

Secondhand Smoke - The Facts

- » Secondhand smoke (SHS) can seep through lighting fixtures, cracks in walls, around plumbing, under doors, through shared ventilation, as well as permeate building materials, and then enter adjoining units.
- » There is no known safe level of exposure to SHS (U.S. Surgeon General's Report 2006; 2010).
- » SHS is a known Class A human carcinogen (U.S. Environmental Protection Agency).
- » SHS aggravates and increases the risk of chronic diseases (U.S. Centers for Disease Control).
- » SHS increases the risk of miscarriage.
- » There is no constitutional right to smoke. Legal cases rule in favor of nonsmoking tenants and condominium owners.
- » Florida's 2003 Clean Indoor Air Act (FCIAA) prohibits smoking in an enclosed indoor workplace.



Solutions to Seeping Secondhand Smoke (SHS)

For Tenants/Condominium Owners:

- » Ask the landlord or property manager to institute a 100% smokefree policy.
- » Document how often SHS enters your home, the dates and time when noticeable, where it is seeping in, and how it affects you and your family.
- » Contact other neighbors who may also be affected by seeping SHS.
- » In a cordial, professional manner, contact the neighboring tenant/owner that is permitting smoking inside their unit, to explain the situation, and offer solutions. Smokers may not be aware that their SHS is seeping into your unit.
- » Contact the landlord, management, or condo board for SHS seepage protection. Send notification and documents by registered mail, return receipt.
- » Document any contacts with the neighbor and landlord. Document all doctor and hospital visits due to SHS exposure.
- » Explore legal solutions. Most leases contain provisions for breaches of nuisance, quiet enjoyment, and habitability. Common law may apply too.
- » Most condominium association regulations contain provisions against nuisance and disturbance of neighbors.

For more information visit:
[www.TobaccoFreeFlorida.com/
smokefreehousing](http://www.TobaccoFreeFlorida.com/smokefreehousing)

Please note: The information in this brochure is not intended as, nor to be construed, or used, as legal advice, and should not be used to replace the advice of your legal counsel.

Tobacco Free Florida thanks Global Advisors on Smokefree Policy as our brochure resource: <http://njgasp.org/GASPHousingBrochure.pdf>

Voluntary Smokefree Multi-Unit Housing

**Tobacco Free
Florida**.com



Benefits of Smokefree Communities

Economics: Reduce Operating Costs

- » Lower rehab costs for smokefree units. No need to repair or replace carpeting, floors, fixtures, countertops or appliances damaged by burns or nicotine stains.
- » Faster turnover time due to less preparation and repainting (one coat of paint vs. wash, prime and paint walls).
- » Less wear and tear on ventilation systems.
- » Discount on property casualty insurance.
- » Lower fire risk means reduced damages.
- » "Green" building and HUD points applied to funding and tax credits/incentives.

High Market Demand

- » Over 82% of Florida adults are nonsmokers.
- » Fewer units vacate from smoke seepage.

Ensure Safety

- » Smoking is the leading cause of residential fires.
- » Smoking near portable oxygen equipment has resulted in explosions and fires.
- » National Fire Prevention Association recommends no smoking during home oxygen use in any portion of a residence.

Protect Health

- » Protect family members and pets. SHS is especially hazardous for infants, children, the elderly, and people with chronic diseases, cancer, or breathing disabilities.
- » Protect visiting social service workers and building maintenance workers from SHS.

Limit Liability

- » Help avoid potential legal liability due to nonsmoking tenants/condo owners exposure to SHS.
- » Tenants with pre-existing physical conditions aggravated by SHS may file complaints under the Fair Housing Act.

HUD Policy Strongly Encourages Smokefree Policies

- » The U.S. Department of Housing and Urban Development (HUD) issued policy memos in July 2009 and September 2010 strongly encouraging Public Housing Authorities (PHAs) and subsidized housing programs to implement non-smoking policies in some or all of their public housing units.
- » PHAs can create a 100% smokefree "house rule" or model lease policy. PHAs across the nation are participating.



Support for Smokefree Policies

- » National Apartment Association's *UNITS* December 2007 magazine article: "*Fortunately, what is in the best interest of resident health is also in the best interest of community owners' bottom lines.*"
- » July/August 2009 issue of *Apartment Insight* magazine article: "*The trend towards smokefree apartments is expected to spread across the nation, driven by consumer demand.*"
- » July 2009 *Newsweek Letter to the Editor*: "*Most important, [smokefree] means a healthier life for children.*"
- » Fall 2006 The American Society of Heating, Refrigeration, and Air Conditioning Engineers "*displacement ventilation systems do not adequately control secondhand smoke.*"

How to Establish a Smokefree Policy in Your Communities

- » Landlords and property managers can create a 100% smokefree lease amendment, "house rule" or model lease policy.
- » Select an implementation date and notify tenants (example, 30 days) in writing; include an acknowledgement of the new policy, to be signed by the tenant and all occupants of the units. A phase-in period may be instituted for existing leases.
- » If needed, establish an outdoor smoking permitted area, at least 50 feet from the building, to prevent any recirculation of smoke indoors, through doors and windows, and provide receptacles.
- » Post no-smoking signs at entrances, in hallways, common areas, and outdoor areas to inform tenants and prospective tenants about the smokefree policy.
- » When advertising vacancies, list the smokefree policy as an amenity, promoting a step for the building "Going Green".
- » Nonsmokers and smokers are all welcome. It is only the behavior of smoking that is to be prohibited under the smokefree policy.
- » For enforcement: use the same warning and notice methods for other rules and policies, check during routine inspections, require tenants to be financially responsible for the rehabilitation of the unit to rentable condition.
- » Offer information on cessation programs to tenants who smoke and would like to quit. The Florida Department of Health offers free quit services through the Quitline at 1-877-U-CAN-NOW or www.FloridaQuitline.com

