



# Smoke-Free Housing Help

## Resources for Minnesota Property Managers and Residents

Are you exposed to secondhand smoke in your home or apartment or a property manager that is struggling with smoke-free policy compliance at your property? You may wonder what legal options are available to help support your case. We recommend these steps before pursuing legal action:

**Step 1:** Review the rules and agreements that apply to your property

- These include local ordinances, lease agreements, common interest community bylaws, smoke-free policies, and policy enforcement details
- Learn more about the legal duties of landlords and tenants under Minnesota law in the [Landlords and Tenants: Rights and Responsibilities Handbook](#)\* from the Attorney General's Office
- Learn more about the [Minnesota Clean Indoor Air Act](#)

**Step 2:** Make a list of solutions that you have already tried or could try

**Step 3:** Review [informational documents about secondhand smoke](#) from the Minnesota Department of Health

**Step 4:** Identify staff or groups at your property that can help you

- These may include property managers, resident council leaders, homeowner's association members, social workers, etc.

**Step 5:** Document the problem in writing

- Learn how to document a smoking violation and view [sample documents and forms](#)

- Keep a record of when and where you notice the secondhand smoke, where it seems to come from, how it affects you, and all communication with your property manager, neighbors, tenants, etc.
- Consider asking your doctor for a letter documenting your health concerns from secondhand smoke exposure

**Step 6:** Discuss the issue with the people involved (e.g., neighbor, property manager, residents, including those who smoke, etc.)

- Before approaching the other people involved, make a list of key points you would like to talk about and possible solutions to the problem (e.g., smoking outside at a distance from doors and windows, limiting the times when your neighbor smokes, etc.)
- If you are concerned about secondhand smoke in multi-unit housing where you live or work, try resolving the issue by arriving at an agreement with your neighbor, if you feel safe and comfortable doing so, before involving anyone else
- Quick communication is key in resolving residential disputes and finding an agreement that works for everyone; do not wait for the situation to worsen

### **Tips for having a productive conversation**

1. Approach the situation peacefully—your neighbor or tenant may not realize that drifting secondhand smoke is causing harm or is in violation of the smoke-free policy.
2. Use a polite and respectful tone. Avoid accusing others or placing blame. Remember, you are trying to address the secondhand smoke and should not make it personal.
3. Clearly describe the problem you are experiencing, the impact the drifting secondhand smoke is having on you, and possible solutions.
4. Listen and acknowledge their point of view, incorporating these concerns and perspectives to arrive at a solution that works for everyone.
5. The goal of this discussion is to work together to solve the issue. Be clear that you are asking for help in solving the problem, not trying to control their behavior.
6. If an agreement is reached, suggest a follow-up meeting to make sure the situation is resolved in a way that works for everyone.

**A note on safety:** Your safety is most important in any interaction with your neighbors. If at any time you feel threatened or unsafe, it is okay to excuse yourself from the conversation.

- If you are uncomfortable approaching the other person, consider leaving a note about the issue and suggest meeting sometime to talk about possible solutions
- If you are a resident and an agreement cannot be reached by speaking to your neighbor, reach out to your building management company, landlord, or homeowner's association for help
- Seek support from your neighbors, as they may have the same concerns, and consider asking them to sign [a resident petition](#) to change your building's smoking policy

**Step 7:** Contact your local smoke-free housing program, health department, or American Lung Association for support enforcing a smoke-free housing policy or putting one in place

- Find programs for Minnesota residents by contacting Live Smoke Free or searching the [Global Directory of Smoke-Free Housing Programs](#)
- If you are a property manager looking for guidance enforcing a smoke-free policy or boosting compliance, check out these resources:
  - [Smoke-Free Compliance and Enforcement Toolkit](#)
  - [Smoke-Free Multi-Unit Housing: Equitable Enforcement Strategies](#)

**Step 8:** Use conflict de-escalation strategies

- Many online resources offer tips for effective conflict de-escalation

**Step 9:** Contact a conflict mediation agency or legal resource

The resources on the following pages can provide more information and support to help fix your situation. These resources are for reference only. Contact an attorney for legal advice before taking any legal action.

# Resources Available to Minnesota Property Staff & Residents

The following resources may be useful to both property managers and residents in multi-unit housing.

