



Working with the Housing Industry to Adopt Smoke-Free Policies

Stages of Smoke-Free Multi-Housing Program Development:
A series for public health professionals

Part Six of Nine | January 12, 2012







Welcome!




- Please be sure to turn up the volume on your computer speakers – **No need to call in**
- If you have questions, please type them into the chat box at the bottom of your screen and we will answer them during or after the presentation
- The presentation will be recorded and archived on our web site at www.mnsmokefreehousing.org/webinar
- Print a handout of the presentation



Live Smoke Free



- Program of the Association for Nonsmokers—Minnesota
 - Working on smoke-free housing since late 1990's
 - Three full-time staff dedicated to project
 - Assisted hundreds of property managers in policy adoption, including public housing authorities; private owners; suburban, urban, and rural properties
- Recipient of MN Mentoring Supplement to provide technical assistance to Communities Putting Prevention to Work (CPPW) grantees
- Partnering with the Public Health Law Center
- Made possible by funding from the U.S. Department of Health and Human Services. Sponsored by the Minnesota Department of Health






Technical Assistance Team





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Technical Assistance Scope of Work



- Webinar series on the stages of developing a smoke-free housing program
- Development of a comprehensive “how-to” training manual for smoke-free housing advocates
- Individual consultations, including site visits, strategy development, legal issues, and materials



Stages of Smoke-Free Multi-Housing Program Development



Phase 1: Understanding the Need for Smoke-Free Multi-Unit Housing

Stages of Smoke-Free Multi-Unit Housing Program Development			
The Case for Smoke-Free MUH	Getting to Know the MUH Industry	Building Your Smoke-Free MUH Program	Understanding Legal Issues
The importance of adopting smoke-free MUH policies	Assessing the MUH stock and learning what's important to the industry	Creating goals, materials, and procedures to sustain a program	Learning the local, state, and federal laws pertaining to MUH

Phase 2: Working Toward Smoke-Free Multi-Unit Housing Policy Adoption

Stages of Smoke-Free Multi-Unit Housing Program Development				
Strategies to Reach the Housing Industry	Working with MUH to Adopt a Policy	Providing Cessation in Smoke-Free Buildings	Working with Renters Organized to Smoke	Program Sustainability
Getting your message to landlords	The policy adoption process	Helping current residents make the transition to a smoke-free environment	Empowering renters suffering from secondhand smoke drift	Partnering with other smoke-free MUH programs

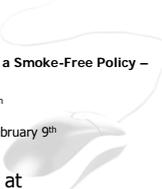
Print a pdf of the [Smoke-Free Multi-Housing Program Continuum](#)

 **Webinar Series** 

Based on the Smoke-Free Multi-Unit Housing Program Continuum

- *The Case for Smoke-Free Housing*
- *Getting to Know the Multi-Housing Industry*
- *Building Your Smoke-Free Housing Program*
- *Understanding Legal Issues*
- *Strategies to Reach the Housing Industry*
- **Working with Property Owners/Managers to Adopt a Smoke-Free Policy – January 12th**
- Providing Cessation in Smoke-Free Buildings – January 26th
- Working with Renters Exposed to Secondhand Smoke – February 9th
- Program Sustainability – February 23rd

Learn more and register at www.mnsmokefreehousing.org/cppw



 **Working with the Housing Industry to Adopt Policies** 

Topics Covered Today:

- How policy adoption differs in rental buildings vs. owner-occupied buildings
- Assisting property managers through the stages of policy adoption
 - Pre-contemplation
 - Contemplation
 - Adoption
 - Implementation
 - Evaluation



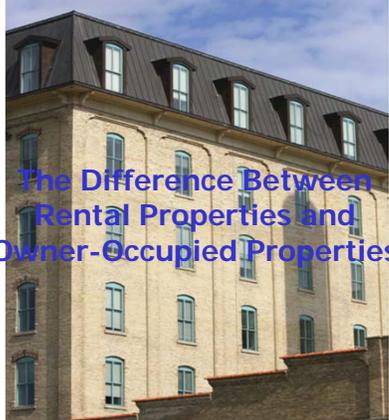
 **Why Focus on the Housing Industry?** 

- The industry's policy makers:
 - Building owners
 - Building managers
 - Building developers
- The industry is asking for smoke-free information
 - "Hot topic" in discussions
 - Invitations to give presentations
 - Requests for materials



Working with building owners can affect positive change faster than working with individual tenants

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The Difference Between
Rental Properties and
Owner-Occupied Properties

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Rental Properties

Definition:

- Residents do not have any ownership stake in the property
- Owner is a sole individual or company
- May be a manager overseeing daily property needs
- Residents are beholden to the owner/manager for decisions, maintenance, lease renewal, etc.



