

An Apartment Manager's Guide



to adopting a smoke-free building policy
in the United States

The Trend Toward Smoke-Free Housing

Across the country, apartment owners and managers have discovered the benefits of adopting policies that eliminate smoking in and around their rental properties. While some owners went smoke free years ago, the trend has grown exponentially since the mid-2000s. Tens of thousands of market-rate buildings are now smoke free. Public housing has also joined the movement and about 10% of Public Housing Authorities are smoke free.¹

The national housing industry has begun to recognize the importance of smoke-free policies as well. Trade organizations like the National Apartment Association and the National Multi-Housing Council have produced publications and articles on the benefits and steps to adopting a smoke-free policy. Even the U.S. Department of Housing and Urban Development (HUD) has published several notices “strongly encouraging” Public Housing Authorities and other HUD-funded buildings to go smoke free.

The trend toward smoke-free housing is beneficial to owners and renters alike since smoke-free buildings are healthier and less costly to maintain. Unfortunately, the amount of smoke-free housing still does not meet the market demand of renters who are looking for a smoke-free place to live.

Smoke-free buildings provide a unique, yet desired, amenity for renters. This book will provide you with an overview of the benefits and steps to adopting a smoke-free policy. Your colleagues in the housing industry and the numerous smoke-free housing programs around the country can offer further information as you decide if a smoke-free policy will attract more renters and is right for your business.

Smoke-Free Housing Programs

Many state and local health departments and community organizations have developed programs and resources to assist property managers and owners with adopting smoke-free policies for their rental buildings. In order to increase the number of smoke-free buildings, smoke-free housing programs educate building owners, managers, renters, local policy makers, and housing industry professionals about the benefits of creating smoke-free environments in multi-unit housing.

Your local smoke-free housing program is available to help you navigate through the process of adopting a smoke-free policy. Local programs can offer consultations, tools, and assistance that you can use as you contemplate, adopt, and implement a smoke-free policy.

Free Resources Available from Many Smoke-Free Housing Programs Around the Country*

- Consultations and presentations
- Sample tenant survey
- Research and resources on air movement in buildings, ventilation, secondhand smoke, and legal issues
- Model smoke-free lease addendum to incorporate into your current lease
- Listing on a directory of smoke-free housing properties
- Sample announcement letters to send to tenants
- Signs and window clings for buildings and grounds
- Strategies for advertising your smoke-free building

*Check with your local program to learn what resources are offered



Healthier Buildings

Secondhand Smoke is Toxic

Secondhand smoke—the smoke that comes from a lighted tobacco product or from a person who is smoking tobacco—contains more than 4,000 chemicals.³ Of these chemicals, at least 250 are known toxins, and more than 50 are cancer-causing chemicals.⁴ The 2006 Surgeon General’s Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, concluded that there is no risk-free level of exposure to secondhand smoke, and that the only way to protect people from the dangers of secondhand smoke is to eliminate the smoke exposure.⁴

Secondhand Smoke is a Health Hazard

Exposure to secondhand smoke is responsible for at least 3,000 lung cancer deaths and at least 46,000 coronary heart disease deaths around the country each year.⁵ Thousands more people suffer from diseases caused or made worse by secondhand smoke such as emphysema, asthma, pneumonia, heart disease, and other chronic health conditions. Secondhand smoke also causes ear infections, sore throats, watery eyes, and coughing.

Some of the Chemicals in Secondhand Smoke⁴ (and other products they are found in)

Chemical	Other Product
Formaldehyde	Embalming fluid
Benzene	Gasoline
Polonium-210	Spark plugs
Vinyl Chloride	Metal pipes
Carbon Monoxide	Car exhaust
Ammonia	Household cleaners

Chemical	Other Product
Arsenic	Pesticides
Chromium	Steel
Lead	Old paint
Cadmium	Batteries
Butane	Lighter fluid
Toluene	Paint thinners

The majority of renters (75%) in the St. Paul/Minneapolis Metro Area in Minnesota would be “somewhat likely” or “very likely” to chose a no-smoking building over a building where smoking was allowed if the buildings were the same in every other way.²

Renters are Exposed to Secondhand Smoke

In 2007-08, 40% of nonsmokers in the United States were exposed to secondhand smoke. Much of this exposure occurred in the home, especially for children. However, low income persons are exposed at much higher rates. Over 60% of persons living below the poverty level were exposed to secondhand smoke.⁶

