

# Options for Residents

## Steps for Dealing with Secondhand Smoke Entering Your Apartment

**If tobacco smoke is drifting into your apartment from a neighbor's apartment or from an outside door or window, here are some things you can do.**

**Keep a record of the problem and your efforts**

Write down how often tobacco smoke enters your home, where it seems to come from, and how it affects you, your family or other people living in your home. It may help to get a letter from your doctor that states how tobacco smoke affects you or your family's health. You may want to find other neighbors who are also affected by the smoke who will join you to address the problem.

**Learn about secondhand tobacco smoke**

Learn as much as you can about secondhand smoke. Even small amounts of secondhand smoke exposure can be harmful. There are many health effects from exposure, and airing out buildings cannot make the space completely safe. Smoke can seep through cracks, around plumbing, power fixtures and windows. Stopping smoking indoors and well away from windows, doorways and vents is the only way to fully protect residents and their guests from secondhand smoke. For more information on secondhand smoke refer to the consumer guide, "Secondhand Smoke, What it Means to You," which is a summary from the 2006 report from the Surgeon General, available at:

[www.cdc.gov/tobacco/data\\_statistics/sgr/2006/consumer\\_summary/index.htm](http://www.cdc.gov/tobacco/data_statistics/sgr/2006/consumer_summary/index.htm)

**Talk with your neighbor**

If you smell smoke and you know where the smoke comes from, first try talking to the person who is smoking, if you feel safe doing so. Your neighbor who smokes may not be aware that tobacco smoke is harmful to others. If you are polite and honest about the harmful effects that the smoke is having on your health and comfort, your neighbor may agree to smoke outside, away from your apartment.

**Talk with your apartment manager**

If you have tried to handle the problem yourself and still have tobacco smoke coming into your apartment, let your apartment manager know. Calmly explain how you have been affected by the smoke and remind your manager about the harmful health effects of secondhand smoke. Be specific about how you would like your manager to respond – whether you want him or her to talk with your neighbor who smokes, to move you to another apartment, to allow you to break your lease early without penalty, or to create a smoke-free policy. Feel free to use the sample letter to write your own letter to the manager to ask for a smoke-free policy.

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### **Understand your legal options**

Trying to resolve your problem in court should be a choice of last resort. It can take a lot of time and money and may not end in your favor. Yet, you may reach a point where you feel you have no better option. Read the fact sheet called, "Legal Options for NC Multi-Unit Housing Residents Suffering from Secondhand Smoke," to know the possible legal claims you may have against your landlord or your neighbor. The legal terms include claims such as nuisance, negligence, violation of the warranty of habitability, and constructive eviction. You can find this fact sheet in the "Residents" section at the website: [www.smokefreehousingnc.com](http://www.smokefreehousingnc.com).

### **Learn about the Fair Housing Act (FHA)**

If you have a medical condition that meets the state or federal definition of "disabled," and a neighbor's drifting tobacco smoke is making your condition worse, Fair Housing laws may be able to help you. Under the Fair Housing Act, property owners must make "reasonable accommodations" when the change asked for by the disabled resident would allow the resident to enjoy the property as fully as the non-disabled residents. If your disabling condition is made worse by tobacco smoke, you might ask not to be exposed to tobacco smoke as a reasonable accommodation. Learn more by reading the fact sheet "Reasonable Accommodations for NC Tenants with a Disability Suffering from Exposure to Drifting Tobacco Smoke" found in the Residents section of [www.smokefreehousingnc.com](http://www.smokefreehousingnc.com).

### **Take your business to a smoke-free property**

If all else fails, you may find that the only option is to move to a smoke-free apartment complex. These sites give you the option to search for smoke-free units:  
(Remember to add "smoke-free policy" into the Search filter)

- [www.nchousingsearch.com](http://www.nchousingsearch.com)
- [www.showmethere.com](http://www.showmethere.com)
- [www.rentals.com](http://www.rentals.com)

North Carolina Tobacco Prevention and Control Branch  
1932 Mail Service Center  
Raleigh, NC 27699-1932  
Phone: (919) 707-5400  
Fax: (919) 870-4844

[www.tobaccopreventionandcontrol.ncdhhs.gov](http://www.tobaccopreventionandcontrol.ncdhhs.gov)