



GLOSSARY



AETHALOMETER:

Measures ultraviolet-absorbing particles that are found in secondhand smoke, which allowed the researchers to chart when secondhand smoke exposure peaked in the unit.

AFFORDABLE/LOW-INCOME HOUSING:

The unit's annual rent costs no more than 30-40% of the household's annual income.

AMERICANS WITH DISABILITIES ACT (ADA):

"Title II of the ADA applies to all programs, services, and activities provided or made available by public entities. With respect to housing, this includes, for example, public housing and housing provided for state colleges and universities."

APARTMENT UNIT TURNOVER:

Cleaning and preparing a unit to be rented.

BLOWER DOORS:

Measures the exact amount of air flow required to create a certain pressure difference between one apartment and another.

BRAND:

A program's identity that is built based on its mission statement, logo, tagline, color scheme, and messaging.

BREACH OF LEASE:

When a renter or property owner breaks a rule or otherwise violates a rental agreement.

BUILDING:

Building usually refers to just the physical housing structure.

CARCINOGEN:

A substance that is known to cause cancer in humans.

CDA:

Community Development Agency.

COMMON INTEREST COMMUNITY (CIC):

An owner-occupied housing community or association, such as a condominium, townhome or co-operative, in which each resident owns his/her own unit.

COMMON LAW CLAIMS:

Types of legal actions that result from a series of court decisions and are not based on state or local laws.

CONDOMINIUM:

Units are usually arranged in a multi-story building and the units share walls as well as floors/ceilings. The unit owner owns the interior areas of the unit independently, but the common areas and exterior surfaces jointly with other condo owners.

COVENANT OF QUIET ENJOYMENT:

A condition of the lease in which a renter agrees to reside in the unit without disturbing other tenants.

CRIME-FREE MULTI-HOUSING PROGRAM:

The International Crime-Free Association developed the Crime-Free Multi-Housing Program to reduce crime, drugs, gangs, and other illegal activity on apartment properties.

CUBIC METER (m³):

The volume of a cube with edges one meter in length.

DISABILITY:

A physical or mental impairment that substantially limits one or more major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

DISCLOSURE ORDINANCE:

A disclosure ordinance would require managers to make renters aware of smoking and nonsmoking policies before the renter signs a lease.

DISCRIMINATION:

Treating a person differently due to their race, color, creed, national origin, marital status or other select characteristics. It is reserved for characteristics that are considered innate, immutable and for categories of persons that have historically experienced discrimination.

DISPARATE POPULATIONS:

Groups of people who are dissimilar from the majority—usually in income and health. In public health contexts this usually refers to groups that are poor in income and health and often face inequities when seeking solutions for their health problems. Also known as priority populations.

EDA:

Economic Development Agency.

EFFECTIVE LEAKAGE AREA:

All the gaps and cracks between the two spaces can be expressed in terms of the size of a single idealized hole.

EVICITION:

A court process to remove a resident or otherwise recover possession of real property by a legal process.

FEDERAL FAIR HOUSING ACT OF 1968:

“The Fair Housing Act provides equal opportunities for people in the housing market regardless of disability, race, color, sex, religion, familial status or national origin, regardless of whether the housing is publicly funded or not.”

FEDERAL REHABILITATION ACT OF 1973:

“No otherwise qualified individual with a disability may be discriminated against in any program or activity receiving federal financial assistance.” This provision has been interpreted to include federally subsidized housing.

FEE BENEFITS:

Municipalities can offer a financial incentive or waive fees for properties that go smoke free.

FIXED-TERM LEASE:

A rental agreement that has specific start and end dates; usually for a period of six months or one year.

GOVERNING DOCUMENTS:

The documents that control establishment and management of an owner-occupied property. These documents usually include:

1. Declarations - Called the covenants, conditions, and restrictions, or CCRs. The declaration controls establishment and major use restrictions in the owner-occupied community.

2. By-laws - Establishes the rules for setting up the association board and running meetings.

3. Rules and regulations - Policies to control the day-to-day operations of the property.

GRANDFATHERING:

An old rule (e.g., being allowed to smoke) continues to apply for current renters while a new rule (e.g., no smoking) applies for new renters.

HA:

Housing Authority.

HC:

Housing Commission.

HEALTH LITERACY:

The ability to read, understand and use health-care information to make decisions and follow instructions for treatment if necessary.

HOUSE RULES:

Documents that some buildings, particularly subsidized buildings, use in addition to a lease to outline the rules and regulations of the building. Typically the lease itself states that all house rules must be adhered to, but does not explicitly list the rules in the lease. Instead, the rules are listed in a separate document. House rules are just as enforceable as a lease.

HOUSING CHOICE VOUCHER:

Rental subsidy issued in the form of a voucher directly to a renter. The renter can use the voucher in a privately-owned market-rate building as long as the manager accepts Section 8 vouchers. The local Public Housing Authority manages applications for vouchers, authorizes renters to receive vouchers, and distributes the subsidized money to owners of buildings in which vouchers are used.

HOUSING COOPERATIVE (CO-OP):

Common Interest Community in which the real estate is owned by an association, each of whose members is entitled to a proprietary lease by virtue of the member's ownership interest in the association. Residents either own shares reflecting their equity in the co-op's real estate, or have membership and occupancy rights in a not-for-profit co-op, and underwrite their housing by paying subscriptions or rent.

HOUSING FINANCE AGENCY:

Housing finance agencies provide funding for loans, subsidy programs, renovations and low-income housing tax credits.

HOUSING FIRST:

Renters are moved directly from shelters or treatment centers into an apartment. Housing First assumes that a person's first and primary need is to obtain stable housing and that other issues that may affect the household can be addressed only after housing is obtained.

HOUSING READINESS:

Progression through different levels of housing (known as the Continuum of Care), and each level of housing gets them closer to living independently. In this model, renters must address issues that may have led to them being homeless prior to moving into independent housing.

HRA:

Housing and Redevelopment Authority.

INDEFINITE GRANDFATHERING:

A situation in which a resident is permanently exempt from the smoke-free policy.

LAWS CONFIRMING AUTHORITY:

State laws could confirm and clarify the existing authority that property owners have to adopt smoke-free policies.

LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED):

An internationally-recognized green building program that certifies green buildings through a ranking system.

LEASE:

A legal agreement between a property owner or manager and a renter that gives the renter the right to occupy a unit in exchange for payment of rent and agreeing to various rules of conduct. State laws determine whether the lease can be oral or must be in writing.

LOW INCOME HOUSING TAX CREDIT QUALIFIED ALLOCATION PLAN (LIHTC QAP):

LIHTC is the largest source of federal subsidy for adding rental housing units to the affordable housing stock in the United States. New low-income buildings and low-income buildings undergoing renovations apply for the tax credit through a point-based system. Points are earned for amenities such as building near mass transit and implementing green initiatives. The QAP is a required plan for how each state should distribute its LIHTC credits.

LOW SES POPULATIONS:

Multi-cultural, multi-ethnic, multi-lingual populations dispersed throughout the United States. Low SES characteristics include: low-income, individuals with less than 12 years of education, medically underserved, unemployed, and the working poor.

MANAGER/OWNER VS. LANDLORD:

For many people (in and out of the housing industry), “landlord” no longer carries a positive implication. It often conjures up images of a greedy person who owns a rundown urban building; someone who is only slightly better than a “slumlord.” While “manager” and “owner” don’t seem like creative phrases, they are accurate statements and don’t carry negative perceptions.

MANDATORY POLICY:

A public policy enacted by an elected or appointed body that requires a property owner or manager to follow. Also known as Public Policy.

MARKET-RATE HOUSING:

The rental cost of a unit without any subsidies or financial assistance. The rent rate is based on what analysts believe the market will bear (or the highest price at which a unit can be rented in a particular geographic area).

MECHANICAL SYSTEM EFFECTS:

Mechanical ventilation is required by building codes in bathrooms and in some kitchens. The typical bathroom fan is an exhaust fan. These fans pull air out of the bathroom and typically vent the air up through the roof. As air is pulled from the bathroom, air from elsewhere in the building is drawn into the bathroom to replace the air that is being vented. This can cause large amounts of air flow into a unit from other units every time a renter turns on his/her bathroom or kitchen fan.

MEDIATION:

A method of nonbinding dispute resolution involving a third party who tries to help the disputing parties reach a mutually agreeable solution.

MICROGRAM (µg):

A unit of mass equal to one millionth (1/1,000,000) of a gram.

MONTH-TO-MONTH:

A rental agreement without a specific ending date; the agreement automatically renews every month until one of the parties gives notice to end the lease. It is also known as Periodic Tenancy.

NATIONAL APARTMENT ASSOCIATION (NAA):

A housing trade association targeted toward providers of market-rate and privately owned housing.

NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS (NAHRO):

A housing trade association targeted toward providers of public and low-income housing.

NOTIFICATION:

The legal length of time necessary before a manager can change a resident’s lease. Notification periods vary by state but many states require 30 days of notice. It is also known as proper notice.

NUISANCE:

A condition or situation (such as loud noise or foul odor) that interferes with the use or enjoyment of property.

OWNER-OCCUPIED PROPERTIES:

Each resident purchases and owns their unit. This includes townhomes, condominiums, housing cooperatives (co-ops), and other homeowner associations. Also known as a Common Interest Community (CIC).

PERIODIC LEASE:

A rental agreement without a specific ending date. Also known as a Month-to-Month Tenancy.

PERMANENT SUPPORTIVE HOUSING:

Permanent rental housing that is affordable for the population it serves and has support services available for residents. Permanent supportive housing is available to individuals and families with multiple barriers to obtaining and maintaining housing, including those who are formally homeless or at risk of homelessness and those with mental illness, substance abuse disorders, and/or HIV/AIDS.

PHA:

Public Housing Authority.

PLACE OF EMPLOYMENT:

The office or location at which an employee routinely conducts state business.

PORTFOLIO:

All of the properties under control of a particular ownership/management company.

PRIORITY POPULATIONS:

Groups of people who are dissimilar from the majority—usually in income and health; in public health contexts this usually refers to groups that are poor in income and health and often face inequities when seeking solutions for their health problems. Also referred to as disparate populations and health inequities.

PRIVATELY OWNED RENTAL HOUSING:

Independent owner, company, or nonprofit (i.e., landlord) controls the building operations and collects any financial profits.

PRO BONO:

From Latin, meaning “for the public good.” The designation given to legal aid services in which they offer access to legal services for free, usually based on income qualifications or other eligibility criteria.

PROGRAM'S IDENTITY OR BRAND:

A collective aspect of the set of characteristics built from a mission statement, logo, tagline, color scheme, messaging, and design elements that are consistent on program materials.

PROJECT-BASED ASSISTANCE:

This rental subsidy is issued directly to a property so that renters pay 30% of their income as rent and the remainder of the rent is subsidized. Renters only have the subsidy as long as they live in the building and remain income eligible. Project-based housing is usually owned and managed by private individuals or companies.

PROPER NOTICE:

The legally required amount of time that a property owner or resident is required to provide to the other party prior to a change in tenancy.

PROPERTY:

Property refers to the apartment community's buildings and outdoor spaces. Properties may be made up of multiple buildings, this can also be referred to as an “apartment complex.”

PUBLIC HOUSING:

A building is owned by a government agency (federal, state, or local), usually with the goal of providing affordable housing to low-income residents.

PUBLIC POLICY:

A policy that a property owner or manager must follow because it was enacted by an elected or appointed body.

