

Working with Landlords and Property Managers on

Smoke-Free Housing



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Introduction



Why smoking and secondhand smoke are problems in multi-unit housing



50,000

nonsmokers die every year
in the U.S. from exposure to
secondhand smoke

Smoke-free policies in multi-unit housing are becoming increasingly common, as housing providers around the country come to recognize their many benefits, both for themselves and their tenants. As more is understood about the health and safety hazards posed by drifting secondhand smoke, landlords, property managers, Public Housing Authorities (PHAs), and local governments are taking steps to reduce secondhand smoke exposure by creating smoke-free areas in and around multi-unit residences. Smoke-free policies not only help protect the health of tenants, but also reduce the risk of fire. In addition, they lower maintenance costs by reducing smoke-related property damage.

In some cases, housing providers might hesitate to create a smoke-free policy because they're concerned it may entail additional expenses, or make it more difficult to attract tenants. Or they might be interested in creating a smoke-free policy, but unsure if they have a legal right to do so. In the context of subsidized housing, there is concern that a smoke-free policy might result in increased rates of tenant displacement, as some tenants may have difficulty complying with a new policy and could therefore face eviction. For example, some tenants have impaired mobility or other disabilities that could make it challenging for them to follow the requirements of a smoke-free policy.

This fact sheet is designed to help public health professionals better understand the economic and legal issues attendant to a housing provider's decision to create a smoke-free housing policy.

Secondhand smoke is a health hazard

Secondhand smoke can cause a variety of serious illnesses, including heart disease, cancer, chronic obstructive pulmonary disorder (COPD) and asthma.¹ The Centers for Disease Control and Prevention estimate that approximately 50,000 nonsmokers die every year from diseases caused by exposure to secondhand smoke.² The U.S. Surgeon General has declared that there is no risk-free level of exposure to secondhand smoke, meaning that even small amounts of smoke have the potential to cause disease and death.³

Children who are exposed to secondhand smoke in multi-unit housing are especially vulnerable. In this type of housing, they come into contact with secondhand smoke at a higher rate than in single-family homes,⁴ and are more susceptible to developing asthma and lower respiratory tract infections like pneumonia or bronchitis.⁵ Among elderly or disabled tenants, secondhand smoke can worsen existing health conditions; tenants with compromised cardiac or pulmonary function are also very vulnerable to secondhand smoke exposure.⁶ Such tenants may have more difficulty recovering from worsened symptoms, and in extreme cases, secondhand smoke exposure could be fatal for them.⁷

Low-income and minority residents experience significantly higher-than-average rates of secondhand smoke exposure.⁸ One study conducted by the Boston Housing Authority (BHA), prior to their creation of a smoke-free policy, found substantially higher levels of secondhand smoke exposure among BHA residents than among nonsmokers nationally.⁹ This is why the U.S. Department of Housing and Urban Development (HUD), which regulates federally subsidized housing for low-income families, strongly encourages smoke-free policies, and why affordable housing providers, particularly public housing authorities, have been at the forefront of establishing smoke-free communities in recent years.

Secondhand smoke exposure is also a significant concern in affordable housing because low-income tenants cannot easily escape to alternative housing when other residents' secondhand smoke consistently drifts into their units.



Health impacts of secondhand smoke¹⁰

Heart disease

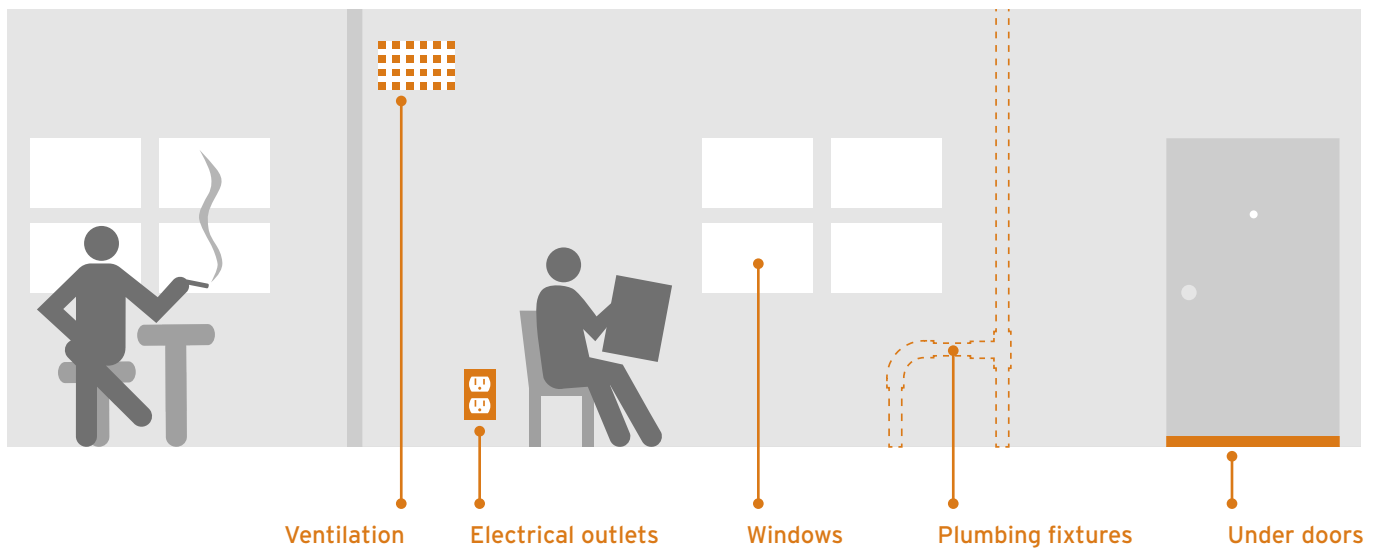
The CDC reports even brief exposure to secondhand smoke can have an immediate harmful effect, interfering with normal functioning of the heart and increasing the risk of heart attack. Estimates are that nonsmokers who are exposed to secondhand smoke, either in the home or the workplace, run a 25–30 percent increased risk of contracting heart disease, and that approximately 46,000 nonsmokers die annually from heart disease caused by secondhand smoke.

Cancer

Lung cancer is strongly associated with smoking in the public consciousness, but it is important to realize that it also strikes nonsmokers who are exposed to secondhand smoke. The CDC estimates that nonsmokers who are exposed to secondhand smoke, either in the home or the workplace, run a 20–30 percent increased risk of contracting lung cancer, and that approximately 3,400 nonsmokers die annually from lung cancer caused by secondhand smoke.

Respiratory illness

Secondhand smoke can also cause respiratory illnesses, such as asthma and chronic obstructive pulmonary disorder (COPD). For children who already have asthma, exposure to secondhand smoke can trigger more severe and frequent attacks.



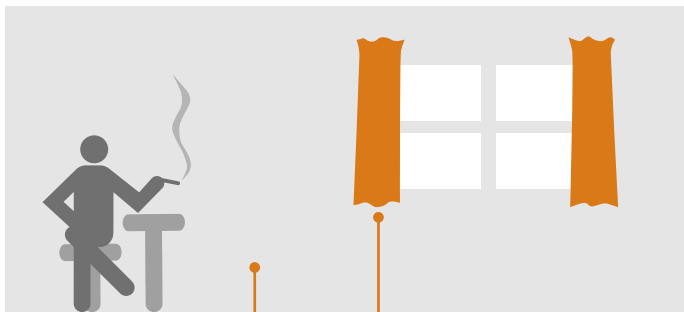
Secondhand smoke drifts between neighboring units

60%

of the air in a unit can come from adjoining units

Research has shown that the smoke from a single cigarette can drift 25 feet or more in every direction, and when multiple cigarettes (or other tobacco products) are smoked at the same time, the drifting distance can significantly exceed even that.¹¹ Furthermore, secondhand smoke particles can linger in the air for an hour or more.¹²

Studies conducted in multi-unit housing have shown that secondhand smoke not only drifts out of one unit into common areas like hallways and stairwells, but also into neighboring units. Secondhand smoke seeps under doorways, through gaps around plumbing fixtures and electrical outlets, and through shared ventilation systems.¹³ One study found that as much as 60 percent of the air in a unit can come from adjoining units, and that sealing leaks and openings only reduces airflow between units by about 3 percent.¹⁴ Unfortunately, air filtration and ventilation systems have been found to be ineffective at reducing the levels of fine particles and toxic gases produced by secondhand smoke.¹⁵ Therefore, the only truly effective way to reduce exposure to secondhand smoke in multi-unit housing is to create a smoke-free policy on the premises.



