



When Secondhand Smoke Enters Your Home: Frequently Asked Questions (FAQ)

Secondhand smoke in your home can be a difficult problem to live with. We hope the information included here will help.

What laws protect New Yorkers from secondhand smoke in their buildings?

The New York City 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 cigarettes, cigars and water pipes (hookah).

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

You may call **311** to report a violation of the SFAA, or visit on.nyc.gov/smokingcomplaint and click on the **Building** tab, then click on **Report smoking at a location covered by the Smoke Free Air Act**. To file a complaint by phone or online, you must provide the building address and contact information for the landlord or management company. All information shared with 311 is confidential.

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

The Smoke Free Air Act does not stop people from smoking inside their apartments. This means the New York City Health Department 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 the details of when the smoke enters your apartment, where it comes from and any health problems the smoke causes (such as coughing or problems breathing). Track this in a journal or calendar. Include as much detail as you can.
2. Write to your building owner or building manager. Describe the problem in detail and ask for help. You can also suggest solutions, such as filling cracks between apartments or examining the ventilation system. Keep copies of any communications and responses.
3. If you decide to speak with your neighbor, use a friendly approach. Let them know 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.
4. If these steps do not solve the problem, keep writing to your building owner or building manager.
5. Visit NYCSmokeFree.org to learn more about how to advocate for smoke-free housing.

What if my building does not have a policy on smoking?

As of August 2018, a local law requires all residential buildings with three or more units to have a policy on smoking. 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

IF YOU HAVE OTHER QUESTIONS, EMAIL SHSCOMPLAINTS@HEALTH.NYC.GOV.



owners/management. While some buildings may be smoke-free, the law does not require housing to be smoke-free. For more information go to nyc.gov 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 the **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 the building owner or manager refuses to help?

Consider talking with a lawyer about your legal rights. For more legal information, visit these websites:

- nycourts.gov/courts/nyc/housing
- housingcourtanswers.org/answers/for-tenants
- publichealthlawcenter.org/topics/tobacco-control/smoke-free-tobacco-free-places/housing
- 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. New York City 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. To report a violation, contact 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 family doctor or pediatrician. If a child in your home has a disability or chronic illness such as asthma and might benefit from additional services, contact the Children with Special Health Care Needs Program by calling **311**, emailing CSHCN@health.nyc.gov, or visiting nyc.gov/health and searching for **children with special health care needs**.

How can I make my residential building smoke-free?

If you support making your building completely free of secondhand smoke, send a letter or an email to your building owner or manager. In your letter, describe your concerns about secondhand smoke 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 and search for **smoke-free housing** for information about how to change your building's smoking policy. You will also find smoke-free housing information to share with residents.

For more information on secondhand smoke, visit nyc.gov and search for **secondhand smoke**.

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