## Department of Housing and Urban Development (HUD)

HUD can answer questions and provide support on issues related to smoke-free policy implementation and enforcement in public housing. Visit [HUD's Smoke-Free Housing page](#) to learn more, or contact [smokefreepublichousing@hud.gov](mailto:smokefreepublichousing@hud.gov).

## Public Health Law Center (PHLC)

PHLC provides resources and information about legal issues related to smoke-free housing for property owners, managers, and residents. They are a source of legal information and support. PHLC does not give direct legal help to individuals. Visit [PHLC's Smoke-Free Housing page](#) for information about smoke-free housing policies, best practices for policy enforcement, factsheets, videos and more.



## Minnesota Judicial Branch

The rights and duties of landlords and tenants are laid out in federal law, state statutes, local ordinances, and safety and housing codes. These responsibilities can vary from place to place around the state of Minnesota. Visit the [Minnesota Judicial Branch website](#) for more information about the legal rights and duties of landlords and tenants in Minnesota.

# Resources Available to Minnesota Residents

The following resources are intended for residents.

## **Statewide Resources:**

### **HUD Multifamily Housing Complaint Line (MFHC)**

Public housing residents can call [the MFHC line](#) to report housing issues such as poor maintenance, dangers to health and safety, poor management, and fraud. Callers can speak to MFHC information specialists, in English or Spanish, who will help resolve and/or report the problem. They may also refer the resident to other organizations if needed. Dial 1-800-MULTI-70 (1-800-685-8470) to speak with a specialist.

### **HUD Fair Housing Act Materials**

Individuals with health conditions worsened by secondhand smoke may be considered disabled under [the federal Fair Housing Act](#). Housing providers must make reasonable accommodations to allow persons with disabilities to enjoy their housing, and certain multifamily housing must be accessible to people with disabilities. If reasonable accommodations are not made or the property is inaccessible due to secondhand smoke, residents can [report housing discrimination to HUD](#) via mail, email, or their website.

### **National Housing Law Project**

The [National Housing Law Project](#) aims to advance housing justice for poor people and communities. They do this by strengthening and enforcing the rights of renters, increasing housing opportunities for underserved communities, and expanding the nation's supply of safe and affordable homes.

### **Legal Services Corporation: Find Legal Aid**

Legal Services Corporation provides financial support for civil legal aid to low-income Americans. Search your address on their ["I Need Legal Help"](#) page to find your nearest legal aid organization or see pg. 7 for MN regional organizations.

## American Nonsmokers' Rights Foundation: The Smoker Next Door

The ["The Smoker Next Door" resource](#) offers tips on how to handle unwanted smoke in apartments or condominiums. It provides general background information, instructions for effective communication, and possible legal options for those affected by drifting secondhand smoke.

### HOME Line

[HOME Line](#) is a Minnesota nonprofit organization that provides free, confidential legal advice to renters through a hotline. HOME Line serves the entire state of Minnesota and provides services in English, Spanish, Somali, and Hmong.

### Volunteer Lawyer Network

The [Volunteer Lawyer Network](#) connects qualifying Minnesotans with volunteer attorneys who provide advice, brief services, or representation in court. The Network can provide support for individuals facing many issues, including housing conflicts.



### Minnesota Legal Advice Online

[Minnesota Legal Advice Online](#) offers free help for civil legal issues to low-income Minnesota residents. Qualifying individuals may submit questions online and will receive legal advice from a volunteer lawyer.

### LawHelpMN

[LawHelpMN](#) aims to improve access to justice for all Minnesotans. They can connect residents to a lawyer that specializes in housing and/or provide information about residents' rights or legal problems.



## **Regional Resources:**

### **Southern Minnesota Regional Legal Services**

[Southern Minnesota Regional Legal Services](#) provides free legal help to low-income individuals in the southwest and southeast regions of the state. They also serve those in Carver, Dakota, Ramsey, Scott, and Washington counties in the Metro. They aid in civil matters, including housing disputes.

### **Legal Services of Northwest Minnesota**

[Legal Services of Northwest Minnesota](#) provides free legal help to qualifying low-income individuals in 22 northwest Minnesota counties.

### **Justice North (formerly Legal Aid Service of Northeastern Minnesota)**

[Justice North](#) provides civil legal aid to qualifying low-income individuals in 12 counties in the northeastern region of Minnesota.



