



**RENTERS**  
prefer smokefree  
housing

**LOWER**  
your turnover  
expenses

**SMOKEFREE**  
policies are legal

**FREE**  
assistance



# 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.
- 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

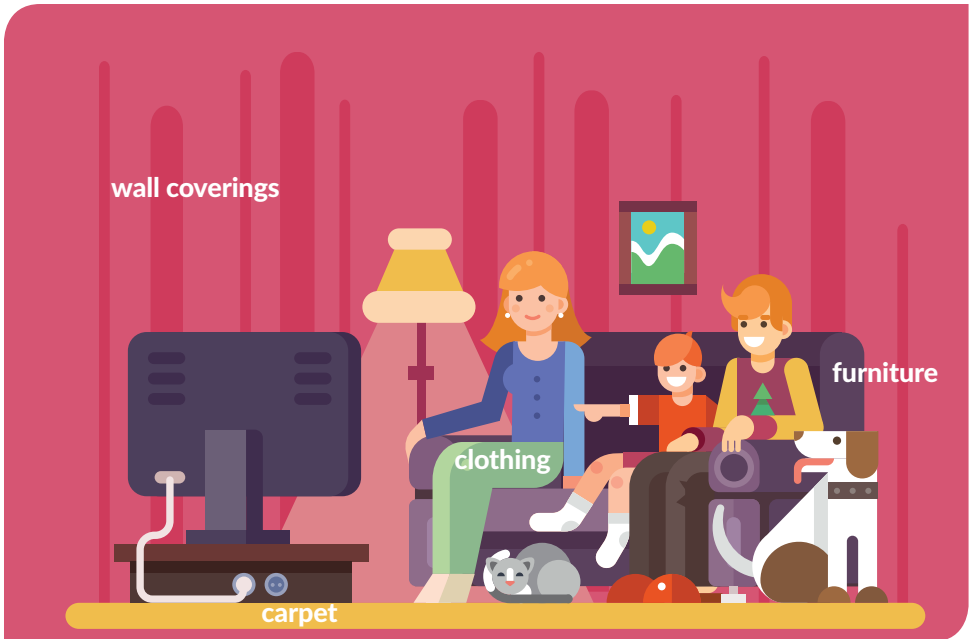
Secondhand smoke is the combination of smoke from the burning end of a cigarette and the smoke breathed out by a smoker.<sup>5</sup> Secondhand smoke is a major cause of lung cancer, heart disease, respiratory problems and premature death in nonsmoking adults. Children are especially vulnerable to the 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>10</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. 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.

- Thirdhand smoke consists of the chemicals which remain in a room after the smoking has stopped.
- 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.

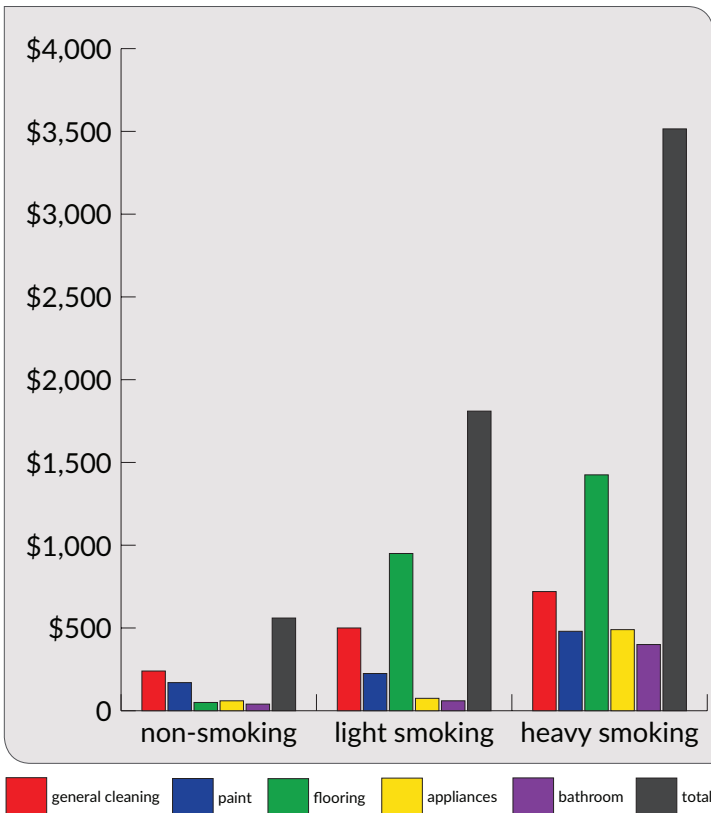


# SMOKEFREE POLICIES ARE GOOD FOR BUSINESS

## Protect residents and employees from secondhand and thirdhand smoke

Eliminating smoking indoors is the only way to fully protect nonsmokers from secondhand and thirdhand smoke. Studies show smokefree air policies decrease secondhand and thirdhand smoke exposure among nonsmokers, reducing heart attacks and asthma-related hospitalizations. Smokefree air policies also help to boost smokers' 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. Smokers 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 non-smokers. Fewer than 1 in 6 (14.4%) 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.
- 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.

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 smokers?



• 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



“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.

## 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**

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

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

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

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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.

- 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

Americans for Nonsmokers' Rights \_\_\_\_\_ No-Smoke.org

ClearWay Minnesota \_\_\_\_\_ clearwaymn.org

Freedom to Breathe Act \_\_\_\_\_ health.state.mn.us/freedomtobreathe

Minnesota Department of Public Health \_\_\_\_\_ health.state.mn.us

Public Health Law Center \_\_\_\_\_ publichealthlawcenter.org

### Smoking Cessation Resources

Freedom From Smoking® \_\_\_\_\_ FFSONline.org

QUITPLAN \_\_\_\_\_ quitplan.com

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# QUITPLAN<sup>®</sup>

For even more help, QUITPLAN<sup>®</sup> Services offers a wide variety of free tools to help all Minnesotans quit.



## TEXT MESSAGING

Tips, tools and advice delivered right to your phone.



## STARTER KIT: PATCHES, GUM OR LOZENGES

Receive two weeks of free patches, gum or lozenges.



## EMAIL PROGRAM

A series of emails full of tips and encouragement.



## QUIT GUIDE

A practical and useful Quit Guide to help you build your plan to quit.



## HELPLINE

One-on-one phone coaching including texts, emails, patches, gum or lozenges and a welcome kit.

TO LEARN MORE VISIT  
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1-888-354-PLAN.



AMERICAN  
LUNG  
ASSOCIATION<sup>®</sup>

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



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> ONLINE BASIC

A free program consisting of seven modules, each containing several activities.



## FREEDOM FROM SMOKING<sup>®</sup> ONLINE PREMIUM

A program consisting of eight modules, and each module contains several lessons along with message boards, blogs and other social networking capabilities.



## FREEDOM FROM SMOKING<sup>®</sup> CLINIC PROGRAM

A program based on the underlying premise that smoking is a learned habit, so quitting is unlearning this automatic behavior and replacing it with healthy alternatives.



## 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  
[FFSONLINE.ORG](http://FFSONLINE.ORG) or [LUNG.ORG](http://LUNG.ORG)  
or CALL 1-800-LUNGUSA.