



SmokeFree Housing: A New Trend in Rental Housing

By Jo Becker, Education/Outreach Specialist, Fair Housing Council of Oregon

Many of you have heard me talk about HousingConnections.org before. It is a local online service that helps housing consumers and housing providers connect completely free of charge. HousingConnections.org has launched a new "Smoking Restrictions" search feature to help housing providers market an increasingly requested amenity in the rental market: smokefree housing.

This upgrade to the site has been developed in consultation with the American Lung Association of Oregon, the Multnomah County Health Dept., Clark County Public Health, and staff of the Fair Housing Council. The collaboration involved a great deal of technical work as well as extensive outreach to current site users to assure their properties were properly designated after the changes were made.

Campbell DeLong Resources, Inc. was recently hired to get the pulse of the local rental market and a sense of the viability of, and demand for, smokefree housing policies. Their report states that "even if we put aside the significant health benefits of smokefree housing as a reason for landlords to implement such policies, a landlord who wishes to attract a large number of quality applicants will gain a distinct competitive advantage by offering housing that is smokefree."

Specifically, the survey found that:

- 8 in 10 renters do not allow smoking in their homes
- 8 in 10 agree that exposure to even small amounts of secondhand smoke is a serious health risk, including 2/3 of current smokers
- 3/4 of all metro-area renters agree that, all things being equal, they would choose a rental home where smoking is forbidden
- 42% said they would actively avoid places where other renters smoked; compared to only 11% who look specifically for a lack of such policies

Smoking restrictions make further business sense when you consider savings on certain cleaning and maintenance costs, a reduction in the risk of accidental fires, and possible reduction in insurance costs.

You should know that property owners and managers have every right under fair housing laws to restrict smoking in and on their property. Smoking is not a protected class; neither smokers nor the act of smoking is included as a protected class under federal, state, or local Fair Housing laws¹.

What's more, you should also know that all public spaces (common areas such as laundry rooms, hallways, stairwells, inside of common entryways, pools, etc.) are required to be smokefree under

¹ Federally protect classes under the Fair Housing Act include: race, color, national origin, religion, sex, familial status (children) and disability. Oregon law also protects marital status and source of income. Washington law covers marital status. Additional protected classes have been added in particular geographic areas.

Oregon state law. In Washington, Initiative 901 prohibits smoking within 25 feet of entrances, exits, open-able windows, and ventilation intakes. That is, any area inside a rental property (with the exception of the actual, private dwelling unit itself) would be required to be smokefree under the state's definition of "public places." Because multiple residents and guests have access to common areas, they are considered public and, therefore, fall under the smokefree workplace law.

The same restrictions would apply to similar common areas in condominium complexes. The law does not cover outdoor spaces or the interior of individual housing units.

To formulate a rule change for a property you own or manage, talk with your attorney and/or local landlord association about the best way to modify your existing rental contracts under current landlord/tenant law.

Free educational materials and extensive smokefree housing resource materials can be found on website linked to HousingConnections.org hosted by the American Lung Association of Oregon, the Multnomah County Health Dept. and Clark County Public. Visit smokefreehousingnw.org for more information or call the Smokefree Hotline at 503/453-0926.

This article brought to you by the Fair Housing Council; a nonprofit serving the state of Oregon and SW Washington. Learn more and / or sign up for our free, periodic newsletter at FHCO.org.

Qs about your rights and responsibilities under fair housing laws?

Visit FHCO.org or call 1-800-424-3247 Ext. 2.

Qs about this article? Want to schedule an in-office fair housing training program or speaker for corporate or association functions?

Contact Jo Becker at jbecker@FHCO.org or 503/453-4016.

Have property to promote?

Advertise vacancies or for-sales free across the Portland / Vancouver market at HousingConnections.org!