

# SMOKE-FREE MULTI-UNIT HOUSING TOOLKIT



# Smoke-Free Multi-Unit Housing

## Acknowledgements

Egyptian Health Department  
Franklin-Williamson County Health Department  
Hamilton County Health Department  
Jackson County Health Department  
Perry County Health Department  
Randolph County Health Department  
Southern 7 Health Department  
Funding was provided through IDPH Community Transformation Grant, *We Choose Health*

## Table of Contents

### **INTRODUCTION**

Introduction Letter.....	2
Secondhand Smoke.....	3

### **WHY TO BECOME SMOKE-FREE**

Economic Benefits.....	4
Health Benefits.....	5
Legality of a Smoke-Free Policy.....	6

### **HOW TO BECOME SMOKE-FREE**

Step 1: Survey Your Tenants.....	7
Step 2: Write Smoke-Free Policy.....	8
Step 3: Notify Your Tenants.....	9
Step 4: Enforce Smoke-Free Policy.....	9

### **RESOURCES**

Additional Resources.....	10
Sample Documents.....	11



Dear Property Manager or Owner,

In this toolkit, you will find resources that will help you to develop a smoke-free policy for your property. Smoke-free policies are legal, profitable, and protect and promote the health of your residents. As you already know, the U.S. Department of Housing and Urban Development strongly encourages public housing authorities to develop a smoke-free policy. **As of January, 2011, 230 local housing authorities across 27 states have adopted smoke-free policies.** We have provided you with step-by-step directions of how to move in this direction, and we are also available to help you along the way.

Please contact us if we can be of any assistance. We can help you implement a smoke-free policy with:

- Creating resident surveys
- Providing educational presentations on tobacco to residents/staff
- Assisting in policy development
- Policy implementation [signage]
- Providing quit tobacco resources

We look forward to hearing from you. Contact us at [Phone Number], [email], or visit our website at [web address].

Sincerely,

[WCH employee]

[Job Title]

[Health Department]

# SECONDHAND SMOKE & MULTI-UNIT HOUSING



## WHAT IS IT?

- Defined as the smoke that comes from a lighted tobacco product or from a person who is smoking tobacco
- Tobacco smoke contains over 7,000 chemicals. At least 250 are harmful and at least 69 can cause cancer.

## WHY IS IT HARMFUL?

- Secondhand smoke causes approximately 49,400 deaths in the United States each year.
- For every 8 smokers who die from a tobacco-related disease, 1 non-smoker dies (CDC, 2005).
- About 60,000 Americans develop heart disease from secondhand smoke annually.

## WHY DOES IT MATTER IN HOUSING?

- Up to 65% of the air inside any one unit of a multi-unit building is shared among other units and common areas
- No ventilation system can eliminate indoor exposure to secondhand smoke or health risks associated with secondhand smoke
- Thirdhand smoke exposure can persist two months after a smoking occupant moves out of a housing unit, even if the unit is cleaned and prepared for a new occupant

# ECONOMIC BENEFITS OF A SMOKE-FREE POLICY

## REDUCES DAMAGE CAUSED BY SMOKING

- Smoking can increase unit maintenance costs fivefold while also reducing property values
- Smoke-free policies SAVE you money.
- Pictured below: The walls of a tenant who smoked in their unit for 10 years



## THE MONETARY IMPACT

### Costs To Rehabilitate a Non-Smoking Unit v. Unit Where Smoking Is Allowed

	Non-Smoking	Light Smoking	Heavy Smoking
General Cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1,425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
<b>TOTAL</b>	<b>\$560</b>	<b>\$1,810</b>	<b>\$3,515</b>

## REDUCES THE RISK OF FIRES

- 7,600 residential fires are caused by smoking cigarettes each year, causing 14% of all fire deaths in residential buildings
- Cigarettes are the leading cause of fatal residential fires

## LOWER INSURANCE PREMIUMS

- Capital Insurance Group(CIG) offers 10% discount for smoke-free buildings

# HEALTH BENEFITS OF A SMOKE-FREE POLICY

## How Many Cigarettes are Non-Smokers Breathing Without Knowing It?

If you're in this location:	For this long:	You've smoked this many cigarettes:
Smokey Bar	2 hours	4
Restaurant	2 hours	4
Office	8 hours	6
Pack-a-day Smoker's Home	24 hours	3
Car	1 hour	3

**There is no level of risk-free secondhand smoke exposure.**

**The only way to reduce the risks of secondhand smoke exposure is to eliminate the secondhand smoke.**



# LEGALITY OF A SMOKE-FREE POLICY

## THE RIGHTS

- There is no “right” to smoke under state or federal law
- There is no law that prohibits a smoke-free policy
- Smokers are not a protected class under any state or federal law, and so a smoke-free policy should be implemented and enforced just like another policy included in the lease such as a pet policy, trash policy, etc.
- You, as the property owner/manager, have every right to adopt a smoke-free policy that will protect your property as well as protect and promote the health of your tenants.

