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New Law Requires Landlords to Clearly State Smoking Policy
Supports 70 percent of Oregon renters who prefer smokefree housing

Portland, Ore.— As of January 1, 2010, Oregon landlords are required, as part of the rental agreement, to disclose their smoking policy to tenants, including whether smoking is prohibited, allowed on the entire premises or allowed in limited areas. This new Smoking Policy Disclosure Law, passed by the Oregon Legislature in 2009, means that renters will know for certain, before signing a lease, whether they will be impacted by secondhand smoke.

“This law will give renters the information they need to make a decision about where they will live, and choosing to live in a non-smoking environment will protect them from the dangers of exposure to secondhand smoke,” said Moloy Good, Executive Director of the Fair Housing Council of Oregon.

Tenants must be notified of the policy as they sign new lease agreements. Landlords may draft their own disclosure forms, or may use sample lease language available at www.smokefreehousinginfo.com. Forms that comply with the new law are also available from the Oregon Rental Housing Association, Metro Multifamily Housing Association and Stevens-Ness Law Publishing Company.

If one person smokes in an apartment, everyone in the building is exposed to more than 43 cancer-causing agents and other toxins that slip in through vents, windows and doors. Exposure to secondhand smoke causes heart disease and lung cancer in adults and sudden infant death syndrome and respiratory problems in children.

While the law does not require landlords to prohibit smoking in their rental units, it provides an opportunity for them to join the statewide trend of rental properties adopting no-smoking policies, one that has proven to have both financial and health benefits. It is legal for landlords to ban smoking in and around their property.

Smokefree housing is becoming popular in Oregon. The state’s largest property management company, Guardian Management LLC, took its 8,000 rental units smokefree in 2007. In addition, a survey conducted in 2008 by Campbell DeLong Resources, Inc. for the Oregon Tobacco Prevention and Education Program found that 70 percent of renters would prefer to live in a non-smoking building and 40 percent would pay extra rent to do so. In addition, 83 percent of Oregonians don’t smoke and 86 percent of Oregonians say people should be protected from the dangers of secondhand smoke.

The Multnomah County Health Department is available to help landlords adopt a no-smoking policy and make a smooth transition with renters, offering resources such as sample lease language, signage and tools for communicating with renters. Property owners and managers interested in learning more about making their properties

smokefree should contact Rachael Banks at 503-988-3663 or visit www.smokefreehousinginfo.com or www.smokefreehousingnw.com.

The Oregon Tobacco Prevention and Education Program works with local health departments, tribes, schools and community organizations to deliver a comprehensive tobacco prevention program to all Oregon residents. Program activities are based on evidence-based strategies to reduce and prevent tobacco use. For more information, visit <http://www.oregon.gov/DHS/ph/tobacco/> and <http://www.smokefreeoregon.com>.

Oregon law (ORS Chapter 90, ORS 479.250 to 479.300) 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.

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