Smoke residue creates a sticky film on non-porous surfaces like walls, countertops, appliances and fixtures

Smoke residue is absorbed by porous surfaces like drapes, carpeting, and upholstery

Thirdhand smoke is also a health hazard

When tobacco is burned, the smoke that is created does not simply dissipate when it gets released into the air. Instead, the particulate matter in the smoke forms a residue, often called “thirdhand smoke,” which is absorbed by porous surfaces like carpeting, drapes, and upholstery, while creating a sticky film on non-porous surfaces like walls, countertops, appliances and fixtures.¹⁶ Not only does thirdhand smoke residue cause damage to property, but it has been found to contain carcinogenic materials that accumulate over time,¹⁷ presenting a health hazard long after the initial smoke is gone. These materials are slowly re-released out of carpeting and drapes into the air where they can be inhaled, or they can be absorbed through the skin upon contact with contaminated surfaces.¹⁸

Tenants who move into units that have been smoked in will be exposed to these hazardous substances for long periods of time.¹⁹ Nonsmoking tenants who are exposed to thirdhand smoke have significantly higher nicotine and cotinine levels than those who have not been exposed to thirdhand smoke.²⁰ Children, especially young children, are the most vulnerable to the hazards of thirdhand smoke because they do not yet have fully developed respiratory and immune systems. Children are highly likely to inhale, ingest, and absorb thirdhand smoke contaminants as they crawl, put things in their mouths, and kick up dust and other thirdhand smoke particles in the environment.²¹

Field notes

Gail Livingston
Boston Housing Authority

At the Boston Housing Authority, we started to consider smoke-free housing about five years ago. We had been involved in a number of healthy homes initiatives over the past decade and through this work we have developed a good network of partnerships and an understanding of the connection between housing and health. We also became more aware of the high incidence of asthma in public housing residents. About 9 percent of Boston residents overall report having asthma, but the percentage increased to more than 23 percent for residents of public housing. We knew this was a problem we needed to try to address.

Around the same time, we noticed that the number of reasonable accommodation requests from our residents had skyrocketed. Residents wanted to move away from secondhand smoke. But unfortunately we could not accommodate these requests at that time. We simply did not have any housing options that were smoke-free.

So we started to work with our partners at local health organizations and universities to explore how we could go smoke-free. It took us a while to get here and involved a lot of work, like surveying our residents, educating residents and property managers, and providing ample notification time, but in October 2012 we went smoke-free. The implementation went smoothly and the focus is now on consistent enforcement. So far so good – and the benefits have so far have been worth the effort and I’m this will continue.

Field notes

Nsele Nsuangani
Kern County Health Department

Kern County held a smoke-free housing conference in 2008. We sent over 300 invites to local rental companies and other groups. The response we had to the conference was great! People were really interested. At the conference, we provided information on the benefits of smoke-free housing and the attendees were very receptive. Afterward, the housing authority expressed interest in going smoke-free.

What was the biggest selling point? Fire hazard. I think most of the past fires in housing authority properties had been caused by tobacco smoking.

Another big selling point for our housing authority was the issue of maintaining apartments where tenants have smoked. Maintenance staff from apartment buildings routinely report about the property damage from smoke. You know how the smell of tobacco smoke does not go away and how the walls get damaged. Although it took a while to go through the process of getting a policy created, providing this information turned out to be a really important step along the way.



Smoking-related fires are a major cause of house fires.

Smoking is a fire hazard

Smoking also represents a significant fire hazard. Of all the smoking-related fires reported between 2006 and 2010, a substantial majority (63 percent) of them occurred in homes, including apartments.²² As measured in dollars, 75 percent of the property damage caused by smoking-related fires was to housing, including apartments.²³ According to the National Fire Protection Association, smoking-related fires accounted for \$506 million dollars in residential property damage.²⁴

The threat of smoking-related fires is especially significant in housing with a large number of elderly or disabled residents, as their mobility may be compromised and thus they may face increased risk of injury or death in the event of a fire. The city of Belmont, California passed the nation's first local law prohibiting smoking in multi-unit housing after a fire caused by an unattended cigarette in an affordable housing development for seniors. Although the building had had a smoke-free policy in place, it had not been enforced. After the fire, residents banded together and asked the city council to take steps to prevent such an event from happening again.²⁵

Smoking in units increases turnover costs

The costs associated with rehabilitating a unit that has been smoked in are often quite high, particularly in cases where smoking has occurred in the unit over a long period of time. Some estimates suggest that smoking-related expenses – such as replacing carpets and cleaning and repainting walls, ceilings, and fixtures – can add on average up to \$5,000 to a unit's turnover costs.²⁶ In extreme cases, the total cost of rehabilitating a previously smoked-in unit can reach as high as \$15,000.²⁷ Even after rehabilitation, the smell of thirdhand smoke may still be noticeable, making the unit less desirable.

Average rehabilitation cost for smoke-affected units

\$5,000–\$15,000

Field notes

Peter Mattingly
independent landlord from California

If you want to promote smoke-free policies among individual property owners, I think local health departments should bone up on the legal issues and then educate property owners. Talk to and inform landlords about the legal and liability issues of smoking. If the landlord is not informed, then an owner won't go smoke-free by himself. But if you tell them that they are open to potential lawsuits, maybe they'll start to think about going smoke-free.

The state of California has declared smoking a health hazard, and anyone with some sense doesn't want to open themselves up for a lawsuit. The important issue for landlords is, what kind of lawsuits would they be liable for because of smoking? Doesn't matter who it is; once you start hitting them in the wallet, they will start getting educated.

Potential legal claims against a landlord or property manager



Implied warranty of habitability

The implied warranty of habitability is a legal doctrine that requires landlords to maintain rental property in a condition that is fit for human habitation.²⁸ Typically, this is satisfied by complying with certain housing code requirements, such as the obligation to provide heating, plumbing, and ventilation.²⁹ The California Supreme Court has recognized that there are also other factors that go into determining whether a unit is considered uninhabitable. A tenant could argue that drifting secondhand smoke is one of those factors.³⁰

Covenant of quiet enjoyment

The implied covenant of quiet enjoyment is a legal doctrine that prohibits a landlord from substantially interfering with a tenant's right to possess and use a unit for the normal purposes of living.³¹ If a tenant can show that a landlord allowed smoking in a neighboring unit or common area, and that the drifting smoke was so severe as to constitute a *substantial* interference in their ability to live in the unit, the landlord could be held to have violated the covenant.

Constructive eviction

Constructive eviction happens when a landlord does something, or fails to do something, that makes a unit so unfit for normal use that the tenant has no option but to move out.³² In a constructive eviction, the landlord has not explicitly told the tenant to leave, but rather has failed to fulfill their obligation to provide the tenant with a unit that is habitable.³³ In a case where a tenant can show that drifting secondhand smoke was so severe that it forced them to move, they could argue that they have been constructively evicted.

Nuisance

In the context of housing, a nuisance is defined as anything that is so harmful or intrusive that it interferes with a resident's use or enjoyment of the property. Courts in California require that for

something to rise to the level of a nuisance, the interference or intrusion has to be both substantial and unreasonable.³⁴ Many cities and counties have passed ordinances that explicitly name secondhand smoke as a nuisance. However even in communities that haven't done so, it is possible for a tenant to argue that drifting secondhand smoke in their unit is so severe that it constitutes a substantial and unreasonable interference, and is therefore a nuisance.

Negligence

Landlords have a duty to maintain their property in a condition that's safe for human habitation.³⁵ In a case where a tenant can establish that the landlord's failure to fulfill that duty has caused the tenant to be injured or harmed, the landlord could be found negligent. In cases where a tenant has notified their landlord of severe secondhand smoke but the landlord has failed to adequately address the problem, the tenant can argue that the landlord was partially responsible for any harm caused by the smoke.

Disability claims

Tenants who have a disability that is worsened by exposure to secondhand smoke, such as asthma or other respiratory conditions, can ask a landlord for a reasonable accommodation to help address the problem.³⁶ A reasonable accommodation in such cases might be to prohibit smoking in common areas near the tenant's unit, to allow the tenant to move to a vacant unit further away from the source of the smoke,³⁷ or to allow the tenant to "break" their lease and move without financial penalty.³⁸ In cases where a landlord fails to consider an accommodation or outright denies an accommodation without sufficient justification (an example of a *sufficient* justification would be to establish that the accommodation would require excessive costs), the tenant may be able to bring a legal claim against the landlord under state and federal disability laws. For more information on this topic, see "How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke."