## LEGAL LIABILITY

- If you don't choose to go smoke-free, although legal cases are rare, a tenant could bring legal actions against a landlord for being knowledgeable about secondhand smoke exposure and not eliminating the problem.

## DISCRIMINATION

- It isn't discriminatory to create and enforce a smoke-free policy. Implement your policy based on the act of smoking and not an individual's status as a smoker. This policy isn't requiring smokers to quit smoking altogether, only that smokers quit smoking in the prohibited areas that you select through your policy.

# STEPS TO A SMOKE-FREE POLICY

## Step One: Survey Your Tenants

This will allow you to gather information from your tenants as well as alert them that changes may be coming. You can find sample surveys in the Resource section of this toolkit.

1. Create/Choose Tenant Survey
2. Provide tenants with educational materials on smoke-free housing
3. Send out survey
4. Collect & analyze survey results



**NOTES:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Step Two: Write Smoke-Free Policy

1. Decide which areas on your property that you want the policy to include.
  - a. Individual Units: Tenants aren't allowed to smoke inside their units, ensuring that smoke can't drift from one unit to another.
  - b. Outdoor Areas: You can choose to allow smoking only in designated areas or prohibit smoking in all outdoor areas.
  - c. Common Areas: Hallways, laundry rooms and building entrances are already covered underneath the Illinois Smoke-Free Act.
2. Decide on a quit date. There are two methods you can use.
  - a. "Phase-in" method: This process typically takes one year. New tenants sign a smoke-free lease addendum or policy meanwhile you announce the policy change to current tenants and have them sign a smoke-free lease addendum or policy at the time of their lease renewal.
  - b. "Quit-date" method: This process typically takes a few months. Decide on a date that you would like your property to begin being smoke-free. Give your tenants 30-60 days of notice in which they must sign the smoke-free lease addendum or policy before the "quit-date" you chose arrives.
3. Write Smoke-Free Policy.
  - a. You can find policy examples in the Resource section of this toolkit.
  - b. Be sure to include actions that will be taken if the policy is violated.

NOTES: \_\_\_\_\_

---

---

---

---

---

---

---

---

### Step Three: Notify Your Tenants

Your tenants should be provided with a 30-60 day notice giving them adequate time to adjust to the new policy and possibly even try to quit smoking or cut down. Quit-smoking resources have been provided in the resources section of this toolkit.

1. Provide written notice to your tenants of the new policy change.
  - a. You can find notice examples in the Resource section of this toolkit.
2. Hold a meeting with your tenants to discuss this new policy and answer any questions your tenants may have
3. Renew leases with smoke-free addendum.
4. Establish outdoor areas where residents/visitors can smoke.

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Step Four: Enforce Smoke-Free Policy

This is the exciting part! Smoke-free policies are very self-enforcing, but be sure to document all complaints and violations.

1. Send out a reminder to tenants a few days prior to the policy going into effect.
2. Post signage at the entrances of all buildings and any other locations on your property that is included in the policy.
3. Enforce the smoke-free policy in the same manner you would enforce any other policy

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## ADDITIONAL RESOURCES

Healthy Homes Manual: Smoke-Free Policies in Multiunit Housing:

[http://www.cdc.gov/healthyhomes/Healthy\\_Homes\\_Manual\\_WEB.pdf](http://www.cdc.gov/healthyhomes/Healthy_Homes_Manual_WEB.pdf)

Live Smoke Free Program

<http://mnsmokefreehousing.org/>

Tobacco Control Legal Consortium

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

Public Health Law Center

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

ALA in Oregon

[www.smokefreehousingnw.com](http://www.smokefreehousingnw.com)

American Academy of Pediatrics

[www.aap.org/richmondcenter/SmokeFreeHousing.html](http://www.aap.org/richmondcenter/SmokeFreeHousing.html)

Americans for Nonsmokers' Rights'

[www.no-smoke.org/goingsmokefree.php](http://www.no-smoke.org/goingsmokefree.php)

EPA

[www.epa.gov/smokefree/](http://www.epa.gov/smokefree/)

Smoke-Free Environments Law Project

[www.tcsg.org/sfelp/home.htm](http://www.tcsg.org/sfelp/home.htm)