PUBLICALLY OWNED RENTAL HOUSING:

A building's operations are funded and controlled by a government agency (federal, state, or local). A Board of Directors might be involved in making decisions for the building.

QUIT KITS:

Quit kits are cessation “care packages” filled with educational information and items to help renters quit smoking.

OWNER-OCCUPIED:

Each resident purchases and owns their unit. This includes townhomes, condominiums, housing cooperatives (co-ops), and other homeowner associations. Also known as a Common Interest Community (CIC).

RENT CONTROL:

Laws that set a maximum amount that a property manager can charge to rent a unit. Rent control is intended to protect renters from excessive rent increases by mandating gradual price increases. Sometimes called rent leveling or rent stabilization.

RENT ESCROW:

When a manager will not respond to requests for repairs in an apartment unit, a renter can file a complaint with the local housing court and place his/her rent into a third-party account. The manager will not receive the money until steps are taken to solve the problem, but the renter is not penalized for non-payment of rent. Details on how to file a rent escrow claim can be found by contacting your local housing court office.

RENTER-OCCUPIED:

Units are owned by one person or company; residents pay the owner a fee in order to live in the unit. Often known as an apartment community.

RESIDENT; RENTER; TENANT:

All of these words refer to people who live in an apartment community.

RURAL DEVELOPMENT, OR SECTION 515:

A program to encourage development of affordable housing in rural areas. The Department offers no interest or very low-interest loans to property developers if they agree to make their units available at affordable rates for a specific term of years.

SECTION 42:

Housing financed in part with the federal Low Income Housing Tax Credit (LIHTC). A federal tax code that benefits individuals or groups that invest in low-income rental housing. Low-income renters at tax-credit properties pay less than the market-rate rent for units.

SECTION 8:

A HUD rental assistance program in which a resident pays 30%-40% of his/her adjusted gross income for rent and the remainder of the rent is paid by the Section 8 program. Some Section 8 is project-based and some is voucher-based.

SPECIAL POPULATIONS:

For the purpose of the discussion in this manual, “special populations” is defined as individuals with mental illness, chemical dependency, or those who are homeless.

STACK EFFECT:

One common cause of air movement is the stack effect. During the winter stack effect, cold air comes in at the bottom of a building and goes out at the top of the building as the air inside warms and rises. The stack effect can happen in reverse during the summer months.

TECHNICAL ASSISTANCE:

Training and consultations offered by one organization in order to help other organizations achieve their goals.

TEMPORARY GRANDFATHERING:

A situation in which a resident is exempt from a smoke-free policy for a specified amount of time.

THIRDHAND SMOKE:

Residual tobacco smoke contamination that remains on surfaces after the cigarette is extinguished. As those chemicals break down over days, weeks, and months, the chemicals ‘off gas’ or desorb back into the air.

TOBACCO CONTROL LEGAL CONSORTIUM:

A national legal network dedicated to assisting in tobacco control issues.

TOWNHOME:

Units are arranged in rows or clusters and the units share walls but not floors/ceilings. Townhome owners often own the unit as well as the land directly under the unit.

TRANSITIONAL HOUSING:

Housing that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months).

TRESPASS:

An unlawful act committed against the person or property of another.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD):

A government agency that offers programs to assist renters, managers, and communities with housing needs.

VOLUNTARY POLICY:

A policy which a property owner or manager enacts on their own. Also known as Private Policy.

WAIVE:

To give up a claim or a right.

WARRANTY OF HABITABILITY:

In a residential lease, a warranty from the landlord to the tenant that the leased property is fit to live in and that it will remain so during the term of the lease; also termed covenant of habitability.

WIND EFFECT:

As wind blows against one side of the building, air tends to flow in that side and be pushed out the other side.



MARCH 2013

SAMPLE TOOLS

SAMPLE TOOLS



PROGRAM DEVELOPMENT MATERIALS: LOGOS



“Live Smoke Free” Logo: This media is credited to Live Smoke Free.

“Smoke-Free Housing Change is in the Air Logo:” The Nebraska Department of Health and Human Services is credited for this media.

“Smoke-Free Housing” Logo: The Smoke Free Housing Coalition of Maine is credited for this media.

“Smoke-Free Housing BC” Logo: The Heart and Stroke Foundation of BC & Yukon is credited for this media.

“MI Smoke-Free Apartment” Logo: The Smoke Free Environments Law Project, a program of The Center for Social Gerontology, Inc. of Ann Arbor, Michigan is credited for this media.

PROGRAM DEVELOPMENT MATERIALS: WEBSITES

Live Smoke Free
www.msmokefreehousing.org

Landlords | Tenants | Organizations

Find a Smoke-Free Building | Video: Benefits of Smoke-Free Housing

Managers: List Your Smoke-Free Building

Live Smoke Free
www.msmokefreehousing.org

Healthier Buildings, Happier Tenants, A Smart Investment.

Smoke-Free Housing Directory

What area of the state do you want to search?

What counties?

- Atoka
- Carter
- Dallas
- Harrison
- Richardson

City Name:

Number of bedrooms:
 Studio/Office/suite 1 bedroom 2 bedrooms 3 or more bedrooms

Monthly Rent Price Range:
 to

SEARCH OUR SMOKE-FREE HOUSING DATABASE

All materials credited to Live Smoke Free.

Smoke-Free Housing Promotion Available from Apartment Living Guide



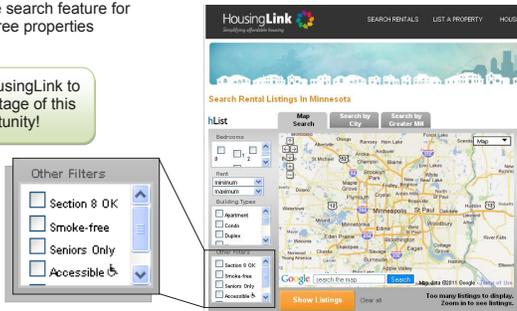
- Web site search feature for smoke-free properties;
- Building icon to quickly identify smoke-free properties in magazine

Contact Apartment Living Guide to take advantage of these opportunities!

Smoke-Free Housing Promotion Available from HousingLink.org

- Web site search feature for smoke-free properties

Contact HousingLink to take advantage of this opportunity!



Smoke-Free Housing Promotion Available From RENT411

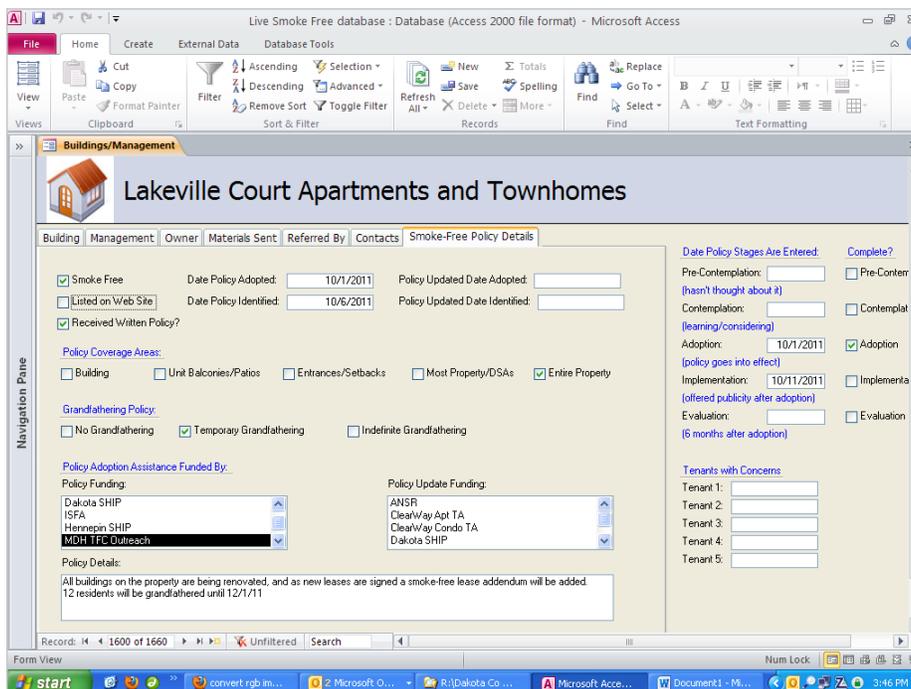
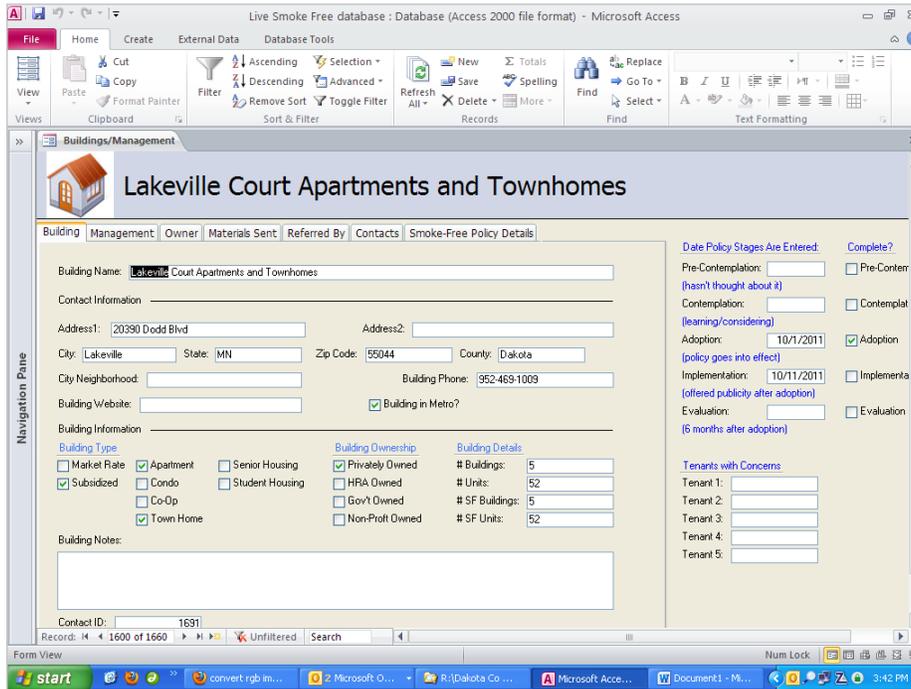


- Occasionally featured on magazine cover;
- Table of contents of smoke-free properties in magazine;
- Web site searches smoke-free properties by city;
- Cloud icon to quickly identify smoke-free properties



Contact RENT411 to take advantage of these opportunities!

PROGRAM DEVELOPMENT MATERIALS: DATABASE



All materials credited to Live Smoke Free.

