

Oregon's New Law Requiring Landlords to Disclose their Smoking Policy

WHAT DO I AS A LANDLORD NEED TO KNOW ABOUT THIS LAW?

Q. What does the new law say?

A. The new Oregon law states the following:

...The rental agreement for a dwelling unit regulated under ORS Chapter 90 [Landlord -Tenant Law] must include a disclosure of the smoking policy for the premises on which the dwelling is located. The disclosure must state whether smoking is prohibited on the premises, allowed on the entire premises or allowed in limited areas on the premises. If the smoking policy allows smoking in limited areas on the premises, the disclosure must identify the areas on the premises where smoking is allowed.

Exempted from this requirement are rental agreements in which owner of manufactured dwelling or floating home secures the right to locate dwelling or home on real property of another.

Q. When does the law go into effect?

A. The new law takes effect January 1, 2010.

Q. What do I need to do to comply with this new law?

A. You will need to notify your tenants of your smoking policy as they sign new lease agreements. You may want to take advantage of the new law going into effect to inform all of your tenants about your smoking policy.

Q. Does this mean that I have to prohibit smoking in my rental units?

A. No, but it is a great reason for you to go ahead and adopt a no-smoking policy. It will simplify your work, save you money, protect your tenants from secondhand smoke exposure and protect you from future liability.

Q. What forms can I use to notify my tenants of my smoking policy?

A. You may draft your own forms using sample lease language available at www.smokefreehousinginfo.com. You may purchase forms that comply with the new law from any of these major providers of rental forms:

- Oregon Rental Housing Association: www.rhagp.org/rhagp/form_27.pdf
- Metro Multifamily Housing Association: http://www.metrofamily.com/userfiles/file/forms/M155_No_Smoking.pdf
- Stevens-Ness Law Publishing Company: See *Non-Smoking Addendum* - form #541 www.stevensness.com/store/detail.cfm?fID=991

Q. What if I don't use a written lease agreement?

A. Oregon landlords are not required to have a written lease agreement. Just because you have a verbal agreement does not mean you are not responsible for other written documentation such as the smoke alarm addendum required by Oregon state fire code and lead paint disclosure addendum required by Federal law for homes built before 1978.

This law requires landlords to notify tenants of their smoking policy. Doing this verbally leaves no physical proof that it was done. You would better protect yourself from liability by using written documentation available through a variety of sources mentioned above.

Q. Do I have to post signs announcing smoking policies?

A. No, but signs indicating where smoking is prohibited are important in achieving good tenant compliance. A variety of signs and posters are available at www.smokefreehousinginfo.com.

Q. What do the exemptions include?

A. People who own their manufactured home or floating home often rent the space where their homes sit. For purposes of this law, they are considered homeowners and not renters.

Q. How does this law benefit landlords?

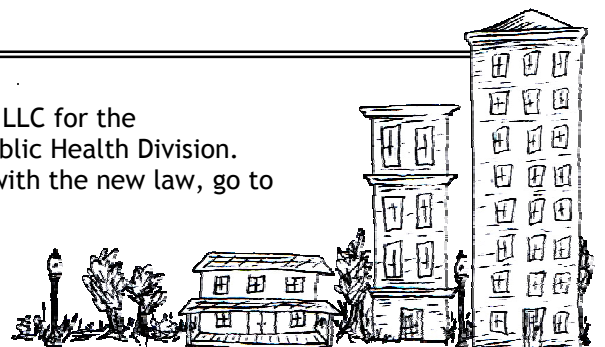
A. Many landlords want to adopt no-smoking policies to protect their properties from damage and fires, but they are not sure whether it's legal. This law clarifies that. Ensuring your tenants are aware of the smoking policy could avoid landlord liability and conflicts between tenants. Adopting a no-smoking policy will save you money in cleaning and maintenance and help you attract and keep tenants who take good care of your units.

Q. Why is this law good for renters?

A: This law will give renters the information they need to make a decision about where they will live. Choosing to live in a non-smoking environment will protect them from the dangers of exposure to secondhand smoke, a toxic substance containing 43 cancer-causing agents. The US Surgeon General said it best in 2006, "The debate is over. The science is clear. Secondhand smoke is not a mere annoyance, but a serious health hazard."

The American Society of Heating, Refrigerating, and Air Conditioning Engineers says, "Currently, the only way to effectively eliminate health risks associated with indoor exposure is to ban smoking activity."

This information is provided by Health In Sight LLC for the Tobacco Prevention and Education Program, Oregon Public Health Division. For more information and tools to help landlords comply with the new law, go to www.smokefreehousinginfo.com



Oregon Smokefree Housing Project