

Air Purifiers and Ventilation do not Solve the Problem

- In 2007, Consumer Reports found that “air purifiers alone won’t clean the air or relieve asthma or allergy symptoms.” The report says that banning indoor smoking can be more effective than air purifiers.
- The American Society of Heating, Refrigerating & Air-Conditioning Engineers (ASHRAE) has reported that air purifiers have not proven to be effective and warns that purifiers should not be relied upon to control health risks from secondhand smoke. ASHRAE encourages eliminating smoking indoors as the best way to stop secondhand smoke exposure.
- The 2006 report by the U.S. Surgeon General—*The Health Consequences of Involuntary Exposure to Tobacco Smoke*—states that ventilation systems can actually distribute secondhand smoke throughout a building. Conventional air cleaning systems cannot remove small particles and gases found in secondhand smoke.



Need More Information?

- Log on to our web site for more materials and strategies to encourage your landlord to adopt a smoke-free policy.
- Search the smoke-free housing directory to find buildings in your area that have already adopted a smoke-free policy.

www.mnsmokefreehousing.org

Live Smoke Free



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Live Smoke Free is a program of the Association for Nonsmokers-Minnesota.
This brochure is funded by a Tobacco-Free Communities Grant from the
Minnesota Department of Health,
Office of Tobacco Prevention and Control.

Enjoying Smoke-Free Air in Your Apartment



What to do if you are affected by secondhand smoke



Secondhand Smoke is Toxic

- Secondhand smoke—the smoke that comes from a lighted tobacco product or from a person who is smoking tobacco—contains more than 4,000 chemicals.
- Of these chemicals, at least 250 are known toxins, and more than 50 are cancer-causing chemicals.
- The 2006 Surgeon General’s Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, concluded that there is no risk-free level of exposure to secondhand smoke, and that the only way to protect people from the dangers of secondhand smoke is to eliminate the smoke exposure.

In 2005, more than 580 Minnesota infants and adults died from illnesses caused by secondhand smoke exposure.



Secondhand Smoke is a Health Hazard

- Thousands of people suffer from diseases caused or made worse by secondhand smoke such as emphysema, asthma, pneumonia, lung cancer, chronic bronchitis, and heart disease.
- Secondhand smoke also causes ear infections, sore throats, watery eyes, and coughing.
- In 2003, 66,699 Minnesotans of all ages were treated for conditions such as these, that were caused by secondhand smoke exposure.

Step One: Document the Problem

1. **Try to determine the source of the secondhand smoke.**
 - 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 you smell smoke.
2. **Make a list of solutions you have already tried.**
 - Fans, air fresheners, and other “smoke eaters” will only mask the problem, but trying some temporary solutions might help you illustrate the severity of the situation to your landlord.
3. **Talk with your neighbors.**
 - Are your nonsmoking neighbors experiencing the same problem? Will they talk to the landlord with you?
 - If you feel comfortable, consider talking to your smoking neighbor and voicing your concerns. Focus on solutions, such as asking him or her to smoke outside and away from the building.
4. **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, bronchitis, and more.
 - Ask your health care provider to write a letter to your landlord stating that the secondhand smoke exposure causes your family to be sick.



Step Two: Talk to the Management

1. **Write a letter to your building manager or landlord.**
 - Explain your problem and offer solutions.
 - If appropriate, include a copy of a letter from your doctor explaining your health problems.
 - Keep copies of any correspondence, including emails.
2. **Follow up by approaching your landlord to discuss the situation.**
 - Be positive, polite, and stick to the issue.
 - Ask to work together to solve the problem instead of getting angry or yelling.
3. **Provide information.**
 - Give your landlord information on the dangers of being exposed to secondhand smoke.
 - Explain the benefits of having a smoke-free building.
4. **Offer solutions.**
 - Work with your landlord to brainstorm or implement some solutions.
 - Solutions could include conducting a tenant survey, holding a tenants’ meeting, relocating to a different part of the building, or ending your lease early to find a smoke-free building.
5. **Emphasize that building owners can legally make their buildings smoke free.**
 - For HUD (Housing and Urban Development) units, point out that changing “House Rules” may be easier to accomplish than making a formal lease change.
6. **Suggest that smoke-free units be established.**
 - For current tenants, a smoke-free policy can be signed during each tenant’s lease renewal.
 - New tenants can sign a smoke-free policy when they move into the building.

Step Three: Seek Outside Help

1. **Contact the Live Smoke Free program.**
 - Live Smoke Free can provide you with information, help you write letters, or suggest further steps to take.
2. **Contact other agencies.**
 - Your building’s owners
 - Your city or county health department
 - HOME Line Tenant Advocates hotline: 1-866-866-3546 or www.homelinemn.org
 - Minneapolis Housing Services: 612-673-3003 or www.ci.minneapolis.mn.us/dhfs/housing_home.asp
 - HUD’s Multifamily Housing Complaint line: 1-800-685-8470 or www.hud.gov
 - Minnesota Attorney General: 1-800-657-3787 or www.ag.state.mn.us
3. **Share your story.**
 - Contact local elected officials such as a city council member, a county commissioner, or a state legislator.
 - To find your legislative district, go to <http://pollfinder.sos.state.mn.us>. To search for a list of your legislators, go to www.leg.state.mn.us
4. **Research your legal rights.**
 - Search for an attorney at www.lawhelpmn.org, which is an online directory to legal resources for low-income Minnesotans.



Your Legal Rights as a Tenant

Nonsmoker’s Rights vs. Smoker’s Rights
Smoke-free apartment policies are legal and are permitted under federal and Minnesota law. Smokers are not a protected legal class, so there is no “right to smoke” under any U.S. law. Laws exist that can be used to assert your rights to a smoke-free apartment.

Your Lease

Provisions in your lease, such as nuisance clauses, may be of assistance in protecting you from secondhand smoke. Your lease may not mention secondhand smoke specifically, but clauses with other examples, such as noise, may also be applied to secondhand smoke.

Minnesota Laws

The Minnesota Clean Indoor Air Act (MCIAA) prohibits smoking in all common areas of apartment buildings. Under the MCIAA, landlords are allowed to strengthen the rules and adopt a smoke-free policy for the entire building.

Americans with Disabilities Act (ADA)

People with serious breathing disabilities or smoke allergies may have legal protection under the ADA or the Fair Housing Act (FHA). If secondhand smoke exposure seriously affects your ability to breathe, consult a doctor to have your condition documented.

Public Housing (HUD and Section 8)

According to the U.S. Department of Housing and Urban Development (HUD), owners of public housing have the right to ban or restrict smoking.

Legal Options

If non-legal approaches are not successful in solving the problem, several legal options are possible. Community agencies offer mediation services or other forms of alternative dispute resolution which could provide a quicker and more affordable solution than a lawsuit. Traditional legal services may also be available for little or no fee depending on your income.