PROGRAM DEVELOPMENT MATERIALS: CHECKLIST



Live Smoke Free Policy Initiative Checklist

Building/Property Name: _____

City: _____

Building/Property Contact Name: _____

| Pre-Contemplation Phase | Date Completed: |
|--|-----------------|
| <input type="checkbox"/> Cold Call/Email: _____ | _____ |
| <input type="checkbox"/> Targeted Mailing: _____ | _____ |
| <input type="checkbox"/> Bulk Mailing: _____ | _____ |
| <input type="checkbox"/> Other: _____ | _____ |

| Contemplation/Preparation Phase | Date Completed: |
|---|-----------------|
| <input type="checkbox"/> Phone follow-up to a pre-contemplation outreach strategy | _____ |
| <input type="checkbox"/> Conference/workshop/presentation/meeting | _____ |
| <input type="checkbox"/> Send/give <i>Step One</i> module packet | _____ |
| <input type="checkbox"/> Encourage a resident survey be conducted <ul style="list-style-type: none"> <input type="checkbox"/> Dates survey conducted: _____ | _____ |
| <input type="checkbox"/> Learn about the property: <ul style="list-style-type: none"> <input type="checkbox"/> Which company/companies manage/own the property? <input type="checkbox"/> Is it a market rate or subsidized building? <input type="checkbox"/> Does it serve a special population of residents? <input type="checkbox"/> How many buildings & units are on the property? | _____ |
| <input type="checkbox"/> Learn what outdoor amenities are present on the property: <ul style="list-style-type: none"> <input type="checkbox"/> Playground <input type="checkbox"/> Pool <input type="checkbox"/> Dog/pet park <input type="checkbox"/> On-site parking <input type="checkbox"/> Open space <input type="checkbox"/> Other | _____ |
| <input type="checkbox"/> Consult about survey results and policy options | _____ |
| <input type="checkbox"/> Offer to give a presentation to staff/board members <ul style="list-style-type: none"> <input type="checkbox"/> Date presentation given: _____ | _____ |

(continued on next page)

- Offer to give a presentation to residents to gauge support
 - o Date presentation given: _____
- Send/give *Step Two* module packet _____
- Alert Live Smoke Free team about upcoming policy adoption _____
- Consult on policy details _____
 - o Which areas of the property will be covered?
 - o Will there be any form of grandfathering?
 - o Will there be fines for violations?
 - o How will the policy be enforced?
 - o Will there be incentives for residents to sign the policy early?
 - o Will the policy be implemented using the Phase-In or Quit Date Method?
- Offer to give a presentation to the residents to announce the policy _____
 - o Date presentation given: _____
- Develop a timeline for the manager _____
 - o When will the policy go into effect?
 - Date: _____
 - o When will a resident presentation occur?
 - Date: _____
 - o When will an announcement letter be sent?
 - Date: _____

- Remind manager to order signs
- Explain promotional options & determine interest
 - o Begin readying promotional materials
- Send *Step Three* module packet (and signs if ready)

Adoption Phase

- Check in the date the policy goes into effect
 - o Did the policy actually go into effect?
 - o How is the process going?
 - o Were there any adoption problems?
- Finalize promotional materials
- Collect final policy language
- Collect other sample materials if necessary
 - o Materials collected: _____

Implementation Phase

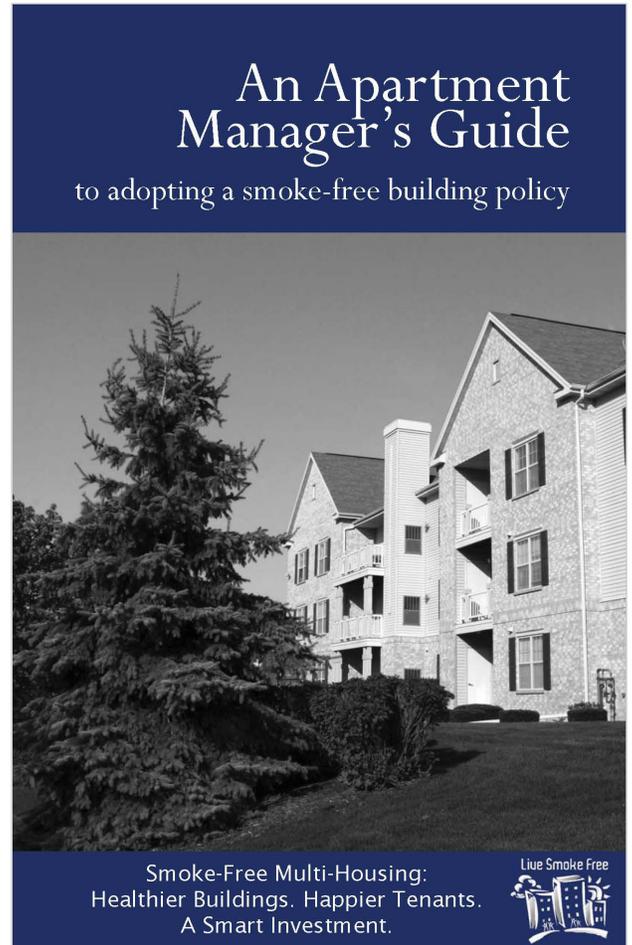
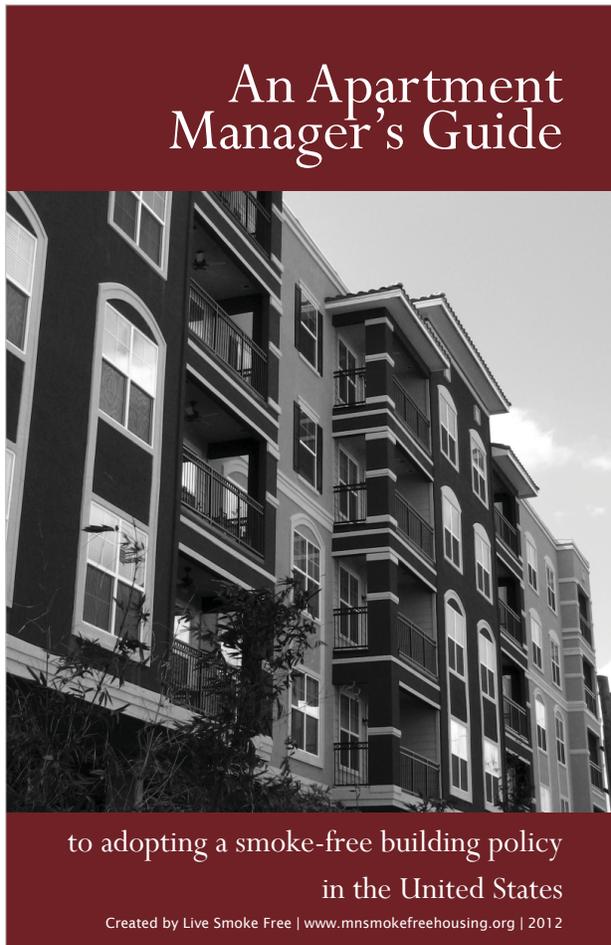
- Send/deliver signs

- Send/deliver recognition certificate _____
- Send/deliver banner(s) _____
 - o Date banners will be returned/picked up: _____
- Hold policy celebration _____
- List property on Live Smoke Free's web directory _____
- Promote in Live Smoke Free's media: _____
 - o E-newsletter
 - Date: _____
 - o E-blast
 - Date: _____
 - o Facebook
 - Date: _____
- Get/take pictures of building, signs, & banners _____
- Alert Carissa to make internal Live Smoke Free material changes _____
 - o Web site listing approval
 - o State & metro policy maps
 - o Smoke-free HRA listing
 - o Testimonial sheets
 - o Post press release on web site
- Distribute press release _____
 - o Media coverage: _____
 - o Media coverage: _____
- Collect all media and place in Live Smoke Free media binder _____

Evaluation Phase

- Check in six months after policy adoption _____
 - o How is the policy going?
 - o Have there been any problems?
 - o Are there other properties the manager can refer us to?
- Offer further assistance _____
 - o Additional signs
 - o Enforcement strategies
 - o Additional promotion
 - o Additional buildings adopting policies in the future

OUTREACH MATERIALS: LANDLORD BOOKLETS



“Apartment Managers Guide” (Brown and Blue) are credited to Live Smoke Free.

“It’s Your Decision” Guidebook: the Smoke-Free Housing Coalition of Maine is credited for this media.

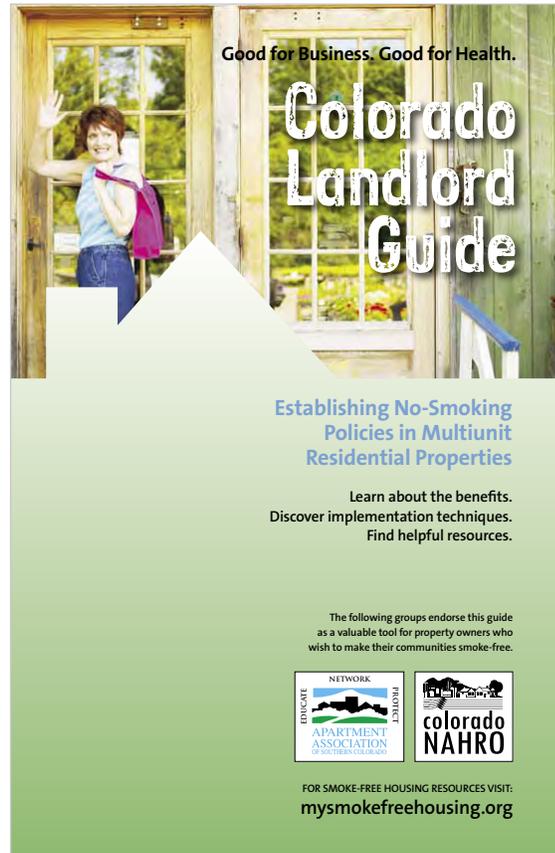
“Colorado Landlord Guidebook.” GASP of Colorado is credited for this media.

“Smoke-Free Housing Options:” the Nebraska Department of Health and Human Services is credited for this media.



smokefree
HOUSING
www.smokefreeforme.org

LANDLORDS & MANAGERS:
It's Your Decision!
How and why to designate smoke-free units and areas in your properties.



Good for Business. Good for Health.

Colorado Landlord Guide

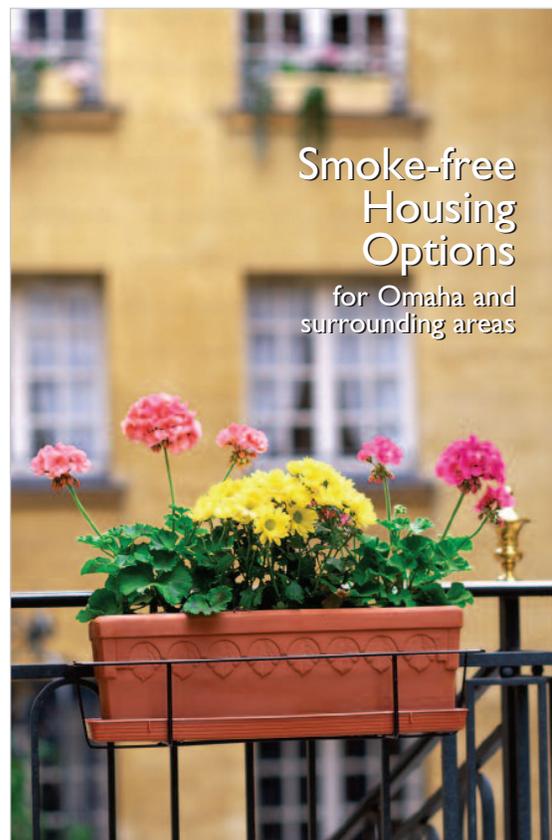
Establishing No-Smoking Policies in Multiunit Residential Properties

Learn about the benefits.
Discover implementation techniques.
Find helpful resources.

The following groups endorse this guide as a valuable tool for property owners who wish to make their communities smoke-free.



FOR SMOKE-FREE HOUSING RESOURCES VISIT:
mysmokefreehousing.org



Smoke-free Housing Options

for Omaha and surrounding areas

OUTREACH MATERIALS: POSTCARDS

**Healthier Buildings, Happier Residents...
A Smart Investment.**

**The Benefits of Adopting a Smoke-Free Policy for
Your Condominium or Townhome Association**

Live Smoke Free  Public Health Law Center 

How Can You Find More Money?