The benefits of smoke-free housing

Considering both health and economic perspectives, the benefits of creating smoke-free multi-unit housing policies are clear. Making a property smoke-free can improve the lives of residents, make the housing more desirable, and reduce costs for landlords and property managers.

Affordable housing providers should know that HUD has repeatedly stressed the importance of smoke-free multi-unit housing, and actively encourages affordable housing providers to adopt smoke-free policies.^{39, 40, 41}



Protecting and promoting tenants' health

Smoke-free policies help to protect the health of tenants by reducing their exposure to secondhand smoke. Secondhand smoke seeps from one unit to the next in apartment buildings and condos. Air filtration and ventilation systems have proven ineffective at removing harmful particulate matter from areas into which tobacco smoke has drifted. Therefore, residents of multi-unit housing are often continually exposed to secondhand smoke at levels that exceed the U.S. Environmental Protection Agency's standard.⁴² Creating a smoke-free policy is the single most important action that housing providers can take to reduce this threat to their tenants' health.

Benefits



Healthy residents



Desirable housing



Lower costs for landlords

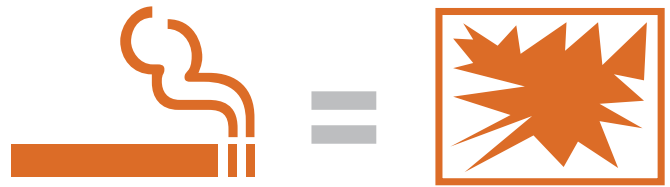
Field notes

A Californian landlord:

I went smoke-free because I knew that turnaround costs due to smoking were expensive. Smoking damages the paint job and the mini-blinds. Cigarettes leave burns on the carpet. Even without all that there is the bad odor. I have cleaner apts. No cigarette burns in the carpet. It's so much easier.

A Californian landlord:

Have I had problems keeping my vacancies filled [since going smoke-free]? No, I would say the contrary. Prospective residents comment that they like the policy. I think more and more people are moving to smoke-free. I think of people that have come to my building. They usually come from places that didn't have a smoke-free policy. I am not sure if the smoke-free policy is the only reason that attracted them to my unit. But especially here in my town, smoke-free housing is getting more traction.



Reducing potential legal liability

For housing providers, another benefit of a smoke-free policy is that it reduces the likelihood of legal claims from a tenant who develops an illness or suffers harm because of exposure to secondhand smoke. There are a variety of potential claims that a tenant could bring against a housing provider in such cases. For example, a tenant could claim that the secondhand smoke drifting into their unit is so severe that it makes the unit uninhabitable, and that the provider has a legal obligation to fix the problem under the legal doctrine of the “implied warranty of habitability.” Tenants could also argue that by allowing smoking in neighboring units or common areas, the landlord has violated the tenant’s legal right to “quiet enjoyment” of the unit.

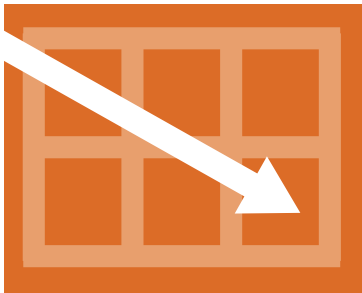
If a landlord fails to fix a drifting secondhand smoke problem, a tenant could claim that the landlord has “constructively evicted” them and that they should be allowed to break their lease and move out, or be moved to another unit that is not exposed to drifting smoke. Tenants could also potentially claim that by failing to take steps to address drifting secondhand smoke in the building, the provider has allowed a nuisance on the premises, or that the provider has been negligent. In cases where a tenant has a disability that is aggravated by exposure to secondhand smoke, the tenant could claim that the landlord has violated state and federal disability laws by neglecting to address the secondhand smoke and thus failing to accommodate their disability.⁴³



Resolving conflicts among tenants

Another benefit of smoke-free housing policies is that they create a framework for conflict resolution between tenants when smoke-related issues arise. Absent a smoke-free policy, some tenants who are exposed to secondhand smoke may just accept it because they're uncomfortable with confrontation or because they fear possible retaliatory eviction. Other tenants may ask the neighbor who smokes to accommodate them in some way, such as by smoking only in certain parts of their unit, smoking only inside, or only smoking at certain times of day. But the tenant who smokes may simply refuse, and without a policy in place, there would be little that nonsmoking tenants could do, other than escalate the situation into an overt conflict.

A smoke-free policy sets forth clear rules (for example, smoking permitted in designated areas only) that tenants can apply to resolve these types of situations.



Economic benefits

Reduced Turnover Costs

As noted above, smoking can significantly damage the interior of a property, resulting in thousands of dollars in extra rehabilitation costs. Having a smoke-free policy can substantially reduce the costs of cleaning, repairing, and painting a unit to prepare it for a new tenant. Also, flooring, appliances, and fixtures will need to be replaced less frequently. One management company in Oregon kept track of the average turnover costs per unit after having implemented a smoke-free policy in 2008. As of 2013, they've found that the average cost of turnover for a 1-bedroom unit had decreased by approximately \$1,000.⁴⁴



A smoke-free policy sets forth clear guidelines for property owners and tenants.



A property with a smoke-free policy increases rental units' marketability.

Improving the Quality and Marketability of Units

There is evidence that a smoke-free policy increases rental units' marketability. Polls of renters in California conducted in 2004 and 2005 found that 82 percent would prefer to live in a smoke-free building.⁴⁵ A 2007 poll of Minnesota tenants found that 34 percent would be willing to pay higher rent to live in one.⁴⁶ A similar poll done in Oregon around the same time found that over half the renters surveyed would be willing to pay higher rent to live in a smoke-free building.⁴⁷

Possible Eligibility for Insurance Credits

A smoke-free multi-unit housing policy can even qualify a property for a discount on property insurance. Recognizing that smoke-free policies help reduce the risk of fire, many insurance companies, such as the Northern California-based Capital Insurance Group, now offer a "smoke-free credit" that reduces the property owner's premium by up to 10 percent, depending on the number of units on the property.⁴⁸

Low Income Housing Tax Credit Program

Developers of low income housing tax credit (LIHTC) properties must apply to the California Tax Credit Allocation Committee (TCAC) to participate in the program. It is a highly competitive process in which applications are awarded "points" based on various measures of housing quality (construction techniques/materials, etc.). TCAC awards an extra point in the "sustainable building methods" category for properties that prohibit smoking in at least 50 percent of their units.⁴⁹

How housing providers can create a smoke-free policy





Smoke-free housing laws

Individual housing providers are not the only ones who can establish smoke-free policies on their properties. City and county governments in California can pass smoke-free ordinances that apply to all multi-unit housing within their borders. Dozens of local governments throughout the state have already adopted smoke-free housing laws, and many more are likely to do so in the near future.

Legal basis for smoke-free policies

As a general rule, landlords, property managers, and other housing providers have the legal authority to make any and all parts of their property smoke-free. Some landlords may be worried that if they prohibit smoking in living units they'll be accused of illegally discriminating against people who smoke, or that they'll be infringing on their tenants' right to privacy. The truth is that, in California, landlords and property managers have the right to prohibit smoking *anywhere* on their property, including residential units, so long as they follow the appropriate procedures for doing so.

Contrary to what some might argue, there is no such thing as a legally protected "right" to smoke. California Civil Code section 1947.5 (SB 332) explicitly affirms that property owners and managers have the right to prohibit smoking anywhere on their property, including living units and private balconies and patios.⁵⁰ Nor are there federal laws that restrict the prerogative of property owners to go smoke-free. Indeed, as mentioned above, the federal Department of Housing and Urban Development has actively encouraged housing providers to create smoke-free policies, and has created an extensive toolkit to help them do so.

Neither the US Constitution nor the California Constitution protects people's "right" to smoke where they wish, and people who smoke have never been recognized as a specially protected class of people. Smoke-free policies are not discriminatory, because they do not prohibit anyone from renting a unit, but merely set rules as to what activities are permitted on a property. In practice, a smoke-free policy is no different from a no-pet policy or a policy that disallows loud parties past a certain hour. For more detail on this topic, see ChangeLab Solutions' fact sheets "A New Lease on Life: Landlords' Right to Make Properties Smokefree;" and "There Is No Constitutional Right to Smoke."