### **Mid-Minnesota Legal Aid**

[Mid-Minnesota Legal Aid](#) provides free civil legal aid for housing discrimination and evictions to low-income individuals in 20 central Minnesota counties.

### **Central Minnesota Legal Services**

[Central Minnesota Legal Services](#) provides free legal help to low-income individuals and families in 21 counties in central Minnesota.

*Call 1-877-MY-MN-LAW (1-877-696-6529) to find out if you are eligible for services from one of the five resources above.*

# Mediation and Conflict Resolution Resources

Mediation is a conflict resolution process. A person not involved in the conflict—a neutral mediator— helps those involved have a respectful discussion about their issues to find a solution that everyone can agree on. Through mediation, those involved in a dispute can try to work through their problems before spending any money on legal action. The cost of mediating a case is small compared to the costs of a lawsuit.

## **Statewide Resources:**

### **Conflict Resolution Center**

The [Conflict Resolution Center](#) provides low- to no-cost housing mediation services and helps support community conversations for neighborhood groups, condo associations, apartment buildings, and other large groups.

### **Mediation and Restorative Services**

[Mediation and Restorative Services](#) provides housing and community mediation services. All housing mediations are virtual and free to Minnesota residents.

### **One Roof Community Housing**

[One Roof Community Housing](#) provides education, information, and problem-solving help to improve landlord-tenant relations and decrease the number of evictions. One Roof offers: free mediation services for landlord/tenant and neighbor-to-neighbor disputes; landlord workshops on fair housing laws, local government requirements, and other common issues; and one-on-one education for tenants and landlords about legal rights and responsibilities.



## **Regional Resources:**

### **Community Mediation & Restorative Services, Inc.**

[Community Mediation & Restorative Services, Inc.](#) provides low- to no-cost conflict resolution services in **Hennepin County**. They offer mediation services for landlord/tenant and neighborhood disputes, training in mediation practices, and eviction prevention clinics.

### **Dispute Resolution Center**

The [Dispute Resolution Center](#) provides free housing mediation services for landlords, tenants, and homeowners in the **Twin Cities Metro area**. They focus mainly on the Rondo, Dayton's Bluff, Frogtown, Highland Park, and Macalester-Groveland neighborhoods in Ramsey County.

### **Mediation Conflict Solutions**

[Mediation Conflict Solutions](#) provides affordable mediation and other conflict resolution services to residents of **Rochester, Olmsted County, and southeast Minnesota**.

### **Restorative and Mediation Practices**

[Restorative and Mediation Practices](#) offers mediation services in **southern Minnesota**. Mediators are available to help tenants and landlords work out agreements and put them into writing.



### **Rice County Dispute Resolution Program**

The [Rice County Dispute Resolution Program](#) provides community and civil court mediation services for neighborhood and landlord-tenant disputes in **Rice County**.

# Smoke-Free Housing Programs

Many programs promote smoke-free housing in Minnesota. These programs can usually help both property managers and residents who experience secondhand smoke exposure in their multi-unit building.

Check out the resources below or use the [Global Directory of Smoke-Free Housing Programs](#) to find a smoke-free housing program near you. Please note that these programs may only be able to provide limited help.



## **Live Smoke Free**

[mnsмоkefreehousing.org](http://mnsмоkefreehousing.org)

651-646-3005



**PUBLIC HEALTH  
LAW CENTER**  
at Mitchell Hamline School of Law

## **Public Health Law Center**

[www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)

651-290-7506



## **American Lung Association Smokefree Housing Initiative**

[www.lung.org/policy-advocacy/tobacco/smokefree-environments/multi-unit-housing](http://www.lung.org/policy-advocacy/tobacco/smokefree-environments/multi-unit-housing)

+1-800-586-4872



## **Minnesota Department of Health**

[www.health.mn.gov/tobacco](http://www.health.mn.gov/tobacco)

651-201-3535

866-901-8316 (toll-free)

# Resource Links

## Before Taking Legal Action

Landlords and Tenants: Rights and Responsibilities Handbook

[www.ag.state.mn.us/consumer/handbooks/lt/default.asp](http://www.ag.state.mn.us/consumer/handbooks/lt/default.asp)

