

SECONDHAND SMOKE & RESIDENTS' RIGHTS

Dangers of Secondhand Smoke

Secondhand smoke causes heart disease, lung cancer, respiratory infections, decreased respiratory function, worsens asthma, and can lead to other health problems.¹

Even a little exposure to secondhand smoke can be dangerous. The U.S. Surgeon General reported that “scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.”¹

Secondhand Smoke in Apartment Buildings

Secondhand smoke can travel through gaps along baseboards, electrical outlets, shared heating and ventilation systems, through light fixtures, and in and out of doorways and windows. The path smoke takes through buildings is hard to predict and difficult to stop.

Air cleaners and ventilation systems do not protect against the chemicals in secondhand smoke. The only effective protection is to eliminate smoking.²

It is legal for property managers to adopt no-smoking policies to help protect the health of their residents.

Reducing/Eliminating Exposure

Common Areas

Wisconsin law prohibits smoking in the “common areas of multiple-unit residential properties.” Wis. Stat. § 101.123(2)(a)(8d). Smoking is not allowed in enclosed places of employment and public places, including, but not limited to, management offices, maintenance rooms, stairways, basements, lobbies, community rooms, laundry rooms, fitness rooms, or swimming pool rooms. Signs should be posted in common areas.

If you notice someone smoking in a common area, you can:

- 1) Let them know of the restriction
- 2) Inform the property manager

If either of these steps does not resolve the matter, you can report the violation to local law enforcement and the Wisconsin Department of Health Services at www.wibettersmokefree.com/violation.

Individual Dwelling Units

If smoke is coming into your home from another unit, you should write down what you are experiencing. Keep track of things like:

- Where the smoke is coming from and how it is getting into your unit
- Dates and times when the smoke is most noticeable
- Any steps you’ve taken to keep the secondhand smoke out
- Any health problems and illnesses you experience as a result of the secondhand smoke



Below are a few strategies to help you eliminate exposure to secondhand smoke in your home.

- **Contact the smoker** directly. Express your concern and ask them to stop smoking in their unit.
- **Contact your property manager.** You may want to discuss the problem with your property manager informally at first, but putting your complaint in writing is a good idea. Also keep copies of any letters sent and notes from conversations. These will be useful as a record of the steps you took to work with your property manager.
 - There are resources on www.wismokefreehousing.com for property managers that will help you make the case for smoke-free housing and will guide them through the implementation process if they are interested.
- **Seek assistance from a third party.** You can talk with or survey your neighbors to determine if they are experiencing the same problem and enlist their support. There is a template survey on www.wismokefreehousing.com. The building owner, if different from the person managing the building, is also a possible contact. They may be more open to the idea of making the building entirely smoke-free.

Consulting an attorney is an option but can be costly and should be considered a last resort. Depending on your circumstances, a variety of legal claims could be a possibility.³

If You Have a Serious Health Condition

The federal Fair Housing Act and the Americans with Disabilities Act require property managers to make reasonable accommodations so that individuals with a handicap or disability can use and enjoy their unit.

If you have a serious health condition that is affected by secondhand smoke, these federal laws may help. For more information on housing and disabilities, contact the Department of Housing and Urban Development (HUD), Milwaukee Field Office at (414) 297-3214.

For more information on smoke-free housing visit
www.wismokefreehousing.com

¹U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposures to Tobacco Smoke: A Report of the Surgeon General – Executive Summary. 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.

²American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. Position Document. 2010.

³Schoenmarklin, Susan. "Infiltration of Secondhand Smoke into Condominiums, Apartments and Other Multi-Unit Dwellings: 2009." Tobacco Control Legal Consortium. 2009.