Look No Further Than Your Building!

Live Smoke Free 

Protect Your Building. Protect Your Tenants.

Protect Your Investment.
Smoke-Free Buildings Reduce the Risk of Fires.

Live Smoke Free 

Renters Want Smoke-Free Housing.

How Will You Meet The Demand?

Live Smoke Free 

Tenants are looking for smoke-free buildings.

Will they find you?
List your smoke-free building online for FREE!

Live Smoke Free 

Interested in Going Smoke Free? Let Us Help.

Did you know that smoke-free policies...
 ...are legal to adopt for your entire building and property?
 ...result in lower cleaning and turnover costs?
 ...are preferred by nearly half of renters in the Twin Cities?

Attend the webinar to learn more about the benefits of adopting a smoke-free policy!

Mark Your Calendar For A FREE Webinar
On Clearing The Air In Your Building

Live Smoke Free 

SAMPLE OUTREACH MATERIALS: ADS

HOW'S THE AIR DOWN THERE?

CONSIDER THIS:
Up to 50% of the air in apartment buildings may be recirculated throughout the entire building. If your neighbors smoke, it could be dangerous for you and your children. Exposure to secondhand smoke can cause ear infections and more frequent and severe asthma attacks in children. It can even cause Sudden Infant Death Syndrome.

Ask your landlord about no-smoking policies that could clear the air in your home.

To Do:

1. ~~Steam~~ ^{replace} Clean carpet
2. ~~Scrub walls & ceiling~~ ^{repaint everything!!}
3. Clean airducts
4. ~~Clean blinds~~ ^{Replace}
5. Clean windows

Go smoke-free.
Implementing a no-smoking policy could simplify your turnover process and save you thousands on repairs. More than 85% of Washington renters prefer smoke-free housing, so make the change today. Learn how at www.SmokeFreeKingCounty.com

Public Health
Seattle & King County

SMOKE-FREE HOUSING: A BLUEPRINT TO GOING SMOKE-FREE

#1 DEVELOP THE NO-SMOKING POLICY

- Decide where smoking is not allowed. A 100 percent smoke-free rule applies to indoor and outdoor common areas and all units, including private decks and patios. And it has the biggest impact on reducing cleanup costs, fires and health risks.
- Write lease language. Include:
 - Who it applies to (residents, guests, staff, etc.)
 - The definition of smoking.
 - Effective dates.
 - Consequences for violations.

#2 COMMUNICATE WITH RESIDENTS

- Current residents:** Send notification letters that explain the importance of smoke-free housing, what the policy covers and effective dates.
- Prospective residents:** Advertise your property as smoke-free; explain to residents before lease signing.

SMOKE-FREE FOR RENT

#3 APPLY THE RULE

- Current leases:** Add the rule at lease renewal, or by giving at least 30-days notice.
- New leases:** Include the rule in all new leases.
- Month-to-month leases:** Give at least 30-days notice before the change.

LEASE AGREEMENT

#4 ENFORCE THE RULE

- Post clear signs for residents and visitors.
- Respond promptly to complaints about violations.
- Enforce the rule as you would any lease violation.

THIS IS A SMOKE-FREE AREA

Washington Landlords say going smoke-free is good for business:¹

- 95 percent say they are satisfied with their decision to go smoke-free.
- 92 percent report no effect on turnover rates.

92 percent of Washington renters prefer smoke-free housing.²

Visit SMOKEFREEWASHINGTON.COM for practical tips and tools to go smoke-free, including:

- Facts about secondhand smoke.
- Sample lease language.
- Sample handout and notification letter.
- Sample warning letter.
- Information about the benefits of smoke-free housing.
- Testimonials from landlords who have gone smoke-free.

1. Residential Smoke Control and Property Manager Survey, Washington State Department of Health, 2012. 2. Smokefree Risk Factor Surveillance System, Washington State, 2010. For purposes of this document, this document is published in English. To receive a copy, please call 1-800-333-7277 (TODAY) or call 206-438-7277.

Laundry

Pets

Smoke-free

RENTERS HAVE THE RIGHT TO KNOW
Smoking Disclosure - Duluth's New Rental Requirement

SMOKE-FREE HOUSING
AMERICAN LUNG ASSOCIATION

This project is funded by a grant from the Minnesota Department of Health, Office of Tobacco Control.



Él está en peligro

Aunque en tu casa nadie fume, el humo del cigarrillo puede entrar por el sistema de ventilación o por las puertas y ventanas.

Es tóxico y puede causarte enfermedades graves a los niños incluyendo infecciones del oído, bronquitis y ataques de asma.

DILE ¡BASTA! AL HUMO DE SEGUNDA MANO.

Departamento de Servicios de Salud de California. © 2006 CCHS.



Enjoy Smoke-Free Air in Your Apartment
Healthy Buildings • Happy Residents • A Smart Investment



Live Smoke Free
Visit www.mnsmokefreehousing.org

- Directory of smoke-free apartments in the Twin Cities
- Free resources for residents wanting smoke-free apartments
- Free resources for landlords thinking about adopting a smoke-free policy



Live Smoke Free
The Market for Smoke-Free Housing
Source: Real Estate Research

- 33% of those experiencing smoke say it bothers them so much that they have thought of moving.
- Over 55% of renters are "extremely" or "very" interested in living in a smoke-free building.

The Benefits of Smoke-Free Multi-Housing

- Reduced Costs: Smoking units are lower when units don't have the smell of smoke, cigarette burns or smoking-related fires.
- Fewer Fire Risks: Smoking-related fires are deadly and costly. Smoke-free policies eliminate the source of smoking-related fires.

Secondhand Smoke is Dangerous

- Secondhand smoke can cause emphysema, asthma, pneumonia, lung cancer, chronic bronchitis, and heart disease.

U.S. Centers for Disease Control

Breathe Freely
Healthy Buildings • Happy Residents • A Smart Investment

Live Smoke Free offers you free consultations, step-by-step guides, resources, presentations, promotional assistance, and signs for your property. Let us help you go smoke free at no cost to you.

Live Smoke Free
Contact Live Smoke Free
Phone: 651.646.2025
Fax: 651.646.0162
Web: www.MNSmokeFreeHousing.org



Live Smoke Free is funded by a Tobacco Free Communities Grant from the Minnesota Department of Health, Tobacco Prevention and Control Program.



Discover The Benefits Of Managing A Smoke-Free Building

- Reduce cleaning costs
- Prevent cigarette-related fires
- Attract the high number of renters who want to live in a smoke-free building
- Offer a clean living space for happier, healthier renters

Programs around Minnesota are available to help you adopt a smoke-free policy for your buildings! All of our services are **FREE!** Contact us today to learn how you can protect the health of your residents and your buildings.



In Central Minnesota:
320-309-7359
www.smokefreecentralmn.org



In the Twin Cities:
651-646-3005
www.mnsmokefreehousing.org



SMOKE FREE HOUSING
AMERICAN LUNG ASSOCIATION
of Minnesota
In North East Minnesota:
218-726-4721
www.lungmn.org/smokefreehousing

Enjoy 100% Smoke-Free Apartment Living!

Colonial Villa Burnsville
Boulder Court Eagan
Cobblestone Square Apple Valley
High Pointe Apartments Eagan
Apple Valley Villa Apple Valley

Live Smoke Free
Find your smoke-free apartment today!
www.mnsmokefreehousing.org



MINNESOTA DEPARTMENT OF HEALTH
VISION
Tobacco Free Communities
SHIP

“How’s the Air Down There?” Created by the Colorado Department of Public Health & Environment’s State Tobacco Education & Prevention Partnership

“Go Smoke-Free” Ad: Public Health – Seattle and King County is credited for this ad

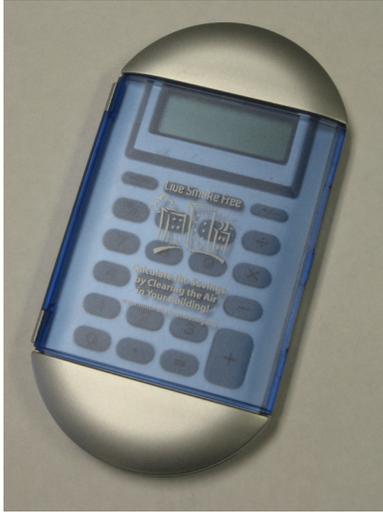
“Go Smoke-Free” infographic: The Washington State Health Department is credited for this media

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SAMPLE OUTREACH MATERIALS: TRINKETS



All of the trinkets are credited to Live Smoke Free.

MATERIALS FOR LANDLORDS



Adopting a Smoke-Free Building Policy: A Three-Part Series for Apartment Managers

Often, apartment owners and managers go through three stages when adopting a smoke-free policy. Live Smoke Free has designed these materials to meet the needs of owners and managers whether they are in the stage of contemplation, adoption, or implementation.



Step One: "I'm Thinking of Adopting a Smoke-Free Building Policy": This is a first look to understand the benefits and steps to adopting a smoke-free policy. This step provides "An Apartment Manager's Guide to Adopting a Smoke-Free Building Policy," informational fact sheets, testimonials from managers, and a survey to distribute to tenants to gauge their interest in living in a smoke-free building.



Step Two: "I've Decided to Adopt a Smoke-Free Policy": Once owners and managers decide to adopt a policy, they must notify the tenants of the policy change and begin to implement the policy. This step includes a customizable letter to notify tenants of the policy change and model lease addendum. An order form to receive smoke-free building signs is also included.



Step Three: "I Have a Smoke-Free Building": Immediately before or soon after a policy goes into effect, owners and managers are sent a package that includes the signs ordered along with a certificate of congratulations. They also receive information about policy enforcement and publicity as well as instructions for listing on Live Smoke Free's online smoke-free housing directory.

If you are ready to receive any of the above informational steps or if you have any questions about adopting a smoke-free policy, please contact our office at 651-646-3005.

www.mnsmokefreehousing.org

MATERIALS FOR LANDLORDS IN THE POLICY CONTEMPLATION STAGE

A Three-Part Series for Apartment Managers:
Adopting a Smoke-Free Building Policy



Step One:

“I’m Thinking of Adopting a Smoke-Free Building Policy.”



