

Achieving smoke-free apartment living

Information Sheet 2

What you can do to prevent or address the problem of smoke drift in apartment blocks

There are options available to both tenants and landlords/owners/agents to address the problem of smoke drift in apartment blocks.

An initial approach to resolve the problem might be to discuss possible solutions directly with the smoker. However, you should only speak directly with the smoker if you feel comfortable about your safety in doing so. Should this approach fail to resolve the problem, it is recommended that the approaches described below be pursued.

Landlords/Owners/Agents

Landlords/Owners/Agents can take the following action:

- If a property owner in a multi-unit development does not own the entire development, this owner should seek the support of the owners' corporation to establish a strata by-law[†] that prohibits smoking throughout the entirety of the development.
- In advocating to the owners' corporation, the owner should provide members of the corporation with information on the health, legal, and financial benefits[‡] of adopting a smoke-free by-law.
- If a by-law is established, provide notice to tenants of any decision to introduce the smoke-free building policy and that it will apply to all indoor areas.
- Include adherence of the smoke-free policy as a condition of lease in any new or renewed rental leases.
- Include information about the smoke-free policy in any 'for rent' or 'for sale' advertising.
- Place 'no smoking' or 'smoke-free area' signs in strategic locations.
- Be ready to explain the reasons for the smoke-free policy to tenants and would-be tenants. Consider referring tenants to this information kit.
- If your property insurer does not already provide a discounted fee for insuring smoke-free properties, suggest to the insurer that they do so. Point out that a property in which smoking does not occur represents a lower financial risk to property insurers (see under 'Financial benefits of smoke-free apartments' in Information Sheet 1, 'Why choose smoke-free apartments?').

[†] See Information Sheet 4 - Examples of 'smoke-free' strata by-laws.

[‡] See Information Sheet 1 - Why choose smoke-free apartments?



Tenants

As a tenant you have a legal right to participate in owners' corporation meetings if you have written permission from your landlord. You will not however have a right to vote at such a meeting. Nevertheless, once such permission is gained you may be able to advocate to those who *can* vote for the adoption of a by-law that would establish a 100% smoke-free policy in your apartment complex. In advocating to your owners' corporation you might like to make the following points:

- Second-hand smoke is a cause of illness including serious disease.¹⁻⁶
- There is a small but growing body of research suggesting potential health impacts of second-hand smoke exposure resulting from the infiltration of tobacco smoke into the homes of non-smokers.⁷⁻¹⁰
- The vast majority of people are non-smokers with even greater numbers choosing to make their homes smoke-free.¹¹
- There may be significant financial savings^o to be enjoyed from 100% smoke-free policies applying to apartment complexes.
- Compelling legal reasons[‡] suggest that it is good sense to establish a 100% smoke-free policy.

You should also be aware that under the NSW *Residential Tenancies Act 2010*:

- Your landlord or landlord's agent must take all reasonable steps to ensure that other neighbouring tenants do not interfere with your reasonable peace, comfort or privacy in using your residential premises.
- Also under the *Residential Tenancies Act 2010*, the Consumer, Trader and Tenancy Tribunal is empowered to hear and settle disputes relating to residential tenancies. Tenants have the right to apply for a hearing by the Tribunal. It was the Tribunal that ordered particular tenants in an apartment complex to take action to prevent smoke odour from their cigarettes entering other lots and common property after a landlord brought a case on behalf of tenants who had been exposed to second-hand smoke.¹²

It might be a good idea to show this information to your landlord.



Place 'no smoking' or 'smoke-free area' signs in strategic locations.

^o See Information Sheet 1 - Why choose smoke-free apartments?

[‡] See Information Sheet 1 - Why choose smoke-free apartments?

References

1. California Environmental Protection Agency Air Resources Board. Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant. 2005 Available from: <http://www.arb.ca.gov/toxics/ets/finalreport/finalreport.htm>
2. International Agency for Research on Cancer (IARC) and World Health Organization. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans - Volume 83. Tobacco Smoke and Involuntary Smoking – Summary of Data Reported and Evaluation. 2004.
3. National Health and Medical Research Council (Australia). The health effects of passive smoking : a scientific information paper. Canberra: Commonwealth of Australia; 1997.
4. Tobacco Advisory Group of the Royal College of Physicians. Report on passive smoking and children. London: Royal College of Physicians; 2010.
5. U.S.Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Atlanta, GA. 2006 [cited 9.3.10 A.D.]; Available from: <http://www.surgeongeneral.gov/library/secondhandsmoke/report/index.html>
6. U.S.Department of Health and Human Services. (2010); How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General. Atlanta, GA: , 2010. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.
7. King BA, Travers MJ, Cummings KM and et al. (2010); Secondhand smoke transfer in Multiunit Housing. *Nicotine & Tobacco Research*. 12(11): 1133-1141.
8. Kraev TA, Adamkiewicz G, et al. Indoor concentrations of nicotine in low-income, multi-unit housing: associations with smoking behaviours and housing characteristics. *Tob Control* 2009;18:438-44
9. Morrison SL. (2011); Air quality testing in a residential building in New Hampshire, USA.
10. Wilson KM, Klein JD, et al. Tobacco-smoke exposure in children who live in multiunit housing. *Pediatrics* 2011;127:85-92
11. NSW Department of Health Centre for Epidemiology and Research. (2009); New South Wales Population Health Survey 2009 (HOIST).
12. Durie GJ. (6-11-2006); Consumer, Trader and Tenancy Tribunal Strata and Community Schemes Division.