



# SMOKEFREE HOUSING

A Property Manager's Guide to Adopting a Smokefree Policy





Smoking-related fires are the leading **cause of fire deaths**.



Maintenance cost is **2-7 times greater** for a smoked in unit.



The majority of **renters prefer** smokefree housing.



Protect residents, visitors and employees from the **dangers of secondhand smoke**



The incidence of **e-cigarette related fires** is on the rise.

# Protect Residents, Visitors And Employees From The Dangers Of Secondhand Smoke

## Secondhand smoke is breathed by neighbors

- As much as 65% of air is shared air in a multi-unit building.<sup>7</sup>
- Secondhand smoke can migrate from other units through doorways, cracks in walls, electrical lines, plumbing and ventilation systems.<sup>1,2</sup>
- A study of children living in apartments where no one in the home smoked still showed evidence of secondhand smoke exposure.<sup>3</sup>
- No engineering approach is effective in controlling exposure to secondhand smoke, as concluded by the American Society of Heating, Refrigerating and Air Conditioning Engineers' (ASHRAE) latest position statement on environmental tobacco smoke. It concludes that there is not currently any engineering approach that has been confirmed to control the health risks from secondhand smoke.<sup>4</sup>
- ASHRAE “encourages the elimination of smoking in the indoor environment as the optimal way to minimize environmental tobacco smoke exposure.”<sup>4</sup>
- Secondhand aerosol from electronic cigarettes has not been proven safe to inhale.

## Health effects of secondhand smoke

Secondhand smoke is the combination of smoke from the burning end of a cigarette and the smoke breathed out by a person who smokes.<sup>5</sup>

Secondhand smoke is a major cause of lung cancer, heart disease, respiratory problems and premature death in nonsmoking adults. Children are especially vulnerable to the health effects of secondhand smoke given their developing bodies and lungs. Breathing secondhand smoke, even briefly, causes immediate harm to the heart and blood vessels.<sup>4</sup>

- Secondhand smoke contains over 7,000 chemicals, 69 of which are known to cause cancer.<sup>4</sup>
- Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma.<sup>6</sup>
- The aerosol or “cloud” from electronic cigarettes has been shown to contain harmful chemicals known to cause cancer and respiratory problems, as well as nicotine.<sup>13</sup>

## Health effects of thirdhand smoke

Thirdhand smoke is the residue of harmful chemicals that remains on fabrics and surfaces for days, weeks and months after a cigarette has been smoked.<sup>12</sup> For example, these fabrics and surfaces can include walls, counter tops, carpets, floors, curtains, furniture, toys, bedding, clothing and even hair and skin. Infants, children and adults may be at risk of tobacco-related health problems when they breathe, eat or touch thirdhand smoke.<sup>12</sup>

- Thirdhand smoke consists of the chemicals which remain in a room after the smoking has stopped.<sup>12</sup>
- Thirdhand smoke cannot be eliminated by opening windows, using fans or air conditioners, or confining smoking to only certain areas of a home.
- Thirdhand smoke is a sticky and permeating residue that is not easily removed.