Live Smoke Free **Up in Flames:**
The Dangers of Smoking in Apartment Units

Cigarettes and other smoking materials are the leading cause of residential fire deaths in Minnesota and the United States. These fires can also result in millions of dollars in damaged property and healthcare costs. According to the U.S. Fire Administration, more attention needs to be given to preventing fires caused by lighted tobacco materials.¹

The Cause of Smoking-Related Fires

- Cigarette-caused fires often result when a smoker—who may also be impaired by alcohol and may have fallen asleep—drops, abandons, or improperly disposes of a smoldering cigarette. A dropped cigarette can lie in furniture or bed linens and smolder for up to 30-45 minutes, causing fire ignition or large amounts of smoke.²
- A dropped, smoldering cigarette can cause smoke which contains carbon monoxide and other highly toxic gases that can render people semiconscious or unconscious, putting them at greater risk of injury or death from a fire.²

Apartment Buildings and Smoking-Related Fires

- Multi-family dwellings along with one-and two-family homes account for over 90% of residential smoking fires.¹
- Although only 19.9% of all residential fires occur in multi-family buildings, 26.4% of all residential smoking fires occur in multi-family buildings.
- There were 52 smoking-related fires in multi-family dwellings in Minnesota in 2009.³

Smoking-Related Fires are Deadly

- Cigarette-caused residential fires result in 700-900 deaths in the United States per year.¹ The fatality rate due to smoking-related fires is nearly 4 times higher than the overall residential fire rate; injuries are more than twice as likely.¹
- Smoking caused 29% of all fire fatalities and 42% of residential fire deaths in Minnesota in 2009.³ Smoking also caused 25% of multi-family fire deaths occurring in Minnesota in 2009.⁴
- One quarter (25%) of victims of smoking-material fire fatalities are not the smoker whose cigarettes started the fire.³ Children of the smoker, spouses/partners, neighbors, friends, parents, siblings, roommates, other relatives, and passerby can all be killed in these fires.¹ Firefighters can also be injured or killed while working to put out a cigarette-caused fire.
- Residential smoking fires that injure are more prevalent at night. Forty percent (40%) of those killed in residential smoking fires were asleep, as were 35% of those injured.¹

The Cost of a Smoking-Related Fire

- In 2009, the average dollar loss per multi-family smoking-related fire in Minnesota was over \$7,550 per incident.³
- A fire caused by careless smoking at an apartment in Burnsville, Minnesota in June 2007, resulted in \$1.5 million in building damage and \$900,000 in personal property damage.⁵
- After a cigarette-caused fire in July 2006, an apartment building in Bloomington, Minnesota spent nine months rebuilding and renovating an entire building of 78 units. In order to avoid smoking-related fires and costs in the future, the building re-opened smoke free in April 2007.⁶

A Solution to the Problem: Smoke-Free Policies Reduce the Risk of Fire

- Smoke-free policies in apartments and other multi-family structures reduce the risk of cigarette-related fires, damages, and deaths by eliminating lighted smoking materials from the interior of the building.

¹U.S. Fire Administration, "Residential Smoking Fire and Casualties," 2005

²James Corbett (and Coauthors), "Smoking Cigarettes for Fire Safety," 2007

³Minnesota Fire Marshal, "Fire in Minnesota," 2009

⁴Minnesota Fire Marshal, "Fire Statistics," 2009

⁵Coalition for Fire Safe Cigarettes, "Fast Facts"

⁶National Fire Protection Association, "The Smoking Material Fire Problem," 2006

⁷WCCO TV, June 21, 2007

⁸WCCO TV, March 26, 2007

Smoke-Free Apartments:
Healthier Buildings, Happier Residents, A Smart Investment.
www.minnsmokefreehousing.org

www.naahq.org

UNITS

December 2007



Clearing the Air

Industry Discusses Trend Toward Smoke-Free Housing



Live Smoke Free

A Breath of Fresh Air

5 Reasons to Consider Implementing a Smoke-Free Housing Policy



The following article is an excerpt from the April 2011 issue of UNITS Magazine, published by the National Apartment Association (NAA). The article is reprinted with permission from NAA. Front and back cover designs by Live Smoke Free.

April 2011

units

The Most Read Magazine in the Multifamily Housing Industry



www.naahq.org

A Toolkit for Apartment Managers:
Adopting a Smoke-Free Building Policy in Affordable Housing



Adopting a Smoke-Free Building Policy for Affordable Housing




U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Office of Healthy Homes and Lead Hazard Control

SPECIAL ATTENTION OF: NOTICE: PIH-2012-25

Regional Directors; State and Area Coordinators; Public Housing Hub Directors; Program Center Coordinators; Troubled Agency Recovery Center Directors; Special Applications Center Director; Administrators; Resident Management Corporations Public Housing Agencies; Healthy Homes Representatives

Issued: May 29, 2012
Expires: Effective until amended, revoked or superseded
Cross Reference:
24 CFR 903.7 (e)(1)
24 CFR 966.3

Subject: Non-Smoking Policies in Public Housing

1. Purpose. This notice is a reissuance of PIH Notice 2009-21 which strongly encourages Public Housing Authorities (PHAs) to implement smoke-free policies in some or all of their public housing units. According to the American Lung Association, cigarette smoking is the number one cause of preventable disease in the United States. The elderly and young populations, as well as people with chronic illnesses, are especially vulnerable to the adverse effects of smoking. This concern was addressed by the Family Smoking Prevention and Tobacco Control Act, P.L. 111-31, signed by the President on June 22, 2009. It is possible for Environmental Tobacco Smoke (ETS) to migrate between units in multifamily housing, causing respiratory illness, heart disease, cancer, and other adverse health effects for those living in neighboring residences. Therefore the Department is encouraging PHAs to adopt smoke-free policies. By reducing the public health risks associated with tobacco use, this notice will enhance the effectiveness of the Department's efforts to provide increased public health protection for residents of public housing. The Department is currently developing additional guidance to assist PHAs with the consideration and adoption of smoke-free policies.

2. Applicability. This notice applies to Public Housing.

3. Background. Secondhand smoke, also known as Environmental Tobacco Smoke, is the smoke that comes from the burning end of a cigarette, pipe or cigar, and the smoke exhaled from the lungs of smokers. ETS is involuntarily inhaled by non-smokers, and can cause or worsen adverse health effects, including cancer, respiratory infections and asthma. According to the U.S. Environmental Protection Agency (EPA) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke (www.epa.gov/smokefree/healthfacts.html). Also the 2007 Surgeon General's report identified hundreds of chemicals in secondhand smoke that are known to be toxic. The report

1


U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20416-0000

ASSISTANT SECRETARY FOR HOUSING
FEDERAL HOUSING COMMISSIONER

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Special Attention of: NOTICE: H 2010-21

Multifamily Hub Directors
Multifamily Program Center Directors
Rural Housing Services (RHS) Directors
Supervisory Housing Project Managers
Housing Project Managers
Contract Administrators
Multifamily Owners and Management Agents

Issued: September 15, 2010
Expires: September 30, 2011
Cross References:

Subject: Optional Smoke-Free Housing Policy Implementation

I. Purpose

The purpose of this Notice is to encourage owners and management agents (O/As) participating in one of the Multifamily Housing rental assistance programs listed in Section III of this Notice to implement smoke-free housing policies in some or all of the properties they own or manage. This Notice provides instructions to O/As on the requirements for implementing smoke-free housing policies and only applies to O/As who choose to establish such policies.

II. Background

It has been proven that exposure to smoke, whether direct or secondhand, causes adverse health outcomes such as asthma and other respiratory illnesses, cardiovascular disease, and cancer. In 2006, the U.S. Department of Health and Human Services published *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. This document expounds on health effects due to involuntary exposure to tobacco smoke. The report defines secondhand smoke, in the past referred to as environmental tobacco smoke (ETS), as smoke composed of sidestream smoke (the smoke released from the burning end of a cigarette) and exhaled mainstream smoke (the smoke exhaled by the smoker). The report lists several major conclusions, all based on scientific data, including the following: 1) The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and 2) Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke.

HUD Notices: HUD is credited for this media. www.hud.gov

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MATERIALS FOR LANDLORDS IN THE POLICY ADOPTION STAGE

A Three-Part Series for Apartment Managers:
Adopting a Smoke-Free Building Policy



Step Two

“I’ve Decided to Adopt a Smoke-Free Policy”



Model Smoke-Free Lease Addendum



Attorney Douglas J. Carney, of Hanbery, Neumeyer & Carney, P.A., prepared the initial version of this Model Lease Addendum. He received ongoing advice, consultation, and recommendations from a legal advisory committee that included attorneys who regularly advise property owners and managers, who serve as tenant attorneys and advocates, or who advise public housing agencies. Representatives from Center for Energy and Environment and Association for Nonsmokers-Minnesota were also on the committee. The modification about where smoking is allowed (Section 3) was included by Initiative for Smoke-Free Apartments. The addition of language addressing electronic cigarettes was added by Warren Orland of the Public Health Law Center.

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. Definitions:

Smoking. The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted or heated cigar, cigarette, or other tobacco product or plant product in any manner or in any form. Smoking also includes use of an electronic cigarette.

Electronic Cigarette. The term "electronic cigarette" means any electronic device that provides a vapor of liquid nicotine and/or other substances to the user as she or he simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes or under any product name.

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. *If you provide an outdoor smoking area, specify where it is here.*

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

or any of its managing agents the guarantor of the Tenant's unit and the common areas. enforce the smoke-free terms of its leases is not required to take steps in response to or has been given written notice of said

of Tenant's Agreement. Tenant agrees that any beneficiaries of Tenant's smokefree terms, this means that Tenant's other Tenants as well as to Landlord.) A to prohibit smoking or for damages, but does it between Tenants herein shall not create a addendum.

se. A breach of this Lease Addendum shall well as the rights in the Lease. A material ch of the lease and grounds for immediate

is that Landlord's adoption of a smokefree rental complex as smoke-free do not in any d or managing agent would have to a Tenant nated as smokefree any safer, more dards than any other rental premises. Landlord anties that the building, common areas, or ed air quality standards than any other rental or promise that the rental premises or ke. Tenant acknowledges that Landlord's its of this Addendum is dependent in it and Tenant's guests. Tenants with al or mental condition relating to smoke are higher duty of care to enforce this Addendum e.

TENANT

Optional Paragraph for Existing Rental Communities that Adopt "No-smoking Policies"

10. Effect on Current Tenants. Tenant acknowledges that current tenants residing in the complex under a prior lease will not be immediately subject to the No-smoking Policy. As current tenants move out, or enter into new leases, the smoke-free policy will become effective for their unit or new lease.

Sample Letter to Notify Tenants of Smoke-Free Building Policy

[DATE]

Dear Residents,

In order to provide a healthier environment for our residents and guests, our property has decided to go completely smoke free. The harmful effects of secondhand smoke and the fire dangers caused by smoking indoors are simply too great to ignore.

The common areas in your building are already smoke free in accordance with the Minnesota Clean Indoor Air Act (this includes hallways, exercise areas, laundry rooms, and enclosed garages). A smoke-free policy for all individual units will be phased in as leases are renewed.

Hazards of Secondhand Smoke

Secondhand smoke is a serious health hazard. It is the third leading cause of preventable death in the United States, causing approximately 49,000 deaths each year. In 2003, 66,699 adults and children in Minnesota were treated for conditions caused by secondhand smoke, such as respiratory illness, asthma, lung cancer, and heart disease. The 2006 Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," states that there is no risk-free level of exposure to secondhand smoke. Secondhand smoke is particularly dangerous to children and has been linked to childhood asthma, low birth weight, ear infections, and Sudden Infant Death Syndrome.

Fire Risk

Smoking is the leading cause of fire death in the United States and in Minnesota. Fires can start on decks and porches as well as in units. According to the National Fire Protection Association's report "The Smoking-Materials Fire Problem," one in four (24%) victims who die in residential smoking-related fires is not the smoker whose cigarette started the fire. Fires caused by smoking are costly, deadly, and leave many people with damaged property and no place to live. We want to protect our residents from these dangers.

Ventilation is not Effective

Research conducted during air movement studies have shown that secondhand smoke travels from unit to unit. The smoke can seep through electrical outlets, heating and duct work, and structural gaps. The remodeling required to prevent secondhand smoke from traveling to another residence can be costly and ineffective. The only effective way to stop the spread of secondhand smoke is by adopting a smoke-free policy.