Indoor Air Quality

Air Flow Between Units is Significant

Testing and research conducted by the Center for Energy and Environment on buildings in Minnesota concluded that air flow between units in apartment buildings is significant. This air flow is difficult to reduce and virtually impossible to eliminate.⁷

The study found that the average cost to seal a unit to reduce secondhand smoke leakage was about \$700 per unit. However, sealing the air leaks was still not enough to completely eliminate the secondhand smoke problem.⁷

Similar research conducted by the Roswell Park Cancer Institute in New York concluded that median levels of particulate matter (an indicator that secondhand smoke is present) were greatest indoors between 4:00pm and 11:59pm, the same time period in which the most cigarettes were smoked. Regardless of the time of day, a significant trend in particulate matter levels was observed across monitored locations.⁸

Secondhand Smoke Cannot be Controlled by Ventilation and Air Purifiers⁹

In 2010, the American Society of Heating, Refrigerating & Air-Conditioning Engineers (ASHRAE) released their latest position document on secondhand smoke. The document concludes that, “At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity.”

Engineering approaches such as air fresheners, cleaners, and purifiers have not proven to be effective, and ASHRAE cautions that such devices should not be relied upon to control health risks from secondhand smoke. ASHRAE “encourages elimination of smoking in the indoor environment as the optimal way to minimize [secondhand smoke] exposure.”

Eliminating Smoking is the Only Way to Protect People from the Dangers of Secondhand Smoke⁴

The 2006 report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, by the U.S. Surgeon General states that ventilation systems can often distribute secondhand smoke throughout a building. While conventional air cleaning systems may be able to remove large particles from the air, they cannot remove the smaller particles and gases found in secondhand smoke.

Secondhand smoke cannot be controlled by ventilation or air purifiers. A smoke-free policy is the only way to eliminate secondhand smoke exposure and protect the health of your residents.

Happy Tenants, Happy Owners

Smoke-free buildings are a unique amenity for landlords to offer their residents.



“The response from our tenants was overwhelmingly positive. We received several thank you notes and phone calls, some from smokers.” — Dan Lagen, Property Manager, Mint Properties, Minneapolis, MN
*The company went smoke free in all 42 of their buildings (2012)*¹⁰

The Vast Majority of People Don't Smoke

In the U.S., 81% of adults are nonsmokers¹¹, and nearly 80% of U.S. households do not allow smoking anywhere and at any time in the home.¹² However, even though most households prohibit smoking, residents in multi-family buildings cannot control the secondhand smoke caused by their neighbors. Smoke-free policies ensure that residents are protected from secondhand smoke, but only a small percentage of apartment properties have at least one smoke-free building.