Policy options

Once a decision has been made to create a smoke-free policy, the next step is to determine the policy's scope. A range of policy options are possible, depending on what areas of the property a housing provider wants to make smoke-free. The most effective way to protect residents from exposure to secondhand smoke, and to reduce property damage from smoke, is to prohibit smoking everywhere on the property. Indeed, according to the Surgeon General, eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure.⁵¹

In practice, however, some housing providers opt only to restrict smoking in specific locations. There are four main categories of areas where a landlord might prohibit smoking:

- Enclosed common areas
- Unenclosed common areas
- Enclosed areas of an apartment unit
- Unenclosed areas of an apartment unit (e.g., patios, balconies, etc.)

Some landlords may be hesitant to prohibit smoking on the entire property all at once, so they may opt to start by only prohibiting smoking in common areas. This can help reduce nonsmoking tenants' exposure to secondhand smoke in shared areas of the property, such as hallways, stairwells, elevators, laundry rooms, lobbies, back yards, courtyards, lawns, gardens, etc. (Note: If employees, such as property managers, maintenance staff, or cleaning staff, work indoors at the site, California's Smoke-Free Workplace Act already prohibits smoking in indoor common areas). Some landlords may prefer policies that prohibit smoking in common areas but permit tenants to smoke in the privacy of their units, because such policies may be less controversial than more comprehensive restrictions. A disadvantage of these policies, however, is that they are less effective at protecting nonsmoking tenants from exposure, because secondhand smoke drifts between units, as previously discussed.

Some landlords have opted to prohibit smoking in units, but to allow smoking in outdoor common areas, such as back yards, parking areas, and courtyards. The appeal of this approach is that it does more to protect tenants from secondhand smoke inside their units, although exposure may occur in outdoor portions of the property and smoke may drift into the building through doors and windows.

In some cases, landlords may combine these approaches by, for example, prohibiting smoking inside units and in outdoor common areas, but allowing tenants to smoke on their private balconies or patios. Again, the advantage of this approach is that it offers

Main areas where a landlord might prohibit smoking



Enclosed common areas



Unenclosed common areas



Inside a unit



Outside area of a unit

Field notes

Independent landlord from California





The worst words a landlord can hear is “I am suing you” or “I am not going to pay you rent.” As landlord, my goal is to prevent lawsuits, and provide healthy clean housing; this is a health issue.

Landlords need to be educated and they need to know they have support. Many landlords don’t know what support they have. That’s why I am so grateful for the tobacco control professional who helped me. She has been such a great help to me and so many other landlords in our region.

nonsmoking tenants a degree of protection from secondhand smoke exposure while giving tenants who smoke somewhere to smoke. A disadvantage is that smoke from balconies and patios can drift into the surrounding units through air vents or cracks around windows.

Usually, a landlord’s decision to prohibit smoking entirely or to allow it in certain areas, such as yards or private balconies, depends on a variety of factors, including the number of residents who smoke, the layout of the property, etc.

For more detail on specific policy options, see the table on the next page.

Spaces covered by smoke-free housing policies	Enclosed spaces	Unenclosed spaces
<p>Common areas</p>	 <p>EXAMPLES: lobbies, hallways, stairwells, elevators, laundry rooms, mail rooms, etc.</p> <p>NOTES: Smoking may already be prohibited in these places under the California Smoke-Free Workplace law if there are employees who work in the building. In buildings where this law does not apply, landlords can explicitly prohibit smoking in these areas.</p>	 <p>EXAMPLES: lawns, walkways, courtyards, gardens, back yards, driveways, parking areas, etc.</p> <p>NOTES: Some landlords may wish to start with prohibiting smoking only in these spaces because it may be less controversial than prohibiting smoking in indoor areas. A disadvantage of this is that it does not protect residents from secondhand smoke that drifts into their units.</p>
<p>Units</p>	 <p>EXAMPLES: All indoor portions of individual units: living rooms, kitchens, bedrooms, bathrooms, etc.</p> <p>NOTES: Usually, landlords prohibit smoking in units as part of a broader smoke-free policy which also covers common areas. In some cases, landlords may continue to allow tenants to smoke in outdoor portions of the property, such as tenants' private balconies or patios. The advantage of this is that it provides some place for tenants to smoke, making it less likely that they'll violate the policy by smoking inside their unit. The disadvantage is that nonsmoking tenants may continue to be exposed to smoke that drifts into units from the outside.</p>	 <p>EXAMPLES: "Exclusive Use" portions of a unit: private balconies, patios, decks, etc.</p> <p>NOTES: Usually, landlords prohibit smoking on balconies and patios as part of a broader smoke-free policy that also covers the indoor portions of units as well as common areas. In some cases, landlords may continue to allow tenants to smoke on their balconies and/or in outdoor common areas. The advantage of this is that it provides some place for tenants to smoke, making it less likely that they'll violate the policy by smoking inside their unit. The disadvantage is that nonsmoking tenants may continue to be exposed to smoke that drifts into units from the outside.</p>

Field notes

Donald Dombrowski
landlord

I went smoke-free over 25 years ago with the help of a local smoke-free housing expert. I think an important step in going smoke-free is advertising your policy clearly. I always advertise my units as non-smoking. As soon as you advertise, prospective renters can't say they didn't know.

I also have a questionnaire where I ask renters some questions: their credit rating, renting history, and about the smoke-free policy. Finally, I have new residents sign a smoke-free lease addendum. It's an honor system. Over 25 years, there was one bad apple, and that was in the last five years. I caught him smoking in the back parking lot. I just looked at him. He later came to me and volunteered to move out.

The process with existing tenants is different. You have to wait. You can't discriminate against them. For example, if I wanted a no-pet policy and a resident has a pet, I have to wait until the tenant moves. I can't just kick out a tenant. My last smoker who wouldn't comply with the policy was an older lady, but I wasn't going to kick her out. I am now completely smoke-free. You have to wait and be patient in moving your apartment to smoke-free with existing tenants.

In terms of enforcement, in addition to the lease language, I have signs posted in the laundry room and by the mailboxes. Ultimately though, if the landlord is visible and shows they care, residents are going to respect the policy.



Types of housing: market rate vs. subsidized housing

The mechanics of creating a smoke-free housing policy depend on the specific type of housing involved. Different rules apply to market rate housing and affordable housing. In addition, different types of affordable housing – Public Housing Authorities (PHAs), project-based Section 8 properties, properties rented to Section 8 voucher holders, subsidized rural development projects, and Low-Income Housing Tax Credit (LIHTC) program properties – are all subject to different rules. The US Department of Housing and Urban Development (HUD) has produced extensive “how to” toolkits for both owners/management agents and residents of federally assisted public and multi-family housing.⁵²

Below is a brief summary of the rules pertaining to the creation of smoke-free housing policies, organized by housing category.

Market rate housing

In general, creating a smoke-free multi-unit housing policy is straightforward for landlords of market rate housing. Under California Civil Code section 1947.5, a smoke-free policy is a term of the rental agreement just like any other, such as a pet policy. To create a smoke-free policy, a landlord writes it into the lease, either at the time an apartment is rented, or when an existing lease is renewed. It's important to note that a landlord cannot add a smoke-free term to an existing lease before it comes up for renewal, unless the tenant agrees to the new term. Here is a summary of the procedures a

landlord or property manager must follow in creating a smoke-free policy. (Note that different procedures may be required for properties in jurisdictions with rent control laws; see the sidebar at left.)

Existing Lease – With Consent of the Tenant

If a current tenant and landlord both agree to change an existing lease to include a smoke-free provision, the landlord should do one of the following:

- Insert the smoke-free provision as an addendum to the existing lease, or
- Create an entirely new lease that includes the smoke-free provision.

Existing Lease – Without the Consent of the Tenant

If a landlord wants to include a smoke-free provision in an existing lease but the current tenant does not, the landlord may still change the lease to prohibit smoking in the unit. The process depends on the type of rental agreement:

- **Month-to-month rental agreements:** A landlord may add a smoke-free policy to a month-to-month rental agreement by giving written notice to the tenant of the new condition and making the smoke-free policy effective no sooner than 30 days after providing such notice.
- **Fixed-term leases:** A landlord cannot change the lease during the time period that the lease is in effect (typically, fixed-term leases are for six months or a year), unless the tenant agrees to it. This type of lease fixes all the conditions in the lease, and the landlord can't make any changes until the term expires. However, when a fixed-term lease ends, it may convert to a month-to-month agreement. If so, the landlord may then add a smoke-free requirement to the new month-to-month agreement (providing the tenant with at least 30 days' notice). Or, at the end of the fixed term, the landlord could renew the lease with an added smoke-free clause, or create a new lease that includes the smoke-free provision.