Our Building's New Smoke-Free Policy

Effective **[date for new tenants]**, all tenants signing new leases will be required to sign a smoke-free lease addendum that explains the policy. All current tenants will be required to sign a smoke-free lease addendum during their lease renewal process. We anticipate the transition to becoming a smoke-free building to be completed by **[date all tenants will have signed smoke-free lease addendum]**. The smoke-free policy will cover all individual units and all common areas **[if applicable, list other smoke-free places on property]**. All residents and guests will be required to follow this policy.

Please consider this letter as notice about the changes that will be taking place upon renewal of your lease. We hope this policy will help everyone breathe easier and live healthier.

Please have all adults living in your unit sign the enclosed form and return it to the management within one week. If you have any questions about this policy, please contact management.

Thank you,

Property Manager/Owner



Smoke-Free Apartment Building Policy Adoption Timeline

Thank you for your interest in smoke-free housing! You probably know by now that adopting a smoke-free policy not only limits your residents' exposure to secondhand smoke, but also saves you money on maintenance and cleaning costs. The timeline for adopting a policy differs for every property, but Live Smoke Free has created this sample timeline to assist in your planning.

If you need any informational resources, or if you have questions about adopting a smoke-free policy, please contact our office at 651-646-3005. **All of our materials and services are free!**

| Sample Timeline: Quit Date Method with 60 Day Notice | |
|--|---|
| Month | Activity |
| January | Survey Residents <ul style="list-style-type: none"> Call Live Smoke Free to discuss policy adoption process and get sample survey Survey your residents about their experience with secondhand smoke exposure in the building and their interest in living in a smoke-free building Consult with Live Smoke Free to discuss survey results and policy options |
| February | Decide Policy Details <ul style="list-style-type: none"> Decide policy details to be included in the Smoke-Free Lease Addendum Modify Live Smoke Free's sample Smoke-Free Lease Addendum to fit your policy |
| March | Notify Residents <ul style="list-style-type: none"> Begin implementing policy with new residents by having them sign a lease addendum as they move in Notify existing residents of policy change through letters and flyers. Inform them that the policy change will begin in May Offer cessation options to those residents who wish to quit smoking |
| April | Existing Residents Begin to Sign on to Policy <ul style="list-style-type: none"> Invite Live Smoke Free to present to residents regarding policy change Send a reminder notice to residents if necessary Ask existing residents to sign the lease addendum by May 1st |
| May | Policy Goes Into Effect <ul style="list-style-type: none"> Order Smoke-Free Building signs from Live Smoke Free; post signs around property List your building on Live Smoke Free's web site Host a smoke-free celebration or policy recognition event |

Sample Timeline: Phase-In Method with 60 Day Notice

| Month | Activity |
|--------------|---|
| January | Survey Residents <ul style="list-style-type: none"> Call Live Smoke Free to discuss policy adoption process and get sample survey Survey your residents about their experience with secondhand smoke exposure in the building and their interest in living in a smoke-free building Consult with Live Smoke Free to discuss survey results and policy options |
| February | Decide Policy Details <ul style="list-style-type: none"> Decide policy details to be included in the Smoke-Free Lease Addendum Modify Live Smoke Free's sample Smoke-Free Lease Addendum to fit your policy |
| March | Notify Residents <ul style="list-style-type: none"> Begin implementing policy with new residents by having them sign a lease addendum as they move in Notify existing residents of policy change through letters and flyers. Inform them that the policy change will happen during lease renewals beginning in May Create incentive to encourage existing residents to sign the lease addendum early Offer cessation options to those residents who wish to quit smoking |
| April | Existing Resident Begin to Sign on to Policy <ul style="list-style-type: none"> Invite Live Smoke Free to present to residents regarding policy change Send a reminder notice to residents if necessary |
| May | Policy Goes Into Effect <ul style="list-style-type: none"> Residents who renew their lease in May sign the Smoke-Free Lease Addendum Order Smoke-Free Building signs from Live Smoke Free; post signs around property List your building on Live Smoke Free's web site Host a smoke-free celebration or policy recognition event |
| June - April | Building Becomes Completely Smoke Free <ul style="list-style-type: none"> Residents sign the Smoke-Free Lease Addendum as they renew their lease Assess how many residents still need to sign the lease addendum (if residents voluntarily signed it early then the building will be smoke free sooner than expected) All residents should be renting under the smoke-free policy by the end of April |

Live Smoke Free:
Smoke-Free Multi-Housing Program
651-646-3005 | www.mnsmokefreehousing.org

All materials credited to Live Smoke Free. The Model Smoke-Free Lease Addendum is also available in Hmong, Oromo, Somali, Spanish, and Vietnamese; go to www.mnsmokefreehousing.org

Smoke-Free Apartment Building Policy Adoption Timeline

This timeline is created for: _____ (Property Name & City)

The smoke-free policy will go into effect on: _____ (Date Policy Begins)

Number of buildings on property: _____ Number of units on property: _____

Number of buildings going smoke free: _____ Number of units going smoke free: _____

Note: The Phase-In Method usually takes 6-12 months to implement and is most often used in buildings with a majority of residents on fixed-term leases.

Timeline Utilizing Phase-In Method

| Month | Activity |
|-------|---|
| _____ | Survey Residents <ul style="list-style-type: none"> Call Live Smoke Free to discuss policy adoption process and get sample survey Survey your residents about their experience with secondhand smoke exposure in the building and their interest in living in a smoke-free building Consult with Live Smoke Free to discuss survey results and policy options |
| _____ | Decide Policy Details <ul style="list-style-type: none"> Decide policy details to be included in the Smoke-Free Lease Addendum Modify Live Smoke Free's sample Smoke-Free Lease Addendum to fit your policy |

Notify Residents

- Begin implementing policy with new residents by having them sign a lease addendum as they move in
- Notify existing residents of policy change through letters and flyers. Inform them of the date the policy will take effect
- Create incentive to encourage existing residents to sign the lease addendum early

Existing Residents Begin to Sign on to Policy

- Invite Live Smoke Free to present to residents regarding policy change
- Send a reminder notice to residents if necessary

Policy Goes Into Effect

- Residents who renew leases this month sign the Smoke-Free Lease Addendum
- Order Smoke-Free Building signs from Live Smoke Free; post signs around property
- List your building on Live Smoke Free's web site
- Host a smoke-free celebration or policy recognition event

Building Becomes Completely Smoke Free

- Residents sign the Smoke-Free Lease Addendum as they renew their lease
- Assess how many residents still need to sign the lease addendum (if residents voluntarily signed it early then the building will be smoke free sooner than expected)
- All residents should be renting under the smoke-free policy by the end of this month

Live Smoke Free:
Smoke-Free Multi-Housing Program
 651-646-3005 | www.mnsmokefreehousing.org

Smoke-Free Apartment Building Policy Adoption Timeline

This timeline is created for: _____ (Property Name & City)

The smoke-free policy will go into effect on: _____ (Date Policy Begins)

Number of buildings on property: _____ Number of units on property: _____

Number of buildings going smoke free: _____ Number of units going smoke free: _____

Note: The Quit Date Method usually takes 30-90 days to implement and is most often used in buildings with a majority of residents on month-to-month leases.

Timeline Utilizing Quit Date Method

| Month | Activity |
|-------|---|
| _____ | Survey Residents <ul style="list-style-type: none"> Call Live Smoke Free to discuss policy adoption process and get sample survey Survey your residents about their experience with secondhand smoke exposure in the building and their interest in living in a smoke-free building Consult with Live Smoke Free to discuss survey results and policy options |
| _____ | Decide Policy Details <ul style="list-style-type: none"> Decide policy details to be included in the Smoke-Free Lease Addendum Modify Live Smoke Free's sample Smoke-Free Lease Addendum to fit your policy |

Notify Residents

- Begin implementing policy with new residents by having them sign a lease addendum as they move in
- Notify existing residents of policy change through letters and flyers. Inform them of the date the policy will take effect

Existing Residents Begin to Sign on to Policy

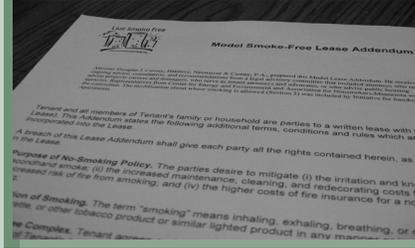
- Invite Live Smoke Free to present to residents regarding policy change
- Send a reminder notice to residents if necessary
- Ask existing residents to sign the lease addendum before the policy goes into effect

Policy Goes Into Effect

- Order Smoke-Free Building signs from Live Smoke Free; post signs around property
- List your building on Live Smoke Free's web site
- Host a smoke-free celebration or policy recognition event

Live Smoke Free:
Smoke-Free Multi-Housing Program
 651-646-3005 | www.mnsmokefreehousing.org

A Toolkit for Apartment Managers:
Enforcing Your Smoke-Free Building Policy



Enforcing Your Building's Smoke-Free Policy



Enforcing a Smoke-Free Policy in an Apartment Building



A fact sheet for apartment managers on enforcing a smoke-free apartment policy in Minnesota

Introduction

As of October 1, 2007, Minnesota has provided extensive protection from exposure to secondhand smoke in public places and places of work through the Freedom to Breathe Act of 2007. Other states have found that in workites and other public areas, smoke-free policies have been largely self-enforcing. No heavy policing has been necessary.



The Freedom to Breathe Act prohibits smoking in the common areas of rental apartment buildings, but the protection from exposure to secondhand smoke does not extend to individual apartment units. Owners and property managers can, however, designate their buildings as smoke free if they choose. A manager is not discriminating against smokers by imposing a smoke-free policy for the apartment building. Because the number of completely smoke-free rental apartment buildings in Minnesota is relatively small, there is little research in regards to enforcing a policy, but a small survey of owners with smoke-free policies revealed that the overwhelming majority of them did not experience an increase in staff time spent on managing the building after they put a smoke-free policy in place.

In any case, someday someone may test the rules. If the smoke-free policy is not enforced, the building will not have smoke-free units, and the residents will be unhappy. The smoke-free policy should be enforced as would any other lease provision. This guide outlines some steps a manager should take to ensure the enforceability of a smoke-free policy and the steps that the manager should follow in the case of a violation.

Enforcing a smoke-free policy ensures happy residents and healthy homes.

Preparing to Adopt a Smoke-Free Policy

1. Make sure that the lease contains a no-smoking provision or that the lease has a smoke-free lease addendum. Live Smoke Free has created a model lease addendum that can be customized for each property: http://www.mnsmokefreehousing.org/documents/Smoke_free_addendum.pdf.
2. Ensure that the lease contains a provision that allows the manager the right to terminate the lease upon the breach of any provision. Some sample breach-of-lease language can be found in the Minnesota Standard Residential Lease, available on the Minnesota State Bar Association website: <http://www2.mnbar.org/sections/real-property/forms/leaseopenerv4.htm>.
3. Include in the lease a provision which states that any waiver of lease requirements can only be made in writing.



NOTICE OF INFRACTION

PROPERTY: _____ DATE: _____

RESIDENT: _____ UNIT NO: _____

Please be advised that we have recorded one of the following incidents in your tenant record:

1. Infraction of property regulations described in Rules & Regulations
2. Violation of term(s) of your lease

One of the above was committed on _____ by:
You, _____ Your children, or _____ a visitor or guest to your apartment.