US Dept. of Housing and Urban Development

Healthy Homes Program

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

SAMPLE

# DOCUMENTS

SAMPLE



ILLINOIS DEPARTMENT OF PUBLIC HEALTH  
AMERICAN LUNG ASSOCIATION IN ILLINOIS

*Where Quitters Always Win!*

**1-866-QUIT-YES**

**Sample Tenant Letter and Secondhand Smoke Survey  
for Use by Apartment Owners and Managers**

[Date]

Dear Residents:

We are pleased that you have chosen to reside at [name of building/property]. The [name of management company or apartment building] have been studying changes that are occurring in the management of apartments. Many owners are deciding to regulate the use of tobacco products within their properties.

Apartment building owners are adopting smoke-free policies for a number of reasons. Secondhand smoke is a health hazard, especially for children, the elderly, and persons with chronic illnesses, for which there is no safe exposure. (Source: U.S. Surgeon General, 2006). In addition, smoking materials are the leading cause of fire deaths in Minnesota. (Source: MN Fire Marshal).

To ensure the health and safety of all persons living here, we are considering adopting a smoke-free policy for our building and individual units. We would like to hear from you! Let us know what you think about having rules about tobacco use in the building and on the grounds. Please fill out the survey below and return it to [name of office, etc].

Sincerely,  
[Apartment Manager's name]

Cut here \_\_\_\_\_

**Do you smoke in your unit?**

- Yes, I smoke in my unit
- No, I do not smoke or allow others to smoke in my unit

**Can you smell smoke in your unit?**

- Yes, I can smell secondhand smoke coming into my unit from another unit
- The smoke smell bothers me/The smoke smell makes me ill
- I am worried about the effects the secondhand smoke has on my health or the health of the people who live with me

**Would you like to live in a smoke-free building?**

- Yes, I would like our building to be smoke free; including the units
- No, I would like our building to continue to allow smoking in the units
- I have no preference

**Building Name:** \_\_\_\_\_

Comments: \_\_\_\_\_

**Optional Information:**

**Name:** \_\_\_\_\_ **Unit #:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

## Smoking Questionnaire

\_\_\_\_\_ is working to create a healthy living environment for all residents. As part of this effort we are exploring a smoke-free building. We would like to learn your opinions on the issue. Please complete the survey below and return it to \_\_\_\_\_.

NAME: \_\_\_\_\_

UNIT: \_\_\_\_\_

1. Do any residents of your unit smoke cigars or cigarettes inside the unit?  
 Yes  No
  
2. In the past year, has tobacco smoke gotten into your unit from somewhere else in or around the building? If no, skip question 3.  
 Yes  No
  
3. If yes, does the tobacco smoke bother you or make you feel sick?  
 Yes  No  Sometimes
  
4. Did you know that secondhand smoke is bad for your health?  
 Yes  No  Not Sure
  
5. Does anyone in your unit have a chronic illness such as asthma, chronic bronchitis, heart disease, diabetes, cancer or is a cancer survivor?  
 No individuals have a chronic condition  
 One individual has a chronic condition  
 More than one individual has a chronic condition
  
6. Would you prefer to live in a building that is completely smoke-free (does not allow smoking in any of the units, common areas, or other indoor spaces)?  
 Yes  No  Not Sure
  
7. Would you attend a meeting to hear the results of this survey and learn more about this topic?  
 Yes  No  Not Sure

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Thank you. The results of this survey will help us decide how to best address this issue.*

## *SAMPLE SMOKE-FREE HOUSING POLICY*

Include in the "Definitions" section:

**SMOKING:** The term "smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any manner or in any form.

Include in the "Restrictions" section:

**SMOKING:** Due to the increased risk of fire and the known adverse health effects of secondhand smoke, smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, tenants, guests, employees, and service persons.

**DISCLOSURE:**

The smoke-free housing policy for: (address) \_\_\_\_\_  
has been reviewed with tenant, in compliance with Maine Public Law 2011, Chapter 199.

Landlord/Landlord Representative Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**TENANT ACKNOWLEDGEMENT:**

I have read, understand and agree to comply with the above smoking policy.

Tenant Printed Name: \_\_\_\_\_

Tenant Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## Model Smoke-Free Lease Addendum

Tenant and all members of Tenant's family or household are parties to a written lease with Landlord (the Lease). This Addendum states the following additional terms, conditions and rules which are hereby incorporated into the Lease. A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

**1. Purpose of No-Smoking Policy.** The parties desire to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non-smoke-free building;

**2. Definition of Smoking.** The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, or other tobacco product or similar lighted product in any manner or in any form.

