

Sample complaint letter to landlord/manager. Should be sent Registered Mail to obtain a return receipt. If you can cc the letter to an attorney, that would be helpful.

Date

Dear ,

<p>HEALTH SYMPTOMS: State the health symptoms and who is experiencing them.</p>	<p>I am writing to formally inform you that I [and any others] am experiencing headaches, nausea and dizziness as a result of noxious fumes in my apartment, # [redacted]. Both of my children are currently sick and the tobacco fumes are aggravating their breathing problems and healing.</p>
<p>HOW THE PROBLEM AS AFFECTED YOU</p>	<p>I am attaching a letter from my physician stating that secondhand smoke is harming my health.</p>
<p>SOURCE</p>	<p>The source of the fumes is the unit located immediately below me.</p>
<p>WHEN IT STARTED</p>	<p>I began noticing the fumes shortly after a new tenant moved into the unit directly below me in October of 2005.</p>
<p>WHAT YOU'VE DONE SO FAR TO ADDRESS THE PROBLEM</p>	<p>I have brought this issue to the management office's attention on [date]. The office told me that a letter would be written to the tenant and that I would receive a copy. To date, I have not received any documentation from your office regarding this situation.</p>
<p>HOW THE PROBLEM HAS DENIED YOU FULL USE OF THE APARTMENT</p>	<p>I feel that I have done all that I can to address this issue. I have closed my vents and my windows whenever I smell the fumes. Despite that, the fumes continue to permeate my living space to the extent I have been forced to vacate my apartment when the weather and time of day permits to avoid the smoke.</p> <p>On cold days, I cannot use the heating system since smoke will immediately enter my unit from the shared ventilation.</p> <p>This is clearly a reduction in my housing services.</p>
<p>BREACH OF QUIET ENJOYMENT</p>	<p>I feel that the fumes permeating my apartment are "a breach of the covenant of quiet enjoyment." The fumes are a serious intrusion and prevent me and my family</p>

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	from using the services promised me, like the heating and ventilation system and even the ability to open my windows.
WARRANTY OF HABITABILITY	My unit is not fully habitable as long as secondhand smoke, a known toxic air contaminant is being allowed to pollute the air in my unit. I am being denied full use of my apartment for which I am paying rent.
Background information on secondhand smoke	The health consequences of exposure to secondhand smoke are well documented. In January 2006, the California Air Resources Board designated secondhand smoke a "toxic air contaminant," after four years of research, scientific review, and public hearings. Secondhand smoke is now in the same category as the most toxic automotive and industrial air pollutants. In California, secondhand smoke causes 3,600 deadly heart attacks, 400 lung cancer deaths and 31,000 asthma attacks in children, annually.
	The Toxic Air Contaminant designation increases the liability for any entity responsible for providing a safe environment.
STATE WHAT YOU WANT Will you be willing to be moved away from the unit that is creating the smoke – at the expense of the landlord? Will you ask that adjacent units be designated as "non-smoking?"	I believe that the smoke is harming the health of my family and me, and that our concerns should be reasonably accommodated. Therefore, I am requesting... _____ . I fully expect a response and timeline for a resolution to this situation within 10 working days. Absent that, I will be obtaining legal counsel to determine my further recourses.