

**FOR IMMEDIATE RELEASE:**

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**Smoke-Free Housing Options in 2010**

For those in Marin planning to move to a new apartment in 2010, please be reminded that more options are available for non-smokers than ever before as local landlords have become increasingly sensitive to those who wish to live tobacco-free. Over the past year, more local apartment complexes have learned about the dangers of drifting tobacco smoke to tenants' health and well-being. Many apartments have adopted or are in the process of adopting a smoke-free policy such as smoke-free lease addendums for all new tenants. Policies such as these not only increase the quality of tenants' lives but also help to improve landlord-tenant relations.

For more information on smoke-free housing options including a list of questions tenants can use when visiting prospective apartments, please visit our website at [www.smokefreemarin.com/Apartments](http://www.smokefreemarin.com/Apartments). Model smoke-free policies are also available for landlords in English, Spanish, Vietnamese and Creole.

**About Bay Area Community Resources:**

Bay Area Community Resources is a not-for-profit in San Rafael that focuses on youth development and substance abuse outreach.

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# SMOKE FREE MARIN COALITION

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## *Smoke-Free Housing Press Kit*

Thank you for visiting the Smoke-Free Marin Coalition's smoke-free housing press kit. This press kit contains frequently asked questions on smoke-free housing issues including information on the dangers of secondhand smoke and secondhand smoke ordinances in Marin. Also included are policy and legal guidelines to help apartment managers create smoke-free buildings as well as suggestions for tenants looking for smoke-free housing.

In 2007, the Marin County Board of Supervisors passed a law prohibiting smoking in public areas such as building entrances, outdoor cafés and common areas of apartment buildings. This law pertains to jurisdictions included in County, Unincorporated areas. Other cities passing similar ordinances include City of San Anselmo and the Town of Ross. In 2008, the City of Novato passed a smoke-free multi-unit housing ordinance that requires 50% of existing apartment units and 75% of new apartment units to be smoke-free.

Surveys show that the smoke-free housing issue receives considerable public support which continues to grow each year. 86% of Marin residents are non-smokers and statewide surveys show that 69% of apartment dwellers favored regulations requiring all apartment buildings to offer non-smoking sections where all the apartments, patios and balconies in that section were non-smoking.

We also continue to receive a number of phone calls from Marin residents about smoke drifting into their apartment that causes physical discomfort and ailments. We take these complaints very seriously since exposure to second-hand smoke not only reduces the quality of life but also endangers it.

More information on this issue, including smoke-free toolkits for landlords and tenants, can be found online at <http://smokefreemarin.com/Apartments.html> or by phone at 415-499-3020.

## **Suggested Questions for Tenants Seeking Smoke-Free Multi-Unit Housing**

### **I. Smoke-free Policy Questions**

1. Do you have a formal non-smoking policy that includes a written lease addendum?
2. Have all current tenants signed the lease addendum or only new tenants?
3. How long has the policy been in place?
4. What does your policy consist of? Is the entire complex smoke-free both indoors and outdoors?
6. What is your process for handling smoking complaints?

### **II. Disclosure Questions**

1. Has a smoker lived in this unit?
2. Where do the smoking tenants live in this building?
3. Do any smokers live above, below or next to my prospective unit?
4. Is there a smoke-free section of the complex?

FAQs:  
Smoke Free Housing Exposure in Multi-Unit Housing in Marin

Smoke-free housing policies make good public health and business sense. Both apartment owners and residents benefit from policies that reduce or eliminate secondhand smoke. Smoke-free buildings are more cost-effective, reduce the risk of fire, and reduce management stress and tenant dissention. Below are some frequently asked questions about smoke-free housing policies:

Q: Why is secondhand smoke (SHS) dangerous?

- Secondhand smoke contains all the 4,000 toxic chemicals found in cigarettes and is actually more dangerous than the smoke inhaled with a cigarette since there is no filter available for secondhand smoke.
- In 2006, the California EPA Air Resources Board classified secondhand smoke as a toxic air contaminant with no known safe level of exposure, even in outdoor settings.

Q: Why is SHS in apartments such a health hazard?

- Too many sources of shared air for smoke to stay contained within one unit.
- Vents are not the only cause of contamination. Aggravating amounts of smoke can easily pass through pipes, floorboards, and even walls.
- Even if the smoker opens the windows or smokes on the balcony, the smoke drifts to the other units through the outside air, preventing the non-smoking tenants from opening their windows without exposure to smoke.
- Non-smoking tenants with or without a pre-existing ailment, such as asthma or a heart condition among others, can become medically ill from the exposure.

Q: How are smoke-free units more cost-effective?

- Smoke-free units require less cleaning, which requires less time and money from management. Restoration firms estimate a \$15,000 cost for smoking units.
- Tar and cigarette particulates will attach to all surfaces within the unit, including walls, carpet, and blinds. These can often not be removed in spite of cleaning efforts.
- Fire insurance premiums can decrease and will reduce risk of financial loss due to fire.

Remember, a smoke-free policy does not mean that you cannot rent to smokers or are only limited to non-smoking tenants. It only means that smokers are not allowed to smoke in units and outdoor common areas. Smokers have become increasingly used to “no-smoking” areas. Complexes are allowed to restrict smoking anywhere on the premise, but others may also create an outdoor designated smoking area at least 20 feet away from operable doors or windows.

Q: How do smoke-free buildings reduce management stress and tenant dissension?

- The Marin County Tobacco Disease Control Program has received hundreds of phone calls from stressed and aggravated tenants and landlords dealing with drifting smoke problems.
- Many responsible, non-smoking tenants have seriously contemplated or ultimately decided to leave their apartment because of the aggravation caused by secondhand smoke.
- Creating non-smoking policies eliminates tension between tenants and with management and reduces otherwise unnecessary and unwanted turnover, creating less stress and saving money for landlords and tenants.

Q: Is it legal to prohibit smoking in private units? Can a manager face a lawsuit from an angry tenant who still wants to smoke in his unit?

- There is no constitutional right to smoke. Banning smoking is not discrimination
- You have the legal right to ban smoking in all or part of your property, including individual rental units.
- “No Smoking” restrictions are the legal equivalent of “No Pets” or “No loud noises”
- The reality is that a landlord will more likely face a lawsuit from a frustrated and medically injured non-smoker than from a nonsmoker. Today’s legal climate tends to favor nonsmokers in these kinds of disputes.
- If someone is injured by tobacco smoke and takes legal action, your liability insurance may not protect you because tobacco smoke is a pollutant that has been categorized by the California Air Resources Board as a toxic with no known safe level of exposure.

For more information, go to: [www.Smokefreemarin.com](http://www.Smokefreemarin.com) or [www.talc.phd.org](http://www.talc.phd.org) or [www.Smokefreeapartments.org](http://www.Smokefreeapartments.org). Marin County’s Tobacco Disease Control Program is another source of free technical assistance: email Bob Curry at [rcurry@co.marin.ca.us](mailto:rcurry@co.marin.ca.us) or 415-499-3020.