Smoke-free multi-unit housing and rent control

Cities or counties that have rent control or eviction control laws often place restrictions on whether a landlord can add a new term of tenancy to an existing lease when it's renewed. The information presented here does not necessarily apply to these jurisdictions. For more information on this topic, please see ChangeLab Solutions' fact sheet "Smoke-Free Multi-Unit Housing in Jurisdictions with Rent Control."



Categories of subsidized housing

Public housing

Public housing is housing for low-income residents that is owned and managed by a local Public Housing Authority (PHA). Public housing is administered by the U.S. Department of Housing and Urban Development (HUD), which provides funding to PHAs and establishes the rules that PHAs must follow in managing their properties. These rules govern how PHAs admit tenants into their properties, the terms of tenancy that PHAs and tenants must abide by, the way rent is calculated, and how these rules are created and enforced.

Project-based section 8

“Section 8” refers to Section 8 of the Housing Act of 1937, under which HUD provides rental subsidies to private landlords on behalf of low-income tenants.⁵³ “Project-based Section 8” housing is privately owned rental housing that receives funding from HUD, which is tied to each individual unit. Because these subsidies are tied to the units, when a tenant moves out, the tenant may lose the subsidy, unless they can obtain a Section 8 voucher (see below). Conversely, a new tenant who moves into a subsidized unit does not need to have a Section 8 voucher in order to benefit from the subsidy.

Section 8 vouchers

The Section 8 Voucher Program, otherwise known as the Housing Choice Voucher Program, is a “tenant-based” program. Through this program, HUD provides subsidies directly to low-income individuals in the form of vouchers that they can use to help cover the cost of rental housing. Section 8 vouchers

can be used to help pay for any rental housing, as the subsidy is held by the tenant rather than the unit. This gives tenants more flexibility to move because they can take their subsidy with them. However, Section 8 voucher recipients do not enjoy as wide a range of protections as residents of PHAs or project-based Section 8 properties, as fewer HUD rules apply to landlords who accept Section 8 vouchers.

Rural development projects

Rural development projects are usually privately owned properties that receive federal subsidies to provide rental housing to low-income residents. The rules that govern rural development projects are quite similar to the rules governing project-based Section 8 developments. However, the program is administered by the Rural Housing Service (RHS) of the U.S. Department of Agriculture (USDA), rather than HUD.

Low-income housing tax credits

The Low-Income Housing Tax Credit program (LIHTC) is a tax credit provided to developers and landlords who invest in the creation of affordable housing. The LIHTC program does not have rules affecting the landlord-tenant relationship; however, properties developed with LIHTC credits are subject to the rules of whatever subsidy program they participate in, such as Section 8 or a rural development program.

Public Housing Agencies (PHAs)

HUD encourages PHAs to go smoke-free by revising their leases.⁵⁴ A PHA has to give tenants at least 30 days to review and comment on any proposed changes to a lease.⁵⁵ A notice of proposed lease changes has to be delivered directly or mailed to each tenant and posted in at least three conspicuous places in each building where the affected dwelling units are located, including a central business location within each building.⁵⁶ The PHA has to consider residents' comments before the lease amendment can become effective.⁵⁷

In addition to amending the lease, a PHA has to update their local plan (which contains all PHA policies) to include the rules and standards that apply to public housing developments that create smoke-free policies.⁵⁸ When updating their local plan, a PHA has to provide a 45-day public comment period and hold a hearing to discuss the plan changes.⁵⁹ In preparing the smoke-free policy, the PHA also has to consider the recommendations of the public housing Resident Advisory Board.⁶⁰

Project-based Section 8 housing

Owners of project-based Section 8 properties who want to create a smoke-free policy have to update their House Rules to include the policy.⁶¹ House Rules are owner-developed policies, which are attached to the HUD model lease that all project-based Section 8 owners have to use. House Rules function as an addendum to the HUD lease.

If owners of project-based Section 8 properties include smoke-free policies in their House Rules, they must address the permissibility (or impermissibility) of smoking in a tenant's unit, common areas, playground areas, areas near any exterior window or door, and areas outside a tenant's unit.⁶² They also have to designate smoking areas, unless they establish a 100 percent smoke-free policy.⁶³

For tenants who have finished their initial lease term (typically one year), owners have to provide a copy of the revised House Rules at least 30 days before the rules become effective.⁶⁴ For tenants who are still in their initial lease term, owners have to provide at least 60 days' notice.⁶⁵



The mechanics of creating a smoke-free housing policy depend on the specific type of housing involved.



Timelines for implementing smoke-free policies

Depending on the type of program, the timeline for implementing smoke-free policies in affordable housing may vary. Legal assistance is highly recommended when developing an implementation timeline, to make sure that the appropriate regulations are followed for each specific property or development.

That said, there are some key considerations that all housing providers should take into account at the outset. In particular, careful thought should be given to when a smoke-free policy becomes effective. It is important to think about whether a smoke-free policy should become effective for all tenants at once, or whether to implement it in phases. An example of a “phase-in” approach would be a policy that becomes effective at a specific future date for all existing tenancies, but becomes effective as soon as is legally permissible in common areas and for new tenancies.

The best approach will differ with each property, depending upon the number of units, the layout of common areas, the number of residents who smoke, etc. As noted above, it is always important to be sure that all applicable HUD procedures are followed.

Section 8 voucher program

Leases between tenants and owners participating in the Section 8 voucher program are generally governed by state and local law. This means that owners participating in the voucher program have to follow state and local legal requirements if they want to amend leases to include smoke-free policies. Under state law, if a lease is for a fixed term (typically a 6- or 12-month period), the lease can only be changed during that term if the tenant agrees to the change. Otherwise, the landlord needs to wait for the lease term to expire, and then the new smoke-free policy can be added to the lease upon renewal. With a month-to-month agreement, an owner can add a smoke-free policy by giving written notice to the tenant of the new policy and making the policy effective no sooner than 30 days after providing this notice.⁶⁶

If the tenant and the landlord agree to any changes in the lease, it has to be in writing, and the landlord must promptly submit a copy of the changes to the local public housing agency (PHA).⁶⁷

Rural development

Rural Development property owners who want to create smoke-free policies must update their Occupancy Rules.⁶⁸ Occupancy Rules are attached to the tenant’s lease; they explain the tenant’s rights and responsibilities.

The smoke-free policy should address the permissibility (or impermissibility) of smoking in a tenant’s unit, common areas, playground areas, areas near any exterior window or door, and areas outside a tenant’s unit.⁶⁹ The policy also should designate smoking areas, unless the owner establishes a 100 percent smoke-free policy.⁷⁰

Changes to Occupancy Rules must be provided to tenants in writing at least 30 days before they go into effect.⁷¹ Owners need to get approval from the Rural Development program before implementing any changes to Occupancy Rules.⁷²

Low-Income Housing Tax Credit (LIHTC) program

In the Low-Income Housing Tax Credit (LIHTC) program, procedures for amending leases or creating smoke-free policies are not governed by any federal laws or agency guidelines. This means that owners who participate in the program are generally able to add smoke-free terms to leases by following the same procedures as owners of market rate housing, as discussed above.

However, some LIHTC developments also receive funding from HUD. Owners of these developments must follow HUD protocols for creating smoke-free policies. When working with LIHTC landlords, it's important to ask them if they receive any HUD funding. If the answer is yes, they'll have to follow the procedures outlined by HUD for their particular program.

Field notes

Dawn Dunn

Santa Barbara, Tobacco Settlement Program

Our earliest work on tobacco-free housing started in 2004 when we started working with our housing authority. We heard from some residents that were living in a [senior] complex. They didn't want to be exposed to secondhand smoke but were also worried about being kicked out if they complained. These are people with fixed incomes and they worry about losing their housing.

One woman, spoke out on behalf of her neighbors and herself. She had been talking to the manager, and he had kind of been giving her the runaround. So she called us. I told her that smoking at the complex is not illegal but that we would help. I wrote a letter on behalf of the tenant to the housing authority. This agency is affiliated with, but independent of the city. After reading my letter, management decided to adopt a voluntary policy where residents or visitors were not allowed to smoke within their units or [within] 50 feet of the property. This is now a Board enacted policy.