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Rental Properties

How Policies are Changed:

- Owner can make changes to building policies without consulting residents
- Depending on company policies, an owner may have to consult with a Board of Directors, but often has unilateral decision-making power
- Some owners allow property manager to make decisions
- Policy changes can go into effect simply by giving residents proper notice of the change and sometimes by putting the change in writing

Who Will I Work With?
Rental Properties

Sample hierarchy chart

```

graph TD
    A[Board of Directors] --> B[Owner (Individual or Company)]
    B --> C[Management Company]
    C --> D[Regional Property Manager]
    D --> E[Property Manager or Leasing Agent]
  
```

You will most likely have contact with the property manager →

Owner-Occupied Buildings

Definition:

- Condominiums, co-operatives, townhomes, common interest communities
- Each unit is owned by the resident or the building/property is divided into owned shares among the residents
- An association board is in charge of coordinating property business, and there may be a property manager to help with maintenance/logistics, but the residents play an active role in property decisions
- The property's Declaration, or governing documents, outlines policies so that residents are aware of the rules they will abide by when they purchase the unit

Owner-Occupied Buildings

How Policies are Changed:

- The association board decides to take up an issue or residents organize and bring an issue to the board
- Board members can vote to change association rules
 - Rules can be re-voted on and re-changed at any time
- The board can ask for an association vote to change the Declaration
 - Residents vote on the policy change; usually requires a supermajority of residents to vote in favor of a change
 - A Declaration change is much harder to undo in the future

Who Will I Work With?
Owner-Occupied Properties

Sample hierarchy chart

```

graph TD
    A[Association Members (Residents)] --- B[Association Board]
    B --- C[Management Company]
  
```

You will most likely have contact with some association members or the association board

Note: Association members are at the top!

What Should I Work On?

- Both rental and owner-occupied buildings are important
 - Residents are affected by secondhand smoke and fire risks in both building types
- Owner-occupied buildings may have higher-income residents, but that's not always the case
- There may be a lot of renters who reside in owner-occupied buildings
- Your focus depends on grant requirements and the housing stock

Relaying the Message

Why is it important to understand the differences between rental and owner-occupied buildings?

- You may get calls from residents and policy-makers from both building types
- Even if you are not focused on a specific building type, it is nice to have some information to offer since you will be looked at as a resource





The Stages of Policy Change: Rental Properties




Phases of the Public Policy Lifecycle

Phases of the Public Policy Life Cycle

```

    graph LR
      A[Problem definition] --> B[Agenda setting]
      B --> C[Policy adoption]
      C --> D[Implementation]
      D --> E[Evaluation]
      E --> A
  
```

- Smoke-free housing policies are usually private policies
- Public policy is different from private policy, but the stages are similar

Image from Northern California Grantmakers Public Policy Toolkit



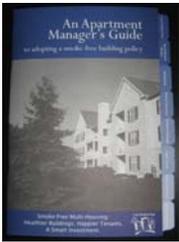

Adoption Date vs. Implementation Date

<p>Public Policy</p> <ul style="list-style-type: none"> • Can be very different dates • City council votes & passes policy March 1st (adoption), but policy does not begin to take effect until June 1st (implementation) 	<p>Private Policy</p> <ul style="list-style-type: none"> • Managers may not remember/know exact decision date • Live Smoke Free uses these definitions: <ul style="list-style-type: none"> – Adoption: Policy begins to take effect; may be written in the lease – Implementation: Point after adoption when we confirm policy systems began to take place (promotion, enforcement, etc.) • These are confirmable dates we can rely on
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Materials in Pre-Contemplation