Description of incident:

- _____ 1. Destruction of property
- _____ 2. Disturbing or harassing other residents
- _____ 3. Excessive noise from your unit
- _____ 4. Drunk and disorderly
- _____ 5. Illegal activities on the premises
- _____ 6. Failure to maintain unit in clean and sanitary condition
- _____ 7. Smoking in unit
- _____ 8. Smoking in common areas
- _____ 9. Leaving garbage, trash or other obstruction in public areas
- _____ 10. Allowing unauthorized persons to live in the unit
- _____ 11. Failure to allow landlord or his agent to enter the unit
- _____ 12. Alteration or addition to property not authorized by landlord or his agent in writing
- _____ 13. Installation of appliance without written consent of management
- _____ 14. Breach of building security
- _____ 15. Other:

Remarks: _____

Failure to comply with your lease terms or with the Rules and Regulations may be cause for termination of your lease.

If you have any questions regarding this matter, please call or stop by the rental office.

Manager _____ Date _____



NOTICE OF SMOKING INCIDENT

BUILDING: _____ DATE: _____

RESIDENT: _____ UNIT NO: _____

This notice is to inform management of _____ Apartments of the following smoking-related incident:

Description of incident:

- _____ 1. Smoking coming into rental unit
- _____ 2. Smoking observed in indoor common area
- _____ 3. Smoking observed in outdoor area
- _____ 4. Other:

Remarks/Detailed Description: _____

Please submit this form to the rental office.

Tenant _____ Date _____

MATERIALS FOR LANDLORDS IN THE POLICY IMPLEMENTATION STAGE

A Three-Part Series for Apartment Managers:
Adopting a Smoke-Free Building Policy



Step Three:

“I Have a Smoke Free Building!”



Smoke-Free Apartment Survey for Residents

[Date]

Dear Residents:

We are pleased that you have chosen to reside at [name of building/property]. To ensure the health and safety of all persons living here, we recently adopted a smoke-free policy for our building. We would like to hear if the policy is successful! Please help us evaluate the smoke-free policy by filling out the short survey below and returning it to [name of office, etc.] by [due date].

Sincerely,

[Apartment Manager's name]

Cut here  -----

Did you live in this building prior to [date policy went into effect], which is when the smoke-free policy went into effect?

Yes

If yes, could you smell secondhand smoke in your unit before the smoke-free policy?

Yes

No

No

If no, was the smoke-free policy one of your reasons for moving into the building?

Yes

No

Can you currently smell smoke in your unit even though the building is smoke free?

Yes, I can smell secondhand smoke coming into my unit from another unit

Yes, I can smell secondhand smoke coming into my unit from outdoors

No, I cannot smell secondhand smoke

Do you like living in a smoke-free building?

Yes

No

I have no preference

Comments:

Optional Information:

Name: _____ Unit #: _____ Phone: _____

A Toolkit for Apartment Managers:
Promoting Your Smoke-Free Apartment Building



Promoting Your Smoke-Free Apartment Building



Live Smoke Free
Smoke-Free Multi-Housing Program
recognizes the

for protecting the health of their community by adopting a smoke-free building policy.


12/12/2013

Live Smoke Free Live Smoke Free

Sample Press Release

Contact Information:
Organization distributing the press release and who the media should call with questions. Be sure to include the company logo.

Heading:
Informational and interesting

Basic Information:
Who, what, when, where, and why

Property Information:
Very brief list of property features

Why We Are Smoke Free:
A quote from residents or manager

Live Smoke Free
Smoke-Free Multi-Housing program
Association for Nonsmokers-Minnesota
2395 University Avenue West Suite 310
St. Paul, MN 55114-1512
Phone: 651.646.3005
E-mail: info@mnsmokefreehousing.org

Customize this press release!
Include details and quotes that represent your building. This press release is presented only as an example; please modify it as needed.

[Date]

PRESS RELEASE
FOR IMMEDIATE RELEASE
Media contact: [Your name] – [Your direct phone number]

[Apartment Name] Goes Smoke Free
[Apartment name] offers luxury apartment living in a smoke-free environment

SAINT PAUL, MINN. – [Apartment Name] in [city, state], was designed to promote healthy living/sustainable living/natural surroundings/etc]. On [date smoke-free policy goes into effect], the building began implementing a smoke-free policy that will promote the health its residents. The smoke-free policy covers all units/the entire property/etc]. [Name of company spokesperson], [title] for [company], says the company chose to put the smoke-free policy into effect as a way to prevent secondhand smoke exposure in the building. “The health and well being of residents is our top priority. A smoke-free building is safer and contributes to a better living environment,” [S]he said.

“We want [apartment name] to be a home all residents will enjoy,” said [last name of spouse/person]. “In addition to being smoke free, [apartment name] offers other great amenities for renters.” [Apartment name] features [list several amenities of the apartment units and/or apartment community]. Residents can enjoy a walk by the native wetlands using the community’s recreational trail system.

[Name of building manager], the Property Manager of [apartment name] is excited to see the policy go into effect. [S]he commented, “[Apartment name] is going green, and that it gives us a great opportunity to promote a completely healthy environment for our residents. [Apartment name] is located in [describe the unique features of the surrounding neighborhood], so going smoke free was a natural choice.”

MORE

Live Smoke Free
www.mnsmokefreehousing.org
651.646.3005

Sample Press Release, Continued

Policy Praise:
A quote from Live Smoke Free or another organization

Additional Information:
Other policies & contact information

###: Indicates end of the press release

About Live Smoke Free:
Our information will be listed first if we distribute the press release; if the press release is not a joint effort, you do not have to include our information

About Your Company:
Your information should be listed first if you distribute the press release

“[Apartment name] is a beautiful property and the smoke-free policy will enhance their natural, healthy setting. They are doing a wonderful thing for their residents by offering a completely smoke-free living environment,” said Carissa Duke, Community Outreach Coordinator for Live Smoke Free—a program that promotes smoke-free apartment living in the Twin Cities.

[Apartment name] is the [number] smoke-free apartment building for [Management/Owner company]. [Provide a quick description of other smoke-free buildings managed by the company and mention any company buildings that will be going smoke free in the near future].

For more information on [Apartment name], call [phone number] or visit [web site].

###

About Live Smoke Free:
Live Smoke Free, a program of the Association for Nonsmokers-Minnesota (ANSR), promotes smoke-free policies for apartment buildings in the Twin Cities metro area. Currently, Minnesota tenants seeking smoke-free multi-unit housing largely outnumber the amount of smoke-free units available. Live Smoke Free educates building owners, managers, tenants, and housing industry professionals about the benefits of smoke-free buildings. Live Smoke Free assists building owners and managers with creating and promoting a smoke-free policy for their property. The program also assists renters in finding solutions to secondhand smoke problems. For more information, go to www.mnsmokefreehousing.org

For additional information, contact Live Smoke Free:
2395 University Ave West, Suite 310
St. Paul, MN 55114-1512
Phone: 651.646.3005
Fax: 651.646.0142
Web: www.mnsmokefreehousing.org

About [Management/Owner Company]:
[Provide a description of your company including the types of housing owned and number of building units].
For additional information, contact [Company]:
[Contact’s name]
[Contact’s title]
[Phone number]
[Fax number]
[Web site]

Live Smoke Free
www.mnsmokefreehousing.org
651.646.3005

MATERIALS FOR LANDLORDS: SAMPLE SIGNS



Signs are not to scale.



“This is a Smoke-Free Area” sign: the Smoke Free Housing Coalition of Maine is credited for this media.

“This Building is Smoke-Free” sign: the Clear Gains Network (www.wismokefreehousing.com) is credited for this media.

“Proud to be a Smoke-Free Property” sign: the Nebraska Department of Health and Human Services is credited for this media.

“Smoke-Free Premises” Sign: Delta County Health Department is credited for this media.

“Welcome to This Smoke-Free Building Sign:” American Lung Association in Minnesota is credited for this media.

All other media credited to Live Smoke Free.

MATERIALS FOR TENANTS

Enjoying Smoke-Free Air in Your Apartment

What to do if you are affected by secondhand smoke

Live Smoke Free

What to Know Before You Rent

Avoiding secondhand smoke exposure in your apartment

Live Smoke Free

Secondhand Smoke in Your Apartment

How to help you and your family

Live Smoke Free

Secondhand Smoke Exposure and Tenants' Rights

Dangers of Secondhand Smoke
The mixture of smoke coming from the burning ends of cigarettes and smoke exhaled by smokers is called "secondhand smoke." Secondhand smoke causes heart disease, asthma, lung cancer, respiratory infections, decreased respiratory function, and other health problems. Even a little exposure to secondhand smoke can be dangerous; the U.S. Surgeon General reported in 2006 that "the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke."¹ In Minnesota, approximately 560 deaths result each year as a result of exposure to secondhand smoke, and about 66,000 people are treated for illness or disease due to exposure.²

Secondhand Smoke in Apartment Buildings in Minnesota
Secondhand smoke can travel through gaps along baseboards, through light fixtures, and in and out of doorways. The path smoke takes through a building is unpredictable. Generally it will move into units above the smoker's apartment, but it may move into adjacent units on the same floor or even into units below. Air cleaners and smoke eaters do not effectively protect against the movement of secondhand smoke in buildings; the only effective protection is to eliminate smoking in indoor spaces.³

Reducing/Eliminating Exposure
Common Areas
The Minnesota Clean Indoor Air Act (MCIAA) prohibits smoking in the common areas of rental multi-unit apartment buildings. Rental apartment buildings are defined as buildings with 3 or more rented living units. Indoor common areas include rental offices, entrances, hallways, laundry rooms, party rooms, exercise rooms, public restrooms, enclosed garages and indoor swimming areas. If you notice someone smoking in a common area, you can let them know of the restriction, or you can inform the landlord. If either of these steps does not resolve the matter, you can contact the Minnesota Department of Health at (651) 201-4501, or (800) 736-9050 (toll-free outside the metro area), or by visiting their web site at <http://www.health.state.mn.us/divs/en/indoorair/mciaa>.

Individual Dwelling Units
If smoke is coming into your apartment from another unit, you should write down what you are experiencing. Try to determine the source of the secondhand smoke and record the days and times of the day when the smoke is most noticeable. Keep a record of what you do to try to keep the smoke out. Keep track of all health problems and illnesses you experience as a result of secondhand smoke coming into your apartment, and talk with doctor about your health issues.

You have several options to attempt to stop secondhand smoke from entering your apartment:

- **Contact the smoker** directly and ask him or her to stop smoking.
- **Let your landlord know about the issue.** Although you may want to discuss the problem with your landlord informally at first, you should put your complaint in writing and keep copies of any letters and notes of telephone conversations with the landlord. These will be useful to you in case you need to use one of the legal options described on the next page.
- **Seek assistance from a third party.** You can talk with your neighbors to determine if they are experiencing the same problem and enlist their support. You can contact the building owner, if different from the person managing the building, and inform them of the issue. The owner may have already been considering making the building entirely smoke free.
- **You can get more information** on resources from the Live Smoke Free program at (651) 646-3005, or at <http://www.mnsmokefreehousing.org>. Suggestions for some quick fixes are available on the program's website at <http://www.mnsmokefreehousing.org/tenants/quickfix.html>.