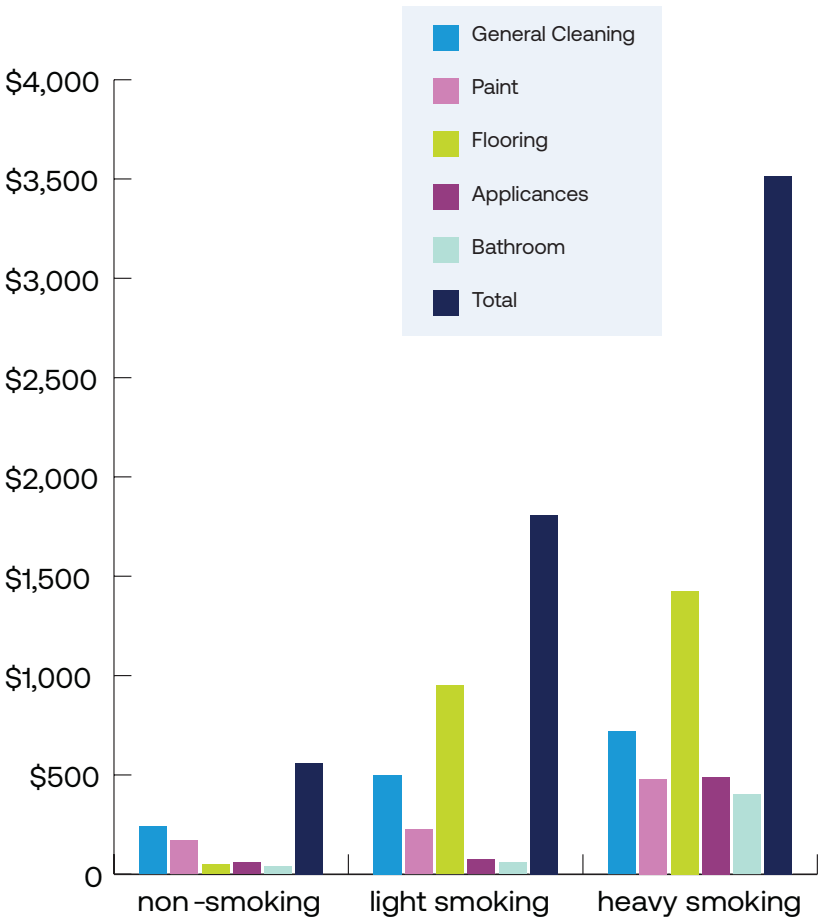


# Smokefree Policies Are Good For Business

## Protect residents and employees from secondhand and thirdhand smoke

Eliminating smoking indoors is the only way to fully protect people who do not from secondhand and thirdhand smoke. Studies show smokefree air policies decrease secondhand and thirdhand smoke exposure among people who do not smoke, reducing heart attacks and asthma-related hospitalizations. Smokefree air policies also help to boost success with quitting.

### Cost to renovate a unit



Data reflect surveys from housing authorities and subsidized housing facilities in New England. Collected and reported by Smoke-Free Housing New England, 2009.<sup>7</sup>

## Smokefree Policies Are Legal

There is no constitutional right to smoke. People who smoke are not a protected class and legal judgments have concluded smokefree policies do not infringe on individual rights.<sup>8</sup> There is no federal, state or local law that prohibits a property from adopting a smokefree policy.<sup>8</sup>

### Renters prefer smokefree housing

- Smokefree policies are generally self-enforcing, with the majority of residents already having a smokefree policy in their unit.<sup>7</sup>
- Research shows the overwhelming majority of renters support the implementation of a smokefree policy in their multi-housing unit.<sup>9</sup>
- The majority of renters are people who do not smoke. Fewer than 1 in 7 (13.8%) adults in Minnesota smoke.<sup>10</sup>
- Only 11.7% of adults surveyed reported that someone had smoked inside their home within the past seven days.<sup>11</sup>

### Smokefree housing is a growing market

- Municipalities, public housing authorities and properties across the U.S. are adopting smokefree policies.<sup>12</sup>
- The U.S. Department of Housing and Urban Development is proposing public housing authorities adopt smokefree housing policies.

### Reduce legal actions

- Nonsmoking tenants can bring legal action against owners and smoking tenants on the basis of several legal grounds related to secondhand smoke. These can include breach of covenant of quiet enjoyment, negligence, nuisance and breach of warranty of habitability.<sup>15</sup>
- Additionally, nonsmoking tenants with lung disease may pursue legal action under the Fair Housing Act and the Americans with Disabilities Act for failure to provide reasonable accommodations that protect these residents from secondhand smoke.<sup>14</sup>

**There is NO SAFE level of exposure to secondhand smoke.**

— 2006 Surgeon General Report

# Deciding To Adopt A Smokefree Policy

Knowing why you're considering going smokefree lays the groundwork for making the decision and will help with communicating the policy.



Are you spending time and energy receiving complaints from tenants?



Are you concerned about the health of your residents and their children?



Are you spending money cleaning up after people who smoke?



Is the cost of renovating units that have been smoked in too high?

## What do your residents think?

A helpful tool during the information gathering stage is to conduct a resident survey. This will help you gauge how the tenants feel about a possible smokefree policy, know how many will be affected and anticipate potential enforcement issues.

## The American Lung Association Can Assist You With Developing A Smokefree Policy

- ✔ Sample Policy Language
- ✔ Tenant Education
- ✔ Tenant Meetings
- ✔ Custom Support Materials
- ✔ Enforcement Materials
- ✔ Custom Signage
- ✔ Press Release
- ✔ Policy Celebration



“Working with the American Lung Association has been a great experience. They are a wonderful organization and are always willing to help or answer any questions or concerns you may have.”

— Kim Sundquist, Regional Property Manager  
Homestead Apartments/Lloyd Management, Inc.