Kathleen O'Bryant

County Tobacco Use Reduction Program

For the most part enforcement has been fine. However, one resident, who does not want to go outside to smoke, is refusing to comply with the new policy. It's a difficult issue because if we use a three warning system, she is going to be kicked out. Nobody wants to make another person homeless. If there is some kind of way to enforce policy and not kick a person out, that is a much better solution. This is where we need to improve how policies are designed and how they are enforced.



Other concerns

Concerns have been raised about potential unintended consequences of smoke-free policies, including: unfair impacts on tenants with disabilities; the possibility that a policy will require people who smoke to do so in unsafe areas; and the potential for landlords in expensive rental markets to use smoke-free policy violations as a pretext for evicting long-term tenants who would otherwise be protected by rent control or eviction control laws.

With careful drafting, however, a smoke-free housing policy can be tailored to avert these problems, and to be as fair and humane as possible to tenants who smoke.

Tenants with disabilities

One significant concern is that smoke-free housing policies could disproportionately affect disabled tenants who smoke, putting them at increased risk of displacement. People with disabilities may be particularly challenged to comply with smoke-free housing policies. For example, impaired mobility may make it difficult if not impossible to go outside to smoke. A person with a mental illness or psychiatric disability may also face unique challenges in complying with a smoke-free policy, especially when unable to access information and cessation services tailored for their specific needs.

Because disabled tenants are at greater risk of being evicted for violating a smoke-free policy, communities or landlords might consider adopting smoke-free policies that provide some form of accommodation for them.

Tenant safety

Safety is another important concern. If a property is located in a high-crime area, it may not be fair or realistic to require tenants to go outside to smoke. Advocates stress that smoke-free policies created in such areas must be carefully crafted to ensure that tenants need not risk their safety and security in order to comply with the policy.

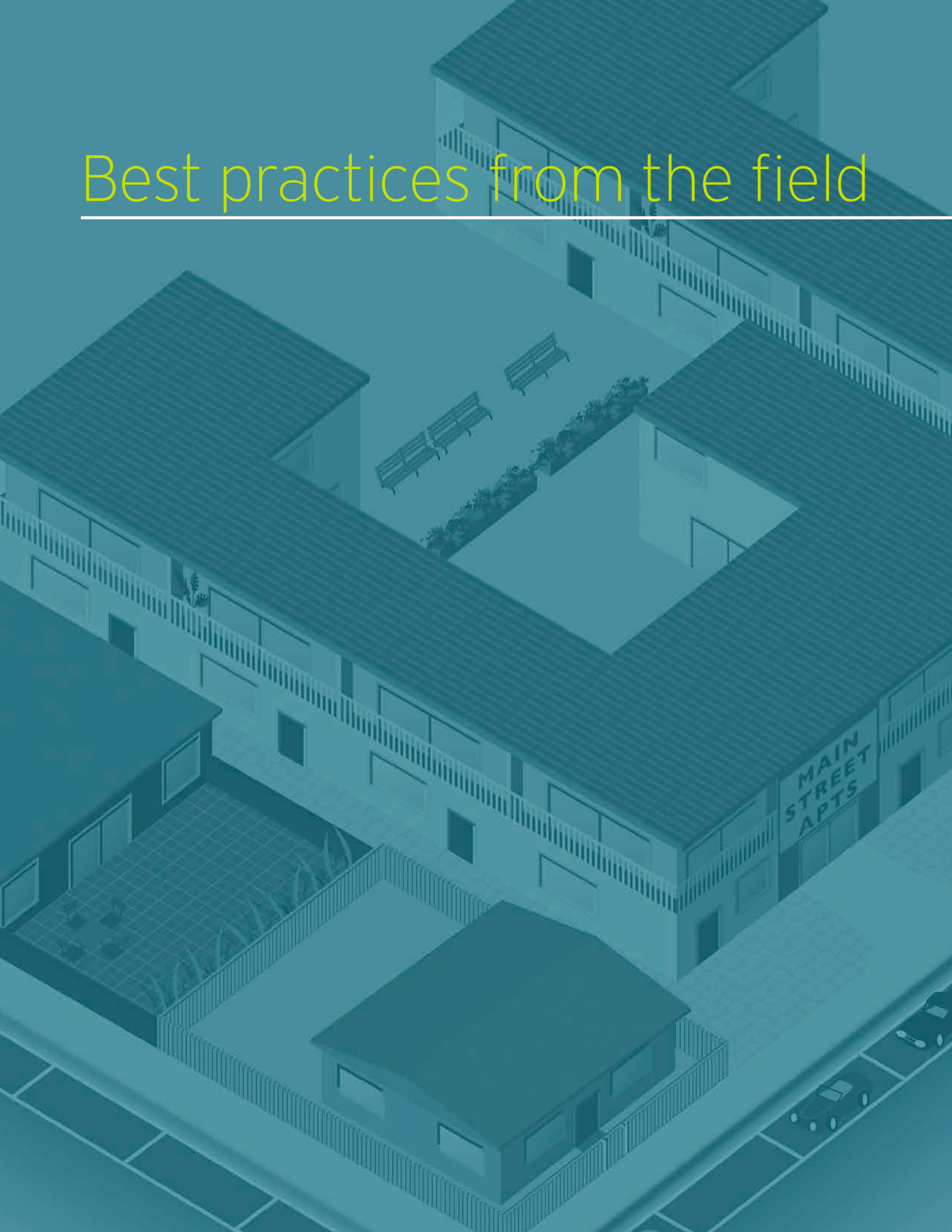
Pretextual evictions

A third key concern is the effect that smoke-free housing policies may have on tenants in jurisdictions with rent control/eviction control ordinances. Although rent controlled jurisdictions typically prohibit landlords from changing the terms of an existing tenancy, it is possible for a smoke-free housing ordinance to supersede a rent control law.

Because such ordinances typically allow landlords to evict tenants who violate a policy, landlords in rent-controlled jurisdictions may attempt to use a newly passed smoke-free housing ordinance as a pretext for evicting long-time residents, so that they can then raise the rent to market rates.

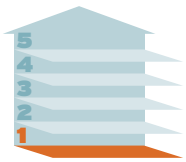
To date, the City of Santa Monica is the only rent-controlled jurisdiction in California that has adopted a smoke-free multi-unit housing ordinance. Santa Monica addressed the potential eviction issue by adding a provision to their ordinance stating that a violation of a smoke-free policy cannot be used by a landlord as grounds for evicting a tenant.

Best practices from the field



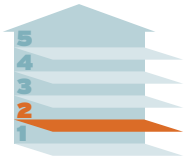
Increasing the number of multi-unit housing properties with smoke-free policies will take time and effort, but it is entirely feasible if you prepare carefully and remain persistent. Here, we have summarized some of the best practices from published peer-reviewed journal articles, existing guides, and our own key informant interviews.

Building momentum for voluntary smoke-free multi-unit housing policies



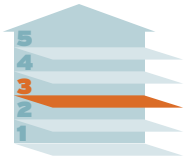
FIRST FLOOR: Build the foundation for success

- Identify resources.
- Build partnerships.
- Collect local data and learn the local context.



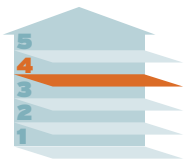
SECOND FLOOR: Plan for success

- Develop a strategic action plan.
- Assemble and develop tailored tools and resources to implement your strategic plan.



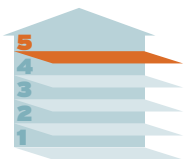
THIRD FLOOR: Disseminate information about smoke-free multi-unit housing policies

- Communicate directly with landlords, property managers, and residents.
- Communicate broadly with the public about the importance of smoke-free policies.



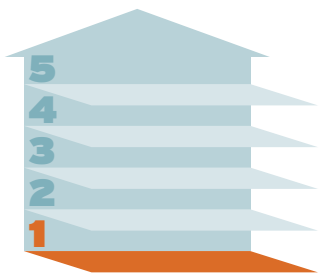
FOURTH FLOOR: Support creation and implementation of smoke-free policies

- Help landlords, property managers, and housing authorities develop effective smoke-free policies.
- Aiding with implementation of smoke free policies.



FIFTH FLOOR: Evaluate, celebrate, and recalibrate

- Evaluate the impact of policies that have been implemented.
- Celebrate successes.
- Assess effectiveness and then recalibrate.