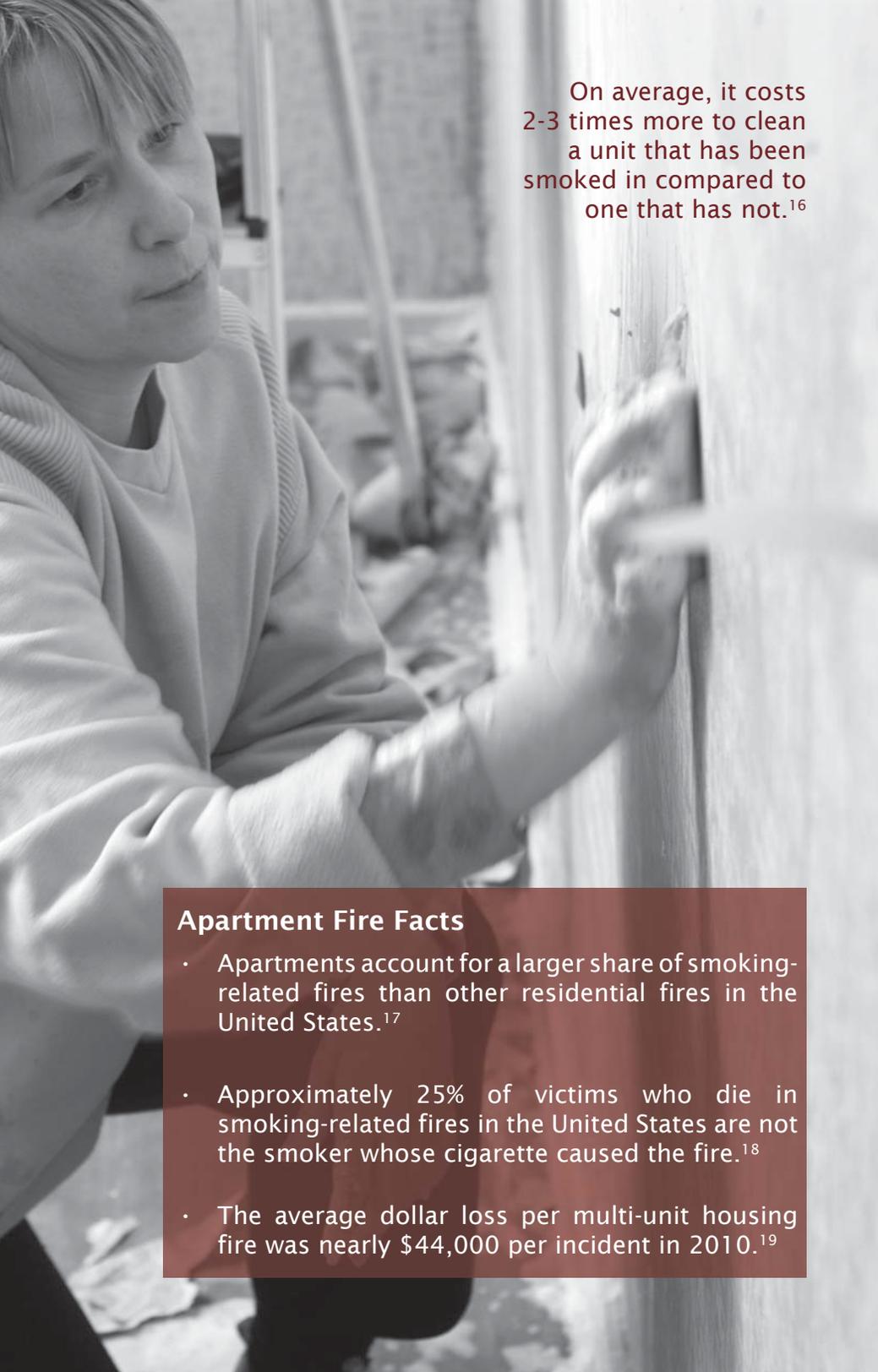
Renters Across the Nation Prefer Smoke-Free Housing

- According to the New York Adult Tobacco Survey, a majority of respondents in multi-unit housing (56%) support a policy that prohibits smoking in all areas of their building. Support was significantly higher among ethnic minorities and individuals who reside with children.¹³
- A 2008 survey of renters in Massachusetts revealed that 43% are willing to pay more to live in a smoke-free building. Of these, 26% are willing to pay 20% more and 63% are willing to pay 10% more in rent.¹⁴
- In Oregon, 70% of renters (and 40% of smokers) say they would choose a smoke-free rental, “other things being equal.”¹⁵

Building Owners Have Positive Experiences

When building owners first consider adopting a smoke-free policy, many are concerned about enforcement and legal issues. However, the actual **experience** of owners with smoke-free buildings has been much more positive than the **perceptions** of those without smoke-free buildings.

In a 2008 survey of Massachusetts owners, 99% of those who had implemented a smoke-free policy felt it was a good decision and 90% reported that implementation was easy or very easy.¹⁴



On average, it costs 2-3 times more to clean a unit that has been smoked in compared to one that has not.¹⁶

Apartment Fire Facts

- Apartments account for a larger share of smoking-related fires than other residential fires in the United States.¹⁷
- Approximately 25% of victims who die in smoking-related fires in the United States are not the smoker whose cigarette caused the fire.¹⁸
- The average dollar loss per multi-unit housing fire was nearly \$44,000 per incident in 2010.¹⁹

Protect Your Investment

Cleaning and Renovation Costs are Lower

Smoking can cause extensive damage to apartment units. The smoke can leave sticky particles, residue, and stains on walls, curtains, cabinets, blinds, appliances, and fixtures. Dropped cigarettes and ashes can leave burn damage on tiles, carpets, curtains, countertops, and bathtubs. Smoke odors can remain in carpets, curtains, and walls for a very long time. Residue, burns, and odors create more turnover time, and 2-3 times higher cleaning costs for building owners and managers.¹⁶

Many residents may decide not to rent an apartment if it has been smoked in. A smoky smell and residue, which is known as thirdhand smoke, is very difficult for a resident to eliminate on his or her own. Rather than risk feeling ill and having their clothing and furniture absorb the smoke smell, they may decide to look for somewhere else to live.

