consortium</a> <a href="#">Public Law Health Center</a> <a href="#">Change Lab Solutions</a>
<b>Tobacco Use in the District of Columbia</b>	<a href="#">The Toll of Tobacco in Washington, DC</a> <a href="#">Smoking and Tobacco Use in Washington, DC</a> (CDC) <a href="#">State Tobacco Activities and Tracking Evaluation (STATE)</a> <a href="#">Communities Putting Prevention to Work: Tobacco Use</a>
<b>Local Cessation and Smoke-Free Resources</b>	<a href="#">Breathe DC</a> <a href="#">DC Tobacco Free Coalition</a> , <a href="#">Americans for Non-Smokers Rights</a> (Washington, DC) <a href="#">HUD's Smoke-Free Toolkit For Residents</a> <a href="#">Americans for Non-Smokers Rights Smoke-Free Apartments &amp; Condos</a>