



# Smoke-Free Housing:

## *A Rhode Island Tenant's Guide*



### 1. Know the Facts

- Secondhand smoke doesn't stay in one place. It seeps into the living spaces of other tenants and common areas of the building. It can even travel through lighting fixtures, cracks in walls, around plumbing, under doors and shared heating and ventilation.
- It is more than a nuisance or bad smell. Secondhand smoke is a Class 'A' Carcinogen much like radon and asbestos. A 2006 report from the United States Surgeon General, warns against secondhand smoke in the home.
- Secondhand smoke causes, or makes worse, lung cancer, asthma, sinus infections, ear infections, chronic cough, sudden infant death syndrome (SIDS) and heart disease.

- Smoking is not a right guaranteed under the Constitution. You have a right to ask landlords/management companies to protect you from unwanted secondhand smoke and to expect action.
- It's legal for landlords/management companies of private and public housing to adopt smoke-free building policies which protect your health and their property.

### 2. Document the Problem

- Write down how often secondhand smoke enters your home, what time of day or night, where it seems to come from and how it affects you and your family.

## Secondhand Smoke

Rhode Island smoke-free workplace laws protect workers from secondhand smoke exposure, but there are no laws to protect people from secondhand smoke where they live.

Secondhand smoke drifts from smokers' apartments forcing other residents to breathe it.

If you or your family are exposed to secondhand smoke from a nearby tenant, the tips on this sheet can help you move towards a smoke-free home.

- **SPECIAL NOTE:** If you have a serious, pre-existing condition made worse by secondhand smoke, like heart disease, chronic obstructive pulmonary disease, asthma or lung cancer, you may be eligible to file a Fair Housing Act (FHA) complaint, requiring landlords to provide you with 'reasonable accommodation'. visit: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/FHLaws/yourrights](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/FHLaws/yourrights) for more information.



# Smoke-Free Housing:

## *A Rhode Island Tenant's Guide ...continued*

- Get a letter from your doctor stating how the secondhand smoke is impacting you and your family's health.
- Find other neighbors who will join you to address the problem.

### 3. Talk it Out

- Consider friendly ways to talk to the smoker. Smokers are not always aware of their impact on neighbors.
- Phone, write or meet with your landlord/building management. If necessary, make an appointment.
- Tell your landlord how the smoke is affecting you and ask him about

solutions. This may be a good time to show him or her any doctor's notes you may have along with the "Benefits of Going Smoke Free" fact sheet included in your "Proud to be Smoke Free" tenant tool kit. Ask for notification when something is done.

### 4. Explore Legal Solutions

- As a last resort, find an attorney who knows tenant law. Some cases can be filed by disabled persons under the Fairness in Housing Act. Caution: Lawsuits are costly, with no guarantee of winning and the results can be minor.

### 5. Advocate for Smoke-Free Housing

- Seek support from neighbors to urge your landlord/building management to write a smoke-free policy into the lease.