FIRST FLOOR

Build the foundation for success

Without a thorough understanding of the local context, it is very difficult to increase the number of voluntarily created smoke-free housing policies.⁷³ For this reason, it is vital to take the time to assemble resources and collect sufficient local data necessary for building a smoke-free housing effort.⁷⁴



Identify resources

The first step is to identify what resources you have and what resources you will need to support your efforts. Some of the resources you need will likely include:

- funding for the project
- dedicated personnel with expertise in health education or policy development
- meeting space to bring partners together in person
- basic office supplies for developing presentations and printing handouts

Some of your partners may be able to contribute resources, but you may also need to acquire additional sources of funding or in-kind donations. Assess what resources you need and identify where you may be able to obtain missing resources.⁷⁵



It is vital to assemble resources and partners when building a smoke-free housing campaign.

Field notes

Ana Gamiz

Housing Authority of the County of
San Bernardino

I reached out to the local public health department early on in our process. The health department helped us by providing cessation classes and informational sessions on smoking, especially its health effects. It was really eye opening to be there and to see how some of our residents were really in shock by the harms of smoking.

Our public health department partners also mentioned that they had a grant with a local university to develop a smoke-free survey we could give to residents. The university partners developed the surveys, and I then gave the surveys to our residents and handed the surveys right back over to the university. We felt we didn't have the expertise in some areas so we really wanted to reach out to partners. I didn't know what to expect. The majority of our residents supported a non-smoking policy.



Build partnerships⁷⁶

Developing engaged relationships with interested partners is critical to building momentum for voluntary smoke-free multi-unit housing policies. Satterlund, et al suggests the following partners:

- Law enforcement⁷⁷
- Educators
- Healthcare professionals⁷⁸
- Local chapters of national organizations such as the American Cancer Society and the American Lung Association⁷⁹
- State partners such as the California Tobacco Control Program⁸⁰

Additional partners may include:

- Tenants' rights organizations or renter advocacy groups⁸¹
- Disability rights advocacy groups
- Representatives from the business community, such as homeowners associations, landlords, and landlord trade organizations⁸²
- Housing authorities⁸³

You may want to keep some partners continually engaged while others may only be needed at specific points in the process. One way to keep people involved is to form a smoke-free housing advisory board. The Portland-Vancouver Metro Area Smoke-Free Housing Project utilized its advisory board in a number of ways from data collection to "[developing] the business case for smoke-free housing."⁸⁴

By building partnerships and enlisting the help of champions, you will greatly increase your chances of success.⁸⁵



Collect local data and learn the local context⁸⁶

Local data is critical as it will help you plan for success, develop materials, and make the best case for a smoke-free policy. To inform your efforts, collect information that pertains to the entire community, as well as data that is specific to individual properties.

For a community assessment, collect a wide range of data such as:

- Information about the number of people living in multi-unit housing developments
- Demographics of the people living in multi-unit housing
- Smoking rates and smoking-related health outcomes of multi-unit housing residents in the community
- Location and types of multi-unit housing properties
- Number of multi-unit housing properties with smoke-free policies
- Contact information for decision makers (landlords, property management companies) at local multi-unit housing facilities (and who among your partners may have connections with these decisions makers)
- Public support for smoke-free policies
- Landlord perceptions and misperceptions about smoke-free policies
- Key stakeholders and their views on smoke-free multi-unit housing policies

Field notes

Stephen Pelz, Executive Director
Housing Authority of the County of Kern

The decision to move to smoke-free housing was made in April 2012. The early planning for the smoke-free policy started in late 2011. We sent a survey out to tenants asking them whether they supported smoke-free living. We also had a public meeting to ensure we had enough feedback from residents; we wanted to know whether the majority of residents supported the policy.

It turns out from the surveys that most residents did. But at the public meetings, smoker residents said they didn't want to go outside to smoke. Some said it would be too hot outside or they were afraid of smoking alone outside. They asked whether we would provide covered smoking areas. We decided against this because of high construction costs and most of our properties were too small for a common smoking area. In our bigger complexes, we do allow smoking in a designated area. We have a 25 foot [buffer zone] requirement.

Surprisingly, we have had very few complaints or issues with residents violating policy. It's also not like we are actively looking for violations. We only conduct enforcement if a resident makes a complaint. When a resident makes a complaint and we find credible evidence of smoking, for instance smell in the unit or other signs of smoking, we first warn the resident. Then we schedule a meeting. I don't believe that anyone has been evicted to date solely for smoking.

Gathering local data is critical for developing a successful smoke-free policy.



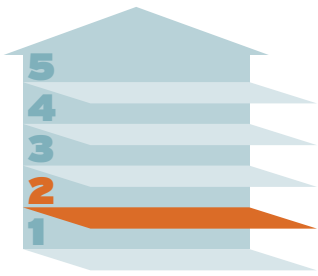
In assessing individual multi-unit housing complexes, you will need to know about:

- The history of smoke-free policies within the complex
- The size of the complex
- The demographics of tenants and/or condo owners within the complex
- Smoking behaviors within the complex
- Support within the building for smoke-free policies
- The landlord's perception of smoke-free policies
- The landlord's and residents' readiness to create smoke-free policies

Although some of the data you need may be readily accessible from national, state, or local data repositories such as the U.S. Census, you will need to collect some of the data directly. Some communities collect this information via key informant interviews, surveys (door-to-door, telephone, or mailed), informal meetings with key decision makers, and seminars or workshops with tenants.⁸⁷

Organizations with survey design and analysis expertise, such as local universities, can be helpful partners for health organizations that do not have the capacity to conduct an assessment and analyze results themselves.

While some of these techniques may be time-intensive, in addition to yielding locally driven data, they also provide opportunities to raise awareness about the importance of smoke-free policies in multi-unit housing and to identify and recruit potential champions for the cause.⁸⁸



SECOND FLOOR

Plan for success

The old adage that “those who fail to plan plan to fail” is especially true for healthy housing advocates working to increase the number of landlords and property managers who voluntarily created smoke-free multi-unit housing policies.

Early successes are important for building momentum.⁸⁹ It is therefore critical for advocates to capitalize on the expertise of partners and apply local data as they develop a strategic action plan and acquire the resources and materials they need. According to Satterlund, et al., when discussing results from an analysis of 40 different smoke-free housing policy campaigns in California, “Those projects that skipped this preparation phase often had an uphill battle in securing policy creation.”⁹⁰



Develop a strategic action plan⁹¹

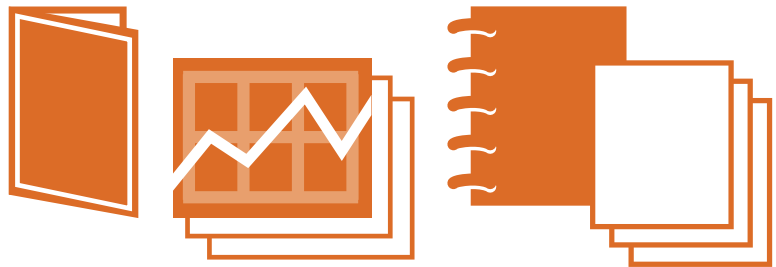
Work with your partners and the data you have collected to carefully prioritize the following.

- **Which multi-unit housing facilities to target first:** Even in communities with sufficient resources to reach out to all local multi-unit housing landlords and property managers, you should first identify and focus on those buildings that are the most likely and the most ready to create a smoke-free multi-unit housing policy.⁹²

While there may be a temptation to simply choose a facility where there have been a lot of complaints about secondhand smoke, a review of 40 campaigns in California found that these facilities may

not always be ready to create a smoke-free policy.⁹³ Instead, target facilities where tenants want smoke-free policies and the landlords or property managers are likely to create smoke-free policies.⁹⁴ For example, in one of our interviews, the landlord who adopted a smoke-free policy suffered from allergies himself. Since he lived on the property, it was important for him to have a smoke-free living environment.

- **Which strategies to utilize:** Given the wide array of strategies that tobacco control advocates can employ to increase awareness and demand for smoke-free policies – from workshops to advertisements in local rental publications to working with maintenance personnel at multi-unit housing complexes – it is important to prioritize which strategies you will use and when you will use them. For example, depending on your community, you might consider carefully when, how, or even if to engage local media. Their influence can be an important aid to your success or, in some localities, they may work against you. Create a timeline, decide who is responsible for which strategies, and determine how you will measure the success of the strategies you implement.



Assemble and develop tailored tools and resources⁹⁵

Make sure you have the tools and resources necessary to implement your strategic action plan (even though you will probably need to develop and/or refine some of them as you go).