# Developing The Smokefree Policy

Developing a good policy takes time, and there will be details unique to your property. No need to start from scratch! We have sample language to get you started.<sup>16</sup>

Be sure to include:

- Where smoking is prohibited and where smoking is allowed
- Who the policy applies to, specifying tenants, guests, staff and other visitors
- The definition of smoking and what that includes, such as cigarettes, cigars, electronic cigarettes, hookahs, etc.
- When the policy will go into effect
- Enforcement and penalties

The American Lung Association recommends:

- A policy that makes all units in the building smokefree.
- A policy that extends to outdoor areas, such as playgrounds and pools, as well as decks, balconies, patios, etc.
- A 100% smokefree grounds policy! If this is not feasible, then the policy should specify a distance of 25 feet from all structures on the property.

## Resident Education

After making the decision to go smokefree and developing the policy, the change must be communicated with all residents. Begin this process at least 60-90 days before the policy goes into effect. The American Lung Association can assist you with all of this.

# Policy Adoption

## Suggested Activities



Send out a resident notice with a copy of the policy to all tenants



Hold a tenant meeting to explain the policy and answer any questions



Post fliers and signs in the buildings' common areas announcing the new policy



Post permanent signs in common areas, inside and outside the buildings, that clearly explain the policy



As the implementation date nears, hold another round of tenant education to remind them of the policy.

# Policy Enforcement

While most people will embrace the new smokefree policy, there is always the possibility that some tenants will not continue their lease under the new policy. We recommend allowing tenants who do not want to sign the new policy to terminate their leases early with no penalty. This is a much better option than having enforcement issues after the policy goes into effect.<sup>16</sup>

- A smoking violation is like any other violation, and you should follow the violation procedures of your company.
- Smokefree policies are primarily self-enforced, but it is critical that you enforce the policy. If there is no enforcement, then residents will continue to smoke and other residents will not be pleased with the situation or with management's lack of action.
- When drafting your policy, be clear and specific about the enforcement policy and protocol.
- Clearly define how and when warnings will be issued, and what criteria will be used to determine if smoking has occurred in the unit.
- Define the procedure for issuing citations and the appeal process.
- The American Lung Association recommends a tiered system of enforcement where a written warning is given for a singular incident and followed by penalties or citations only when repeat infractions occur.
- How you deal with an individual who has violated the policy is up to you. The two most important things to remember are:
  - Determine and communicate the details and enforcement process as you implement the new policy, and
  - Implement the policy right away and be consistent.
- Eviction should be a last resort. In many cases, a tenant violating the smokefree policy may also be violating other policies with the potential for eviction. Always follow your company policy and/or consult with your attorney before pursuing an eviction.

# Congratulations!

## Promote being smokefree!

When you take steps to go smokefree, you are part of a growing movement to provide healthy homes and save lives.

Make Smokefree Building your #1 amenity listed! Update your existing marketing materials, website and apartment listings to advertise your new smokefree status.

## Additional Resources

- American Lung Association in Minnesota..... [LUNG.org](http://LUNG.org)
- Americans for Nonsmokers' Rights..... [No-Smoke.org](http://No-Smoke.org)
- ClearWay Minnesota..... [clearwaymn.org](http://clearwaymn.org)
- Freedom to Breathe Act..... [health.state.mn.us/mciaa](http://health.state.mn.us/mciaa)
- Minnesota Department of Public Health ..... [health.state.mn.us](http://health.state.mn.us)
- Public Health Law Center ..... [publichealthlawcenter.org](http://publichealthlawcenter.org)

## Tobacco Dependence Treatment Resources

- Freedom From Smoking® ..... [FreedomFromSmoking.org](http://FreedomFromSmoking.org)
- Quit Partner ..... [QuitPartnerMN.com](http://QuitPartnerMN.com)

