



## When Secondhand Smoke Enters Your Home: Frequently Asked Questions

Secondhand smoke can be a difficult problem to live with. The information and resources below may help when secondhand smoke enters your home.

### **What laws protect New Yorkers from secondhand smoke in buildings?**

The New York City (NYC) Smoke Free Air Act (SFAA) prohibits smoking and e-cigarette use in the common areas of residential buildings with three or more units. Common areas include hallways, stairwells, laundry rooms and lobbies. Smoking includes the use of tobacco or cannabis (marijuana) cigarettes, cigars, and hookah (water pipes).

### **What can I do if smoke enters my apartment because my neighbors smoke in common areas?**

To report an SFAA violation, call **311**, or visit [on.nyc.gov/smokingcomplaint](https://on.nyc.gov/smokingcomplaint), expand the **Building** drop-down and click **Report smoking at a location covered by the Smoke Free Air Act**. To report a violation by phone or online, you must provide contact information for the landlord or management company and the building address. All information shared with **311** is confidential.

### **What can I do if smoke enters my apartment because my neighbors smoke in their apartment?**

The SFAA does not stop people from smoking inside their apartments. This means the NYC Department of Health and Mental Hygiene cannot respond to complaints of smoke traveling from one apartment into another.

If your building has a smoke-free policy and does not allow smoking in the home, your neighbor may be in violation of their lease. Follow these steps to report the issue:

1. Write down when the smoke enters your apartment, where it comes from and any health problems it causes (such as coughing or trouble breathing) in a journal or calendar. Include as much detail as you can.
2. Write to your building owner or manager. Describe the problem in detail and ask for help. You can also suggest solutions, such as filling cracks between apartments or checking the ventilation system. Keep copies of any communication and responses.
3. If you do to speak with your neighbor, use a friendly approach. Tell them the smoke is entering your apartment and affecting you or your family's health. If you need help speaking with your neighbor, contact the New York Peace Institute at 212-577-1740 or [info@nypeace.org](mailto:info@nypeace.org).
4. If the steps above do not help, keep writing to your building owner or manager.
5. Visit [nycsmokefree.org](https://nycsmokefree.org) to learn more about how to advocate for smoke-free housing.

### **What if my building does not have a smoking policy?**

As of August 2018, a local law requires all residential buildings with three or more units to have a smoking policy. Building owners and managers must share their policy with current and future tenants or face a \$100 penalty. Smoking policies for residential buildings are decided by building owners and

management. While some buildings may be smoke free, the law does not require housing to be smoke free. For more information, visit [nyc.gov/health](http://nyc.gov/health) and search for **smoke-free housing**.

#### **What if I did not receive a smoking policy from my landlord?**

Ask your landlord for the policy, or call **311** and tell the agent you did not receive a smoking policy from your landlord. You must provide the building address and contact information for the landlord or management company. All information shared with **311** is confidential.

#### **What if my building owner or manager does not help?**

Consider speaking with a lawyer about your legal rights. A tenant with a disability affected by smoking, like lung disease, may be able to take legal action if a landlord does not provide reasonable accommodations to protect them from secondhand smoke. For more information, visit:

- [nycourts.gov/courts/nyc/housing](http://nycourts.gov/courts/nyc/housing)
- [housingcourtanswers.org/answers/for-tenants](http://housingcourtanswers.org/answers/for-tenants)
- [publichealthlawcenter.org/topics/commercial-tobacco-control/smoke-free-housing](http://publichealthlawcenter.org/topics/commercial-tobacco-control/smoke-free-housing)
- [smokefreehousingny.org](http://smokefreehousingny.org)

#### **Are there other policies that apply to public housing?**

Yes. The U.S. Department of Housing and Urban Development required all public housing be smoke free by July 30, 2018. The NYC Housing Authority's (NYCHA) smoke-free policy prohibits the use of cigarettes, cigars, pipes and hookah pipes anywhere inside public housing buildings and outdoors within 25 feet of any NYCHA building. For more information about Smoke-Free NYCHA, visit your NYCHA management office or [on.nyc.gov/nycha-smoke-free](http://on.nyc.gov/nycha-smoke-free). To report a violation, call the NYCHA Customer Contact Center at 718-707-7771.

#### **What if I have a child at home and am concerned about secondhand smoke?**

Contact your child's health care provider. If a child in your home has a disability or chronic illness (such as asthma) and might benefit from additional services, contact the Children And Youth With Special Health Care Needs program by calling **311**, emailing [cshcn@health.nyc.gov](mailto:cshcn@health.nyc.gov), or visiting [nyc.gov/health](http://nyc.gov/health) and searching for **children and youth with special health care needs**.

#### **How can I make my residential building smoke free?**

If you want your building completely free of secondhand smoke, send a letter or email to your building owner or manager. Describe your concerns about secondhand smoke from tobacco or cannabis entering your home and request a smoke-free building policy. Consider asking your neighbors to make similar requests. Keep a copy of all written requests.

#### **As a building owner, how can I make my property smoke free?**

If you are a building owner, visit [nyc.gov/health](http://nyc.gov/health) and search for **smoke-free housing** for resources on developing or changing your building's smoking policy, such as a sample policy that includes tobacco, cannabis and vaping products, and smoke-free housing information for residents.

For questions, email [shscomplaints@health.nyc.gov](mailto:shscomplaints@health.nyc.gov). For more information about cannabis, visit [nyc.gov/health](http://nyc.gov/health) and search for **cannabis**.