- Overview guidebook
- Information on your program
- Keep the information simple and basic



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Messages to Managers

Consider adopting a smoke-free policy

- Smoke-free policies have many benefits
- Many buildings in our region are going smoke free
- Renters are looking for smoke-free buildings
- Our program is here to help

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Stage 2: Contemplation

- Explain the benefits of adopting a policy
 - Health of residents and employees
 - Reduced fire risk
 - Reduced legal liabilities
 - Increased market demand
- Explain policy process
- Offer your assistance
- Personalized and/or high-education outreach
 - Presentation
 - One-on-one phone/in-person consultation

Contemplation

"I'm Thinking of Adopting a Smoke-Free Building Policy"

- Not quite ready but considering
- Learning benefits
- Learning adoption process
- Learning about resources





Materials in Contemplation



- Secondhand smoke facts
- Testimonials from smoke-free buildings
- Information about current indoor air laws
- Sample survey to give to residents
- Market demand research facts
- National media (ie, UNITS)
- Fire facts
- Tobacco Control Legal Consortium synopses
- Overview guidebook

View sample materials online at http://www.mnsmokefreehousing.org/landlords/steps_series.html



Messages to Managers



What is your situation?

- Are you planning for **new construction**?
- Are you **renovating** your building or **purchasing an older building**?
- Are you moving ahead with a policy with **no other changes** to your building's construction?
- Who determines **policy decisions**?
- We can offer **consultations and presentations**



Messages to Managers



Survey your residents

- Find out how many residents smoke in their apartment unit
 - Not all households with smokers allow smoking inside
 - Some nonsmokers may allow guests to smoke
- We have sample surveys and letters to send to residents
- A survey serves two purposes
 - Gathers information
 - Alerts residents that change may be ahead

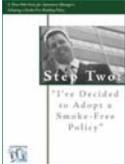


Stage 3: Adoption



- Set the policy details
 - Timeline
 - Policy coverage
 - What are your state's laws regarding common areas?
 - Notification of residents
 - How policy will be phased in

Adoption
"I've Decided to Adopt a Smoke-Free Policy"
<ul style="list-style-type: none"> • Ready to take action • Setting timeline • Drafting lease language • Informing tenants • Adoption date in place



- Assist with writing lease language
- Offer presentations to staff or residents



Materials in Adoption



- Sample resident notification letter
- Sample lease language
- Order form for signs and other materials
- Fact sheet on notice requirements
- Fact sheet on enforcement
- Sample enforcement documents in case of infractions

View sample materials online at http://www.msmokefreehousing.org/landlords/steps_series.html



Adoption Terms to Know



- Lease: Contract between manager and resident; some buildings may not have a written lease
- Notification: Legal length of time necessary before changing a resident's lease; often approx. 30 days



What Makes for a Good Policy?



- Written in a lease or house rules
- Defines "smoke free" and what areas of the property are covered
- Consequences for violations are clearly defined; violations may result in eviction
- No grandfathering
- 100% of indoors are covered (outdoor areas are a plus!)



Simple Policy Ranking



- Any policy with indefinite grandfathering 0
- Any policy with short-term/temporary grandfathering ★
- 100% of the building's interior ★★
- 100% of the building + some exterior areas ★★★
- 100% of the building + all exterior areas (entire property) ★★★★★



Policy Adoption Methods



- | Quit-Date Method | Phase-In Method |
|---|--|
| <ul style="list-style-type: none"> • All residents begin the smoke-free policy on the same date | <ul style="list-style-type: none"> • Residents sign on to the policy as their lease renews |
| <ul style="list-style-type: none"> • Goes into effect within a few months | <ul style="list-style-type: none"> • Gradually goes into effect; can take about a year to be in full effect |
| <ul style="list-style-type: none"> • Works best when most residents are on month-to-month leases | <ul style="list-style-type: none"> • Works best when most residents are on fixed-term leases |



Sample Timelines



- Downloadable documents:
 - [Sample timelines for Quit-Date and Phase-In methods](#)
 - [Fill-in-the-blank template for Quit-Date method](#)
 - [Fill-in-the-blank template for Phase-In method](#)
- Some properties may require more or less time depending on their decision-making structure or their resident population