# References

1. King, B.A., et al. National and State Estimates of Secondhand Smoke Infiltration Among U.S. Multiunit Housing Residents. *Nicotine & Tobacco Research*. 2012 Dec 17. <https://pubmed.ncbi.nlm.nih.gov/23248030/>
2. Kraev, T.A., et al. Indoor Concentrations of Nicotine in Low-income, Multi-unit Housing: Associations with Smoking Behaviors and Housing Characteristics. *Tob Control*. 2009 Dec; 18(6):438-44
3. Wilson, et al. Tobacco-Smoke Exposure in Children Who Live in Multiunit Housing. *Pediatrics*. 2011; 127(1): 85-92
4. U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.
5. American Society of Heating, Refrigerating and Air Conditioning Engineers. Position Document on Environmental Tobacco Smoke, 2010. [www.ashrae.org/.../docLib/About%20Us/PositionDocuments/ASHRAE\\_PD\\_Environmental\\_Tobacco\\_Smoke\\_2010.pdf](http://www.ashrae.org/.../docLib/About%20Us/PositionDocuments/ASHRAE_PD_Environmental_Tobacco_Smoke_2010.pdf)
6. U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. 2006. [www.surgeongeneral.gov/library/secondhandsmoke](http://www.surgeongeneral.gov/library/secondhandsmoke)
7. National Center for Healthy Housing. Reasons to Explore Smoke-free Housing. [https://nchh.org/resource-library/fact-sheet\\_g&hh\\_reasons-to-explore-smoke-free-housing.pdf](https://nchh.org/resource-library/fact-sheet_g&hh_reasons-to-explore-smoke-free-housing.pdf)
8. Tobacco Control Legal Consortium. There is No Constitutional Right to Smoke: 2008. <https://publichealthlawcenter.org/sites/default/files/resources/No-Constitutional-Right-Smoke-Toke-2019.pdf>
9. Hennrikus, D., et al. Preferences and practices among renters regarding smoking restrictions in apartment buildings. *Tob Control*. 2003 June; 12(2): 189-194
10. Minnesota Adult Tobacco Survey. (2018). Tobacco Use in Minnesota. Retrieved October 6, 2020, from <https://www.health.state.mn.us/data/mchs/surveys/mats/docs/2018/MATS-Fact-Sheet-FINAL.pdf>
11. U.S. Department of Housing and Urban Development. Smokefree Housing: A Toolkit for Owners/Management Agents of Federally Assisted Public and Multi-family Housing. [portal.hud.gov/hudportal/documents/huddoc?id=pdfowners.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=pdfowners.pdf)
12. Americans for Nonsmokers' Rights. U.S. Local Laws and Policies Restricting or Prohibiting Smoking in Private Units of Multi-Unit Housing, January 2013. [www.no-smoke.org/pdf/smokefreemuh.pdf](http://www.no-smoke.org/pdf/smokefreemuh.pdf)
13. Minnesota Adult Tobacco Survey. (2014). Tobacco Use in Minnesota. Retrieved May 31, 2016, from [https://www.health.state.mn.us/data/mchs/surveys/mats/docs/2014/MATS\\_Fact\\_Sheet\\_FINAL\\_1\\_20\\_15.pdf](https://www.health.state.mn.us/data/mchs/surveys/mats/docs/2014/MATS_Fact_Sheet_FINAL_1_20_15.pdf)
14. Hudson B. Kingston, Tobacco Control Legal Consortium, There Is No Constitutional Right to Smoke or Toke (2019). <https://publichealthlawcenter.org/sites/default/files/resources/No-Constitutional-Right-Smoke-Toke-2019.pdf>
15. Public Health Law Center of Mitchell Hamline School of Law. Smoke-Free Housing and Rent Abatement, April 2019. <https://www.publichealthlawcenter.org/sites/default/files/resources/Smoke-Free-Housing-Rent-Abatement-MN-2019.pdf>
16. Public Health Law Center of Mitchell Hamline School of Law. Model Smoke-Free Lease Addendum, June 2020. <https://publichealthlawcenter.org/sites/default/files/resources/PHLC-Model-Smoke-Free-Lease-Addendum.pdf>





Quit Partner is Minnesota's free way to quit nicotine, including smoking, vaping and chewing. We can support your quit with one-on-one coaching and other helpful tools. Whenever you need us, we're here to help 24/7.



**Quit coaching** over the phone or online, from trained coaches who help people like you every day.



**Quit medications** like patches, gum or lozenges (18+).



**Text messaging** with tips and advice.



**Email program** with helpful emails to support you along the way.

**1-800-QUIT-NOW**  
**QuitPartnerMN.com**



**Freedom From Smoking<sup>®</sup>** is the American Lung Association's proven quit smoking program, and has helped over a million people.



### **FREEDOM FROM SMOKING<sup>®</sup> PLUS**

Create a personal quit smoking plan, track your progress, and engage with other quitters through our Online community.



### **FREEDOM FROM SMOKING<sup>®</sup>: THE GUIDE TO HELP YOU QUIT SMOKING**

Work through a quit attempt on your own time, at your own pace, through the self-help guide.



### **FREEDOM FROM SMOKING<sup>®</sup> GROUP CLINIC**

Over eight sessions, quit with a group of individuals with the assistance of a facilitator. The program features a step-by-step plan for quitting smoking.



### **Lung HelpLine** **1-800-LUNGUSA**

Compassionate and knowledgeable HelpLine staff can provide you with the support you need and the answers you're looking for.

**To learn more visit [Lung.org](http://Lung.org)**  
**or Call 1-800-LUNGUSA.**