Less Risk of Fire Damage

Cigarette-caused fires often result when a smoker—who may also be impaired by drugs or alcohol, or may have fallen asleep—drops or improperly disposes of a lit cigarette. A dropped cigarette can lie in furniture or bed linens and smolder for up to 30-45 minutes, eventually causing a fire or large amounts of smoke.²⁰

Cigarettes and other smoking materials are the leading cause of residential fire deaths in the United States.¹⁹ Smoke-free policies in apartments reduce the risk of cigarette-related fires, damages, injuries, and deaths by eliminating lighted smoking materials from the building.

Insurance Savings

It's possible to see some savings in your building's insurance costs by going smoke free. Some companies are beginning to offer discounts on insurance premiums to owners of smoke-free buildings.²¹ Ask your insurance company if they offer a discount for operating a smoke-free building. They may be willing to negotiate your rates when they find out that you have a policy that helps protect your property.

Encourage your residents to contact their insurance company to see if a lower rate can be negotiated for renters' insurance. Your residents will appreciate the cost savings!

Smoke-Free Policies are Legal

“What Do My State’s Laws Say Concerning Smoking in Rental Apartment Buildings?”

There are no state statutes that prohibit smoking in individual apartment units. There are also no state laws that prevent landlords from making an entire apartment building smoke free, meaning they can do so if they wish.

Some states have laws prohibiting smoking in all indoor common areas of apartment buildings, including hallways, laundry rooms, underground garages, rental and maintenance offices, building entryways, exercise rooms, indoor swimming pool areas, and party rooms. For more information about your state, contact your local smoke-free housing program or your state health department.

“What are the Legal Liabilities if My Building is not Smoke Free?”

Residents could bring legal actions against a manager/owner for a breach of the warranty of habitability or the covenant of quiet enjoyment, trespass, or nuisance, resulting in rent abatement or judicial termination of leases. While legal cases are rare, there is a growing likelihood of suits if the manager knows the dangers of secondhand smoke and does not act to reduce exposure.²²

Residents with disabilities made worse by being exposed to their neighbors’ secondhand smoke may seek legal action under the Americans with Disabilities Act, the Federal Fair Housing Act, or your state’s human rights act requiring a reasonable accommodation in their housing. Possible accommodations could include developing or enforcing a smoke-free policy.²²

Tenants’ Rights

Policy Enforcement Tips

- Though smoke-free policies are largely self-enforcing, let your residents know that there are consequences for violating the policy.
- If you do not enforce a smoke-free policy, you will not have smoke-free units or happy tenants.
- The smoke-free policy should be enforced as would any other lease provision.

“Is it Discriminatory to Designate an Entire Building or Apartment Complex as Smoke Free?”

No. Smoking is not a protected activity or right. An individual’s status as a smoker is not a protected category or recognized disability.²³ A smart decision is to implement a policy based on the activity of smoking and not an individual’s status as a smoker. Write the policy so that a person who smokes can continue to live in the building, but he or she must refrain from smoking in the building or other areas that are included in the policy.

Adopting a Policy

“When is an Appropriate Time to Adopt a Policy?”

Are you planning for new construction?

A smoke-free policy is easily adopted during construction and can help maintain the building's new, clean condition. Simply have all new residents sign a smoke-free lease addendum with the primary lease agreement.

Are you renovating your building or purchasing an older building?

A smoke-free policy can help protect all of the labor and money you put into new carpet, paint, or fixtures. The “quit date” method may work best in order to ensure that your renovations are kept as clean as possible.

Are you adopting a policy with no changes to your building's construction?

Many owners adopt a smoke-free policy without renovating or doing major changes to the building. Either the “phase in” method or the “quit date” method could work for your building.

“What Areas of My Property Can be Covered?”

Individual units

Covering all residential units ensures that smoke cannot drift from one unit to another unit in the building.

Outdoor areas

You can choose to allow smoking in all outdoor areas, only allow smoking in designated outdoor areas, or prohibit smoking in all outdoor areas. Keep in mind that outdoor smoking areas should be a considerable distance away from entrances, windows, patios, balconies, and ventilation intakes to prevent fires from starting in those areas and prevent smoke from drifting into the building. Limiting or prohibiting smoking outdoors can also reduce tobacco litter on your property.

Common areas

Your state laws may require that all common areas in apartment buildings must be smoke free. For a list of some common areas that might be covered in your state law, read the “Smoke-Free Policies are Legal” page.

“How Long Does it take to Convert My Building to Smoke Free?”

