



Other Renters' Smoke: What You Should Know Before You Rent

Movement of cigarette smoke in apartment buildings

Anyone who's taken high school physics may remember that gases expand to fill a space. In addition to small particles, cigarette smoke contains a number of gases. An apartment is not like a sealed box. Between each apartment unit and the adjacent unit are many spaces around pipes and electrical conduits, and between walls and floors or ceilings. As the gases in cigarette smoke expand they expand into these spaces and into units where tenants do not smoke. The path smoke takes through a building is unpredictable. Generally it will move into units above the one in which it was generated. However, research conducted in typical Minnesota apartment buildings shows that it may move into adjacent units on the same floor or even into units below.

Unwanted smoke: a common problem

It is not surprising, therefore, that a survey found that almost half of rental households in Minnesota multi-family buildings say that tobacco smoke odors get into their apartment from somewhere else at times. Thirty-seven percent of those experiencing others' smoke, say it bothers them "a lot" or "so much I'm thinking of moving." Some of these tenants find the smell of tobacco smoke in their closets and clothing, in their bathrooms, or throughout their apartment unit annoying. Those with health problems or children with conditions like asthma are also likely to be concerned about the known harmful effects of secondhand smoke.

Fire damage and death

Another reason for renters to be concerned about smoking in their apartment building is that twenty-three percent of the fire fatalities in Minnesota in 2001 were attributed to cigarette-caused fires. Cigarettes are designed to burn even when no one is drawing on them. This means that they will not go out when they are resting in an ashtray. It also means that they will not go out if someone falls asleep or passes out while smoking, allowing the cigarette to fall into upholstery or mattresses. There it may smolder for several hours before causing the materials around it to burst into flames.

If you smell smoke, it's probably not your imagination

A recent survey of Minnesota renters found that almost half of renters experience smoke that originates outside their unit. Of those that breathe other renters' smoke, over a third say it bothers them a lot or so much that they are considering moving.

Legal rights

The Minnesota Clean Indoor Air Act (MCIAA) only requires a landlord to designate no-smoking sections in common areas of apartment buildings. These areas include hallways, laundry rooms, lounges, mailrooms, and pool areas. The simplest way to do this is to prohibit smoking in these common areas, and many landlords do this. The MCIAA does not regulate smoking in individual apartments, and most owners allow their tenants to smoke in their apartments. Under Minnesota law, you have no explicit right to clean air in your apartment unless your landlord prohibits smoking in all units and stipulates the policy in the lease.

Finding a smoke-free building

Ideally, you will find a suitable apartment in a building whose owner stipulates the smoke-free policy in the lease. When you scan want ads in the newspapers or on-line listing services, look for terms like “no smk,” “no pets/smkg.” Live Smoke Free has an online listing of smoke-free buildings around Minnesota at www.mnsmokefreehousing.org.

Make sure that the lease applies to all tenants. Some owners phase in such a policy, designating a unit smoke-free only when current tenants move out. This means that you and your guests may not be allowed to smoke, but others in the building may. Obviously, the less smoke in the building, the less likely you are to be bothered by it. So a building in transition may be better than a building where there are no restrictions on smoking in individual units.

Getting the best place in a building that allows smoking

If you can't find a smoke-free building, you can reduce the chances of a problem by renting an end unit on the lowest floor. You can also ask owners and managers what they would do if you were to find you had a problem. They may dismiss the possibility of a problem: “Oh, we've never had a problem with smoke.” Because only a small percentage of renters with problems with smoke complain to owners or managers, many of them are not aware of the situation.

If you want to educate owners, provide them with “Secondhand Smoke in Minnesota Apartment Buildings: A Summary of the Research,” available from Live Smoke Free or on the web site of the Association for Nonsmokers-Minnesota: www.ansrmn.org. (Links to the full reports also appear on this web site.) Ask them to consent to language in the lease that that allows you to break your lease if you have persistent problems with smoke that gets into your unit from somewhere else. Probably few of them will consent to that language, but your request will make them aware that some renters really do not want to breathe others' smoke.

Role of Live Smoke Free

Live Smoke Free, a program of the Association for Nonsmokers-Minnesota (ANSR), advocates for renters and educates apartment building owners, policy makers, and those that fund housing about the issues associated with smoke-free apartments. It addresses the discrepancy between the number of smoke-free apartment units available and percentage of renters who would prefer to live in them. Its ultimate goal is to see that every renter who wants a smoke-free unit gets one.