MN Clean Indoor Air Act

[www.health.state.mn.us/communities/environment/air/mciaa/index.html](http://www.health.state.mn.us/communities/environment/air/mciaa/index.html)

Minnesota Department of Health Secondhand Smoke Documents

[www.health.state.mn.us/communities/tobacco/secondhand/index.html](http://www.health.state.mn.us/communities/tobacco/secondhand/index.html)

Sample Documents and Forms

<https://mnsmokefreehousing.org/resources/forms-documents>

Sample Resident Petition

<https://mnsmokefreehousing.org/wp-content/uploads/2019/10/TenantModule-Samplepetition.pdf>

Global Directory of Smoke-Free Housing Programs

<http://www.mnsmokefreehousing.org/global-directory>

Smoke-Free Compliance and Enforcement Toolkit

<https://mnsmokefreehousing.org/resources/compliance-enforcement-toolkit>

Smoke-Free Multi-Unit Housing: Equitable Enforcement Strategies

[www.publichealthlawcenter.org/resources/smoke-free-multi-unit-housing-equitable-enforcement-strategies-2020](http://www.publichealthlawcenter.org/resources/smoke-free-multi-unit-housing-equitable-enforcement-strategies-2020)

## Resources Available to Minnesota Property Staff and Residents

HUD Smoke-Free Housing

[www.hud.gov/smokefreepublichousing](http://www.hud.gov/smokefreepublichousing)

PHLC Smoke-Free Housing

[www.publichealthlawcenter.org/topics/commercial-tobacco-control/smoke-free-housing](http://www.publichealthlawcenter.org/topics/commercial-tobacco-control/smoke-free-housing)

Minnesota Judicial Branch - Landlord and Tenant Issues

[www.mncourts.gov/Help-Topics/Landlord-and-Tenant-Issues.aspx](http://www.mncourts.gov/Help-Topics/Landlord-and-Tenant-Issues.aspx)

## Resources Available to Minnesota Residents

HUD Multifamily Housing Complaint Line

[www.hud.gov/programs\\_offices/housing/mfc/hc/complaint](http://www.hud.gov/programs_offices/housing/mfc/hc/complaint)

Fair Housing Act

[www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/fair\\_housing\\_act\\_overview](http://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview)

Report Housing Discrimination to HUD

[www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/online-complaint](http://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint)

National Housing Law Project

[www.nhlp.org](http://www.nhlp.org)

"I Need Legal Help" - Legal Services Corporation

[www.lsc.gov/about-lsc/what-legal-aid/i-need-legal-help](http://www.lsc.gov/about-lsc/what-legal-aid/i-need-legal-help)

“The Smoker Next Door” - American Nonsmokers' Rights Foundation

<https://no-smoke.org/smoker-next-door>

HOME Line

<https://homelinemn.org>

Volunteer Lawyer Network

[www.vlnmn.org](http://www.vlnmn.org)

Minnesota Legal Advice Online

[www.mnlegaladvice.org](http://www.mnlegaladvice.org)

LawHelpMN

[www.lawhelpmn.org](http://www.lawhelpmn.org)

Southern Minnesota Regional Legal Services

[www.smrls.org](http://www.smrls.org)

Legal Services of Northwest Minnesota

<https://lsnmlaw.org>

Justice North (formerly Legal Aid Service of Northeastern Minnesota)

<https://justicenorth.org>

Mid-Minnesota Legal Aid

<https://mylegalaid.org>

Central Minnesota Legal Services

[www.centralmnlegal.org](http://www.centralmnlegal.org)

## **Mediation and Conflict Resolution Resources**

Conflict Resolution Center

<https://crcminnesota.org>

Mediation and Restorative Services

[www.mediationservice.org](http://www.mediationservice.org)

One Roof Community Housing

<https://1roofhousing.org>

Community Mediation & Restorative Services, Inc.

[www.cmrsmn.org](http://www.cmrsmn.org)

Dispute Resolution Center

[www.disputeresolutioncenter.org](http://www.disputeresolutioncenter.org)

Mediation Conflict Solutions

[www.mediationconflictsolutions.org](http://www.mediationconflictsolutions.org)

Restorative and Mediation Practices

<https://ramp-mn.org>

Rice County Dispute Resolution Program

<http://rcdrp.org>