Messages to Managers



Set a quit date

- Set a **time frame** for implementing the new policy
- **Notify residents** of your reasons for going smoke free
- Inform them that at that time they will need to abide by the new policy if they wish to remain in the building
- Renew leases using the **Model Smoke-Free Lease Addendum** or other comparable smoke-free policy
- Initiate all new leases with the smoke-free lease language
- We can offer **presentations** to your residents to explain the importance of smoke-free housing



Messages to Managers



Determine incentives

- Whether to offer incentives and the type of incentives differ from building to building
- Offer residents an incentive to sign the smoke-free policy early
 - Free use of a community room
 - Free or prime parking space for a month
 - Refreshments in the rental office
- Consider offering the option for smoking residents to move to another building in the complex

Stage 4: Implementation

• May be a building you worked with on policy adoption, or may be a building you discover is smoke free

Implementation

"I Have a Smoke-Free Building!"

- Implementation date is here or has past
- Advertising policy
- Posting signs

• Offer publicity assistance

- Signs for building
- Press release
- Celebration/presentation to residents
- Listing on web site

• Builds goodwill with manager and helps future residents find a smoke-free building



Materials in Implementation

- Signs/sign order form
- Instructions to list on web site
- Cessation materials
- Certificate of recognition
- Other ideas for promotion



View sample materials online at http://www.msmokefreehousing.org/landlords/steps_series.html

Materials in Implementation



12"x18" outdoor metal sign



18"x24" lawn sign



4.5"x6.5" window cling



3.5"x5" indoor metal door plaque

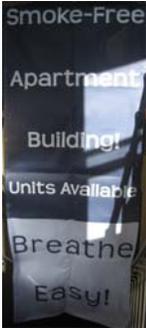
Materials in Implementation





3.5"x6" magnetic shopping list

4'x10' outdoor banner




3'x8' outdoor banner

Web Site & Directory





www.msmsmokefreehousing.org

Messages to Managers




Post signs and remind residents of policy

- Send out an announcement to residents a few days prior to the policy going into effect
- Post signs at the entrances to the buildings and anywhere else on the property where you want to ensure that no smoking occurs
- Signs and window clings are available from our office



Messages to Managers



Advertise your policy

- Renters are looking for smoke-free buildings
- Advertising that your building is smoke free will make it stand out to tenants searching for somewhere to live
- List it on our online directory of smoke-free apartment buildings



Stage 5: Evaluation/Maintenance



- Check in approximately 6 months after policy is adopted (takes effect)
- Offer enforcement suggestions
- Offer continued promotional assistance
- Document anything you might need for grant/project evaluation

Evaluation/Maintenance
<ul style="list-style-type: none"> • Implementation has past • Enforcing violations • Continuing to promote • Continuing to evaluate



Materials in Evaluation



- Fact sheet on enforcement
- Sample enforcement documents in case of infractions
- Post-policy survey for residents
 - Aids in your project evaluation
 - Not always a great response from residents
 - Results are not truly comparable to pre-policy survey since residents may have moved during policy adoption
 - Downloadable document:
 - [Sample post-policy survey](#)



Messages to Managers



Policy enforcement

- Smoke-free policies are largely self-enforcing
- Ensure that the lease language prohibits smoking and specifies that it is a violation of the lease to smoke in case an eviction becomes necessary
- Document violations and get witnesses who would be able to testify to incidents of smoking
- **Enforce a smoke-free policy the way you'd enforce other policy or lease violations** (ie, documented warnings and possible eventual termination)



Policy Checklist



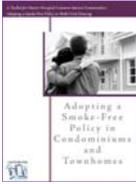
- Downloadable documents:
 - [Policy checklist for managers](#)
 - [Policy checklist for internal staff](#)
- Checklists should be considered a guide, but each property may have different needs



The Stages of Policy Change: Owner-Occupied Properties

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Materials for Owner-Occupied Properties



For Owner-Occupied Managers and Residents

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Adopting a Policy in Owner-Occupied Properties

- Pre-contemplation, contemplation, implementation, and evaluation stages are very similar to rental properties
- Adoption stage is likely very different than in rental properties

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Adoption Terms to Know

- **Governing documents:** the documents that control establishment and management of the condominium complex. The documents usually include:
 - **Declaration** – sometimes called the covenants, conditions and restrictions, or CCRs. Controls establishment and major use restrictions
 - **By-laws** – establishes the rules for setting up the association board and running meetings
 - **Rules and Regulations** – policies to control the day-to-day operations of the condominium complex



Adoption Factors



What factors should be considered?