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Legal Options

Minnesota law requires that your apartment be "inhabitable" or livable. If the secondhand smoke coming into your apartment makes it unlivable and discussions with your landlord have not helped, you could consider legal options. Keep in mind, however, that lawsuits are not cheap and may take a long time to resolve. Some of the legal options that are available include:

- **Alternative dispute resolution (ADR).** Mediation and arbitration are forms of alternative dispute resolution that you could try before resorting to a lawsuit. These options are generally less expensive than filing a lawsuit and can provide results more quickly.
- **Legal services programs.** Depending on your income level, you may be able to receive free representation from a legal services provider. Go to <http://www.lawhelpmn.org> for assistance in locating a legal service provider in your area.
- **Telephone support or self-help services.** HOME Line offers free telephone support for tenants anywhere in Minnesota, except the city of Minneapolis. You can reach them at (612) 728-5787 or in greater Minnesota at (866) 866-3546. If you live in Minneapolis, contact Housing Services at (612) 673-3003. Also, check with the housing court or conciliation court in your area to see if self-help or walk-in clinics are available.
- **Attorney referral services.** State and county bar associations offer attorney referral services for assistance in finding an attorney with a landlord-tenant law specialty. Brief meetings with an attorney can be arranged for little or no fee.
- **The Minnesota Attorney General's Office** publishes a handbook on landlord and tenant law and may be able to answer some of your questions regarding your rights. The contact number is (651) 296-3353 or toll-free (800) 657-3787.

Help with Disabilities
If you have a serious health condition that is affected by secondhand smoke, federal and state law may provide a way to get relief from the smoke coming into your apartment. The federal Fair Housing Act, the Americans with Disabilities Act and the Minnesota Human Rights Act require landlords to make reasonable accommodations so that individuals with a handicap or disability can use and enjoy their apartment.

For more information on housing and disabilities:

- Department of Housing and Urban Development (HUD), Minneapolis Field Office at (612) 370-3000, TTY – (612) 370-3186
- Minnesota Department of Human Rights at (651) 296-5663, (800) 657-3704, or TTY – (651) 296-1283

Prepared by Warren Ortland, staff attorney with the Tobacco Law Center. Mr. Ortland provides legal consulting services to Live Smoke Free, Minnesota's smoke-free multi-housing program.

U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposures to Tobacco Smoke: A Report of the Surgeon General – Executive Summary*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

²Waters, H.R., Stevens, S.S., Alessi, N.L., Semet, H. *The Economic Impact of Secondhand Smoke in Minnesota*. Johns Hopkins Bloomberg School of Public Health in collaboration with Blue Cross and Blue Shield of Minnesota, 2007.

³American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. *Environmental Tobacco Smoke*, 2005.

**Smoke-Free Apartments:
Healthier Buildings, Happier Tenants, A Smart Investment.**
www.mnsmokefreehousing.org

2

MATERIALS FOR OWNED-OCCUPIED MULTI-UNIT PROPERTIES

*A Toolkit for Owner-Occupied Common Interest Communities:
Adopting a Smoke-Free Policy in Multi-Unit Housing*



**Adopting a
Smoke-Free
Policy in
Condominiums
and
Townhomes**





**Model Smoke-Free Policy
Homeowners' Association**

Findings

WHEREAS, the U.S. Surgeon General has conclusively determined that there is no risk free level of exposure to secondhand smoke;¹ and

WHEREAS, the American Society of Heating, Refrigerating and Air-Conditioning Engineers has issued a position document on environmental tobacco smoke concluding that "the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity";² and

WHEREAS, in 2008, careless smoking was the leading cause of fire deaths in Minnesota; 100% of the fire deaths in multi-unit residences were associated with smoking;³ and

WHEREAS, given the proven health risks associated with smoking and breathing secondhand smoke, the Board deems it in the best interest of all members of the Association to approve [an amendment to the declaration, or a change to the Rules and Regulations]⁴, which prohibits smoking in all condominium units as well as the [indoor/outdoor] common elements; and

WHEREAS, nothing in federal law, including the Federal Fair Housing Act, prevents the imposition of smoking prohibitions in multi-unit dwelling buildings.

THEREFORE, the Board of _____ adopts the following smoke-free policy:

¹ U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General—Executive Summary*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006

² American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. *ASHRAE Position Document on Environmental Tobacco Smoke*. June 25, 2008

³ Minnesota Department of Public Safety, *2008 Fire in Minnesota: Fire Reporting System, 20th Edition*.

⁴ Bracketed items are options.

Smoke-Free Common Interest Communities: Results of a Survey of Minnesota Owner-Occupants



In 2009, the Center for Energy and Environment, in partnership with the Public Health Law Center and the Association for Nonsmokers-Minnesota, surveyed a random sample of 495 owner-occupants living in common interest communities (condos, townhomes, and other owner-occupied attached housing) in Minnesota. This survey was conducted in order to determine:

- How often owner-occupants are being exposed to tobacco smoke in their housing unit; and
- How interested owner-occupants are in smoke-free housing.

Survey results indicated that while there was a great deal of interest in smoke-free common interest communities, few smoke-free common interest communities currently exist in Minnesota.

Owner-Occupants Are Bothered by Tobacco Smoke

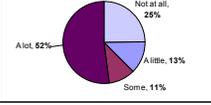
When asked: "In the past six months, how often has tobacco smoke from somewhere else in or around the building come into your unit?"

- Nearly 1 in 6 owner-occupants responded "Sometimes," "Often," or "Most of the time."

Among owner-occupants who had ever experienced tobacco smoke incursion:

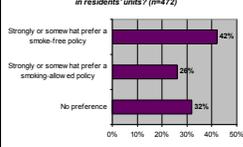
- The majority of owner-occupants (52%) reported being bothered "A lot" by tobacco smoke that entered their unit from somewhere else in or around the building.
- 29% reported being bothered "A lot" by tobacco smoke that entered their personal patio, deck, or balcony from somewhere else in or around the building.

How much does it bother you when secondhand smoke from somewhere else in or around the building comes into your unit? (n=279)



Many Owner-Occupants Prefer Smoke-Free Buildings

What rules would you prefer to have about smoking in residents' units? (n=472)



When asked: "What rules would you prefer to have about smoking?"

- 42% of owner-occupants reported "Strongly" or "Somewhat" preferring a smoke-free policy for residents' units.
- 40% of owner-occupants reported "Strongly" or "Somewhat" preferring a smoke-free policy for residents' patios, balconies, or decks.

Although 42% of owner-occupants indicated preferring a smoke-free policy for residents' units, only 6% of owner-occupants indicated that their association had such a policy.

* Managers were asked to provide a total number of buildings, and then break it down by type. The sum of the type breakdowns did not always match the total given— for this reason, the sum of type and total number given do not match.

www.mnsmokefreehousing.org

Smoke-Free Common Interest Communities: Results of a Survey of Minnesota Property Managers



In 2009, the Center for Energy and Environment, in partnership with the Public Health Law Center and the Association for Nonsmokers-Minnesota, surveyed 17 property managers of owner-occupied common interest communities (condos, townhomes, and other owner-occupied attached housing) in Minnesota. This survey was conducted in order to determine:

- How often property managers deal with issues related to owner-occupants being exposed to tobacco smoke in their housing units; and
- Experiences with or perceptions of smoke-free policies for common interest communities.

Survey results indicated that most of the managers had no direct experience with common interest communities that had a smoke-free policy that covered individual resident units. The one manager who indicated experience with such a policy indicated that there were no negative outcomes.

The Managers and Their Properties

A total of 17 property managers were surveyed through telephone interviews. The respondents had been in their current position with their employers from 1 to 32 years, with a mean tenure of 10.8 years.

The companies for whom the respondents work manage a total of 1,324 common interest communities in Minnesota—many of these communities have multiple buildings. The respondents themselves manage a total of 345 common interest communities, which include 1,993 buildings and 27,009 units.

More than three-quarters of these units are in single-family attached buildings (i.e. townhomes). Most of the remaining units are in apartment-style buildings.

Common Interest Communities, Buildings, and Units Managed by Respondents

| | Buildings | Units | Building % | Unit % |
|----------------------------------|---------------|----------------|-------------|-------------|
| Apartment-Style | 182 | 5,365 | 10% | 20% |
| Single-Family Attached | 930 | 20,512 | 53% | 77% |
| Single-Family Detached | 659 | 659 | 37% | 3% |
| Sum | 1,771* | 26,536* | 100% | 100% |
| Total given by respondent | 1,993* | 27,009* | | |

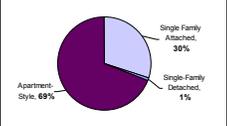
Most Managers Reported Some Experience with Secondhand Smoke Incursions

Respondents reported an average of 7.4 problems with tobacco smoke incursion since they've been in their current positions, or an average of 1.2 cases per year. Five of the 17 respondents reported no problems with smoke incursions.

Although apartment-style units only account for 20% of the units in these managers' portfolios, they account for nearly 70% of the secondhand smoke problems.

When a problem with secondhand smoke intrusion was reported to a property manager, smoke was intruding into a resident's unit in over 92% of cases and onto their patio, deck, or balcony in 34% of cases.

Smoke Incursions by Type of Building (n=12)



www.mnsmokefreehousing.org

Smoke-Free Common Interest Communities: Legal Fact Sheet



Overview

As the number of indoor places that prohibit smoking increases, residents of multi-unit dwellings are becoming increasingly aware of the secondhand smoke that drifts into their individual units. The evidence of the dangers of secondhand smoke is conclusive,¹ so efforts to control exposure in the place where people on average spend a majority of their time will significantly contribute to public health. This fact sheet addresses some of the legal-related questions that may arise when homeowners' associations consider adopting smoking restricted or smoke-free policies.

Doesn't Minnesota state law address smoking in multi-unit buildings?

The Freedom to Breathe Act amendments that became effective in October 2007 did strengthen state law as it applies to the common areas of rental apartment buildings. The common areas of rental apartment buildings are considered indoor public places and smoking is completely prohibited under the Minnesota Clean Indoor Air Act (MCIAA). The language of the law does not address common interest communities, and the Minnesota Department of Health has adopted an interpretation that MCIAA does not apply to common interest communities (condos, townhomes, and other owner-occupied attached housing).²

Is it legal to adopt policies prohibiting smoking in the various areas of common interest communities?

Yes. No federal or state law prohibits private property owners and associations from adopting smoke-free policies for all parts of their property, including individual residential units.

Would prohibiting smoking be considered discriminatory in any way?

No. Smoking is not a protected right or activity.³ Also, an individual's status as a smoker is not a protected category of persons. Legal protections are generally limited to categories or persons that are considered to be innate (inherited) and immutable (unchangeable) and courts have found that being a smoker does not meet those criteria. Attempts by smokers to be considered disabled due to an addiction to nicotine have not been successful, so smokers do not receive protection under state or federal disability statutes.

What risks does an association face by remaining smoking permitted or by adopting a smoke-free policy?

If an association remains smoking permitted, two primary legal challenges may arise. First, a resident could sue either the association or the smoking owner on nuisance grounds. Most association declarations contain a generic nuisance clause stating that an owner cannot engage in activity that affects the use and enjoyment of another owner's property. A resident bothered by secondhand smoke could bring an action against the association to enforce this provision of the declaration. The non-smoking resident could also pursue a nuisance action against the individual smoking owner.

Second, if an individual bothered by secondhand smoke has a serious health condition that is affected by exposure to secondhand smoke, he or she may be able to get some relief by using one of the disability statutes. If the courts find that the condition is a disability, then the non-smoker is entitled to a reasonable accommodation, which could include imposition of a smoke-free policy.

www.mnsmokefreehousing.org

Survey fact sheets: the research for this media was conducted by the Center for Energy and Environment, Live Smoke Free and Public Health Law Center; the research was disseminated by ClearWay Minnesota.

All other materials are credited to Live Smoke Free.