“Phase-in” method: Begin having new residents who move into the building sign a smoke-free lease addendum or policy immediately. Announce the policy change to current residents and have them sign a smoke-free lease addendum or policy at the time of their lease renewal.

“Quit-date” method: Decide what date you would like the building to go smoke free. Give your residents notice of the policy change and tell them that they must sign a smoke-free lease addendum before the policy change.

Reasonable notice: You will want to notify your residents about the policy change in a reasonable period of time. Depending on your building's situation, reasonable notice could be 30-60 days.

“Why do I Need a Policy?”

Written policies help managers enforce the smoke-free regulation. It allows all residents and staff to have the same understanding about what is expected. If a policy is written into a lease addendum, building handbook, or house rules and is signed by all tenants, building managers will have an easier time dealing with a violation.



Adopting a Policy

“How do I Adopt a Smoke-Free Policy?”

1. Inform your residents that you are thinking of adopting a smoke-free policy. Send out a survey or hold resident meetings. Explain why you want to go smoke free and get their feedback on the process.
2. Decide if the “phase-in” method or the “quit-date” method will work best for your building. Pick a date when you want the building to be completely smoke free. Plan when you will need to begin giving residents notice about the policy change.
3. Renew existing leases and initiate all new leases with a smoke-free lease addendum or policy. A sample lease addendum and policy language available for your use (see the “Resources” page for information).
4. Post signs on your property to remind everyone of the new policy.
5. Advertise that you have a smoke-free building!

Your local smoke-free housing program may have resident surveys, notification letters, lease language, signs, and advertising/publicity ideas for you to use when implementing your smoke-free policy!

“What if I Have a HUD or Publicly-Funded Building?”

According to the U.S. Department of Housing and Urban Development (HUD), owners of federally subsidized housing have the right to prohibit smoking. On July 17, 2009, HUD issued a notice that “strongly encourages” all public housing authorities to adopt smoke-free policies for their buildings (the notice was reissued in 2012).²⁴ HUD released a second notice on September 15, 2010 that gives the same encouragement to properties participating in HUD’s Multifamily Housing Rental Assistance programs (including Section 8 properties).²⁵

The requirements for implementing a smoke-free policy in subsidized housing vary depending on the type of subsidy or assistance the property receives. For example, some properties can include the smoke-free language in the lease; others should implement the policy using house rules. The process to enforce a smoke-free policy can also vary by type of property. Talk to your local smoke-free housing program if you have questions about adopting a smoke-free policy for your subsidized building.

Resources

Smoke-Free Multi-Housing Programs — Local

Place a sticker with local
smoke-free multi-unit housing program
contact information here

Smoke-Free Multi-Housing Programs — National

- Information on smoke-free housing programs around the country can be found on Live Smoke Free's web site: www.mnsmokefreehousing.org/resources
- Model smoke-free lease addenda as well as other sample tools can be found on Live Smoke Free's web site: www.mnsmokefreehousing.org/materials
- The Office of Healthy Housing and Lead Hazard Control at the U.S. Department of Housing and Urban Development has produced several smoke-free housing toolkits: <http://portal.hud.gov/hudportal/HUD?src=/smokefreetoolkits1>
- The Centers for Disease Control and Prevention has developed a manual on smoke-free policies in multi-unit housing: www.cdc.gov/healthyhomes/Healthy_Homes_Manual_WEB.pdf
- The American Lung Association has created an online curriculum on adopting smoke-free policies in multi-unit housing: www.lung.org/stop-smoking/about-smoking/smokefree-housing.html

National Health Organizations

- **American Cancer Society:** www.cancer.org
- **American Heart Association:** www.americanheart.org
- **American Lung Association:** www.lung.org
- **Americans for Nonsmokers' Rights:** www.no-smoke.org
- **Public Health Law Center & Tobacco Control Legal Consortium:** www.publichealthlawcenter.org

Tobacco Cessation Services

- **Lung Help Line:** <http://lunghelpline.org> or 1-800-548-8252
- **Smokefree.gov:** <http://smokefree.gov>
- **National Quitline:** 1-800-QUIT-NOW

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Ready to go Smoke Free?

Contact your local smoke-free housing program to learn more about the benefits of smoke-free multi-housing and the steps you can take to create a smoke-free environment in your building.



Place a sticker with local smoke-free multi-unit housing program contact information here

This guide was originally created by Live Smoke Free (a program of the Association for Nonsmokers-Minnesota).

www.mnsmokefreehousing.org

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