- Support for the policy change by association members
- Policy coverage areas
 - What are your state's laws regarding common areas?
- Likelihood that the association will modify the policy in the future
- Approach towards existing smoking owners
- Expectation that the policy will be challenged by some owners
- Cost



Adopting a Strong Policy



- What if we have support for a strong policy?
 - Adopt the policy by way of a change to the declaration

Positives

- More likely to withstand a legal challenge
- Courts are deferential to association decisions to amend declaration
- Less likely to be changed if board membership changes

Negatives

- More costly
- Harder to get passed; requires super-majority of association members (not just the board)



Adopting a Gradual Policy



- What if we want an gradual, incremental adoption?
 - Adopt the policy by way of a change to the rules and regulations

Positives

- Only requires majority vote of the association board (not members)
- Less costly to implement
- Easier to adapt over time as needed

Negatives

- Weaker if legally challenged
- Can be easily changed if board membership changes
- "Grandfathering" or other accommodations may be required



Materials for Owner-Occupied Properties



- Overview guidebook
- Research fact sheets
- Relevant news articles
- Model smoke-free policy
- Tobacco Control Legal Consortium synopses
- Sample survey for residents

View sample materials online at http://www.mnsmokefreehousing.org/landlords/steps_series.html



Upcoming Owner-Occupied Webinar



- Issues and information on working with owner-occupied properties
- Warren Ortland and other experts from around the country
- Tentative date: February 29, 2012 from 12:00-1:30pm central time
- Registration information will be posted on the National Smoke-Free Housing Listserv and emailed directly to you!



Closing Thoughts



 **How will I Know if a Policy Went into Effect?** 

- Ask the property manager
 - When did the policy begin to take effect
 - Was it phased in or did the whole building go smoke free at once
- Is there any promotion
 - Signs on the property
 - Advertising
- Collect a written policy!



 **Case Study: Working with a Rental Building** 

- Meet manager at trade show; briefly describe benefits and program
 - Pre-contemplation stage
- Manager calls a few months later to learn more about the benefits and how a policy is adopted
 - Contemplation stage

 **Case Study: Working with a Rental Building** 

- Manager calls again in a few months; has decided to go smoke free! Schedule a site visit to discuss policy details and make a timeline for adoption
 - Adoption stage
 - May require a few phone calls and/or visits
- Call manager a few weeks/days in advance of smoke-free date to check in; send signs or other implementation materials
 - Implementation stage



Case Study: Working with a Rental Building



- Hold a presentation or celebration for residents when building goes smoke free
 - Implementation stage

- 6 months after policy goes into effect, call manager to check on policy's success and discuss any further needs
 - Evaluation stage



Webinar Series



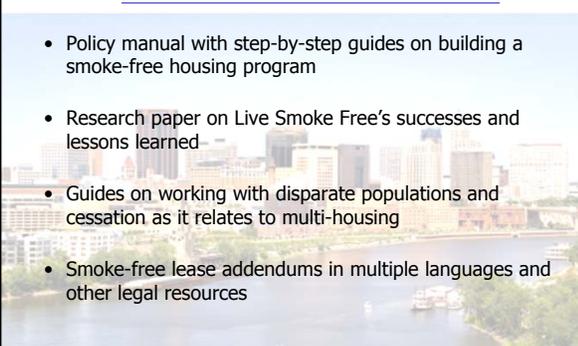
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Learn more and register at
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Coming in 2012...

- Policy manual with step-by-step guides on building a smoke-free housing program
- Research paper on Live Smoke Free's successes and lessons learned
- Guides on working with disparate populations and cessation as it relates to multi-housing
- Smoke-free lease addendums in multiple languages and other legal resources



Contact Information



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