**3. Smoke-Free Complex.** Tenant agrees and acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a smoke-free living environment. Tenant and members of Tenant's household shall not smoke anywhere in the unit rented by Tenant, or the building where the Tenant's dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental community, nor shall Tenant permit any guests or visitors under the control of Tenant to do so.

**4. Tenant to Promote No-Smoking Policy and to Alert Landlord of Violations.** Tenant shall inform Tenant's guests of the no-smoking policy. Further, Tenant shall promptly give Landlord a written statement of any incident where tobacco smoke is migrating into the Tenant's unit from sources outside of the Tenant's apartment unit.

**5. Landlord to Promote No-Smoking Policy.** Landlord shall post no-smoking signs at entrances and exits, common areas, hallways, and in conspicuous places adjoining the grounds of the apartment complex.

**6. Landlord Not a Guarantor of Smoke-Free Environment.** Tenant acknowledges that Landlord's adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, do not make the Landlord or any of its managing agents the guarantor of Tenant's health or of the smoke-free condition of the Tenant's unit and the common areas. However, Landlord shall take reasonable steps to enforce the smokefree terms of its leases and to make the complex smoke-free. Landlord is not required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking.

**7. Other Tenants are Third-Party Beneficiaries of Tenant's Agreement.** Tenant agrees that the other Tenants at the complex are the third-party beneficiaries of Tenant's smokefree addendum agreements with Landlord. (In layman's terms, this means that Tenant's commitments in this Addendum are made to the other Tenants as well as to Landlord.) A Tenant may sue another Tenant for an injunction to prohibit smoking or for damages, but does not have the right to evict another Tenant. Any suit between Tenants herein shall not create a presumption that the Landlord breached this Addendum.

**8. Effect of Breach and Right to Terminate Lease.** A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease. A material breach of

this Addendum shall be a material breach of the lease and grounds for immediate termination of the Lease by the Landlord.

**9. Disclaimer by Landlord.** Tenant acknowledges that Landlord's adoption of a smokefree living environment, and the efforts to designate the rental complex as smoke-free, does not in any way change the standard of care that the Landlord or managing agent would have to a Tenant household to render buildings and premises designated as smokefree any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of this Addendum is dependent in significant part on voluntary compliance by Tenant and Tenant's guests. Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Addendum than any other landlord obligation under the Lease.

**LANDLORD**

**TENANT**

---

---

---

---

## *SAMPLE LETTER TO TENANT*

<Date>

Dear <Tenant>:

This letter is to inform you of a policy that is being implemented in regards to smoking on the property.

1. As of (date of your choice\*) this apartment complex will be smoke-free. This means that there will be no smoking in indoor common or private areas of the property. This policy includes tenants as well as guests, maintenance personnel and staff. \*\*
2. This policy was passed to protect the health of our residents, staff and guests. Secondhand smoke is a Class A carcinogen, which means it is a cancer causing agent and there is no safe exposure level. Secondhand smoke can travel through doorways, windows, wall joints, plumbing spaces and even light fixtures, so secondhand smoke from one unit can adversely affect the health of residents in other units.
3. If you or family members are interested in more information, please visit the following web site which can explain the benefits of living in a smoke-free environment in greater detail: [www.smokefreeforme.org](http://www.smokefreeforme.org). This website will also link you to a number of resources that can help if you are thinking about quitting smoking.

Please feel free to contact (Name of landlord or complex manager, phone number) if you have any questions. We will be happy to assist you in any way possible in making this a smooth transition.

Sincerely,

<Landlord>

## Friendly Warning Letter - Sample

[Apartment Name]  
[Street Address]  
[City, State, Zip]  
[Phone]      [Fax]

[Date]

[Resident Name]  
[Street and apartment #]  
[City, State, Zip]

Dear [Name],

On [date] you submitted a maintenance request for [reason]. When entering your unit, I noticed a very strong odor of cigarettes. I asked if you had been smoking, and you said that you were trying to stop. I reminded you that you are not allowed to smoke in your unit.

Per your lease agreement and [reference tobacco-free policy in official rules], smoking is prohibited in any area of the property. I have attached a copy of the house rules for you to review.

Please refrain from smoking in your unit or on the property.  
Failure to comply with your lease could result in eviction proceedings.

If you have questions or concerns, please contact me at [Phone #] or stop by the office.

Thank you for your cooperation in this matter.

[Property Manager's Name]  
[Title]  
[Property Name]  
[Management Company]