Published research suggests that the common reasons landlords and property managers do not implement smoke-free policies include:

- An unwillingness to be the first building to go smoke-free
- A lack of interest in going smoke-free⁹⁶
- The perception that such a policy will decrease the number of potential residents who may be interested in their building and that, as a result, the policy will increase vacancies⁹⁷
- The fear that smoke-free policies will constitute discrimination or create legal liabilities⁹⁸

- The assumption that enforcement of smoke-free policies will create conflict and cost money⁹⁹
- The belief that ventilation, air cleaning, or spatial separation of tenants who smoke from non-smokers is an effective solution for preventing exposure to secondhand smoke¹⁰⁰

Use these findings as well as information you uncover in your own research (such as property managers' level of readiness to create smoke-free policies) to develop the following materials and tools:

- **Communication materials** such as presentation slides, talking points, websites, and advertisements. They should be tailored specifically to your intended audience (i.e. tenants or landlords). They should make a compelling case for why smoke-free multi-unit housing policies should be created by addressing perceived barriers and likely objections.
- **Implementation tools** that will support landlords and tenants as smoke-free policies are created. Have readily available sample lease language and notification letters, as well as information about cessation services and enforcement procedures for both landlords and tenants.

Note that some of these materials have likely already been developed by other smoke-free multi-unit housing coalitions and campaigns. You do not need to recreate every tool and material from scratch.

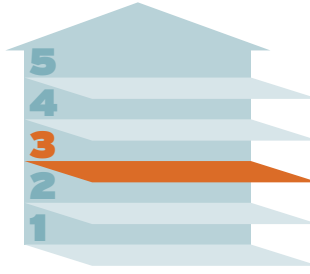
Field notes

A representative of a Californian low-income housing group:

The first step we took in implementing our smoke-free policy was drafting a survey. Then we sent the survey to most of our properties. We sent the survey to all of our tenants in our bigger properties. We wanted to make sure this was something residents would welcome. We gave residents about three weeks to respond. The vast majority (about 73 percent) of residents supported smoke-free housing.

After the survey, we started working on actually implementing our smoke-free policy. It was really helpful to have the data from our survey and to see what other agencies had done in the past. We also worked with our legal counsel to craft the policy. We didn't want an overlap where the policy applied to some tenants and not to others who had been living here longer.

We decided to use a lease amendment to implement the policy. We informed new residents that smoke-free housing was a lease requirement. We also mailed lease amendments to our current residents. The letter informed current residents that effective next year smoke-free housing would be a requirement of renewing the lease. We sent notices last February, so our policy will come into effect in February 2014. This way current residents have been notified of the change.



THIRD FLOOR

Disseminate information about smoke-free multi-unit housing policies

Creating demand for smoke-free policies and ultimately increasing the number of smoke-free policies created may require both tailored communication (to landlords, property managers, and multi-unit housing residents) and community-wide awareness-building campaigns. The timing of your communication is also very important. Let your strategic action plan and your acquired data guide when and how you communicate.



Creating demand for smoke-free policies requires tailored communication to landlords, property managers, and tenants.



Communicate directly with landlords, property managers, residents, and other key stakeholders

There are a wide range of strategies for communicating with landlords, property managers, residents, and key stakeholders about smoke-free policies, including:

- Presenting your findings at regularly scheduled meetings
- Inserting information about smoke-free multi-unit housing policies into existing trainings for landlords or tenants on healthy homes, lead abatement, or WIC (Special Supplemental Nutrition Program for Women, Infants, and Children)

- Sending letters to decision makers
- Holding a smoke-free housing conference or meeting for landlords, property managers, and/or housing authorities
- Networking with maintenance directors, who may be important allies in educating property owners and managers about the cleanup costs associated with cigarettes

Whatever approach you use, repeated and sustained contact with key decision makers and stakeholders will be necessary to keep your relationships strong and encourage the voluntary creation of smoke-free policies.

As you communicate, tailor your messaging to your various target audiences. For example, for landlords and property managers, focus on making the business case for smoke-free multi-unit housing. For housing authorities, emphasize how smoke-free housing fits with HUD requirements and how you can assist them with the process of going smoke-free.



Communicate broadly with the public about the importance of smoke-free policies

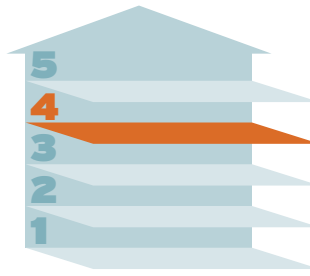
Program resources will dictate how broad a reach you can have in communicating about the importance of smoke-free housing. In addition to traditional media outreach, your strategies could include everything from convincing administrators of local popular housing websites to add smoke-free to the list of featured amenities to distributing educational materials at events that landlords, property managers, and/or residents are likely to attend, such as local conferences or association meetings.¹⁰¹

Field notes

Kathleen O'Bryant
Plumas County Tobacco Use Reduction Program

My own recommendation for those supporting adoption and implementation of voluntary smoke-free multi-unit housing policies is educate, educate, educate. We provided a lot of upfront information to help residents prepare for the policy and receive resources if they wanted to quit. We have provided cessation classes to residents, information about the California smoke-free line, and pamphlets on the harms of smoking.

Make sure to tailor your messages to your audiences. For example, a lot of our elderly community members live alone or don't have children living with them. But, they have pets. I kept hearing about pets getting cancer because of the smoking by their owners. I was able to appeal to them on the animal end in order to elicit compliance and support for the smoke-free policy among residents.



FOURTH FLOOR

Support creation and implementation of smoke-free policies

As properties begin to go smoke-free, it is important to maintain the relationships you have built with property managers, landlords, and residents. The kinds of support they may need will likely vary, property by property.



Help landlords, property managers, and housing authorities develop effective smoke-free policies

Landlords are going to need to make decisions about:

- What kind of policy to create (e.g. 100% smoke free, smoke-free common areas, buffer zones, etc.)
- Whether the policy will include designated smoking areas
- How the policy will be phased in
- How they will educate and inform residents of a new smoke-free policy
- How the policy will be enforced

By working with landlords as they think through these options, you will be in a position to help landlords, property managers, and housing authorities create effective policies and minimize potential



The goal is to create a good smoke-free policy that tenants and landlords are likely to support.

pushback. Be ready to provide sample effective policy language that property managers can easily tailor, and make sure to be realistic about the design of policies. A perfect policy is less important than a good policy that tenants and landlords are likely to support.



Aiding with implementation of smoke-free policies

Below is a list of some resources that can aid landlords and property managers in implementing their smoke-free policies:

- Sample language to notify tenants
- Sample signage
- Support for managing any media coverage¹⁰²
- Literature about the harms of secondhand smoke and how to quit smoking
- Information on how to connect affected tenants to cessation services
- Information about how to enforce the policy and support for navigating any challenges that may arise when enforcing the policy

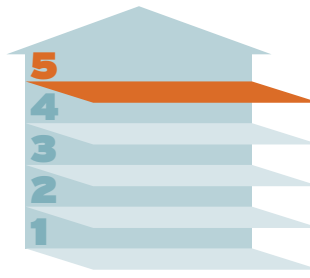
While providing some of these tools and resources may seem as simple as attaching a sample lease to an email, you will likely need to take a more active role. For example, you may be asked to give presentations at meetings or public comment sessions, discuss the policy with tenants, and/or provide cessation classes or cessation service referrals.

If a request comes in that stumps you, organizations such as the American Lung Association and ChangeLab Solutions are available to help you navigate policy challenges.

Field notes

Ana Gamiz
Housing Authority of the County of
San Bernardino

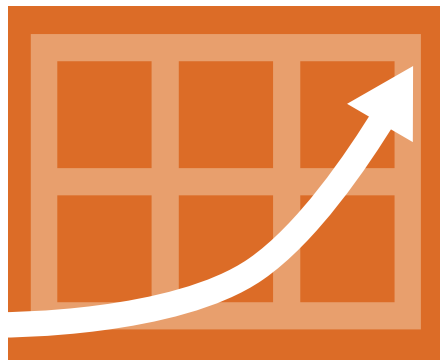
We first implemented our policy at just one of our housing properties. This community had a strong property manager and management team. We met with the management staff and they didn't have any resistance. We were afraid that they would think this would be extra work. But with the trainings and cessation classes, they understood that the policy was important. Enforcement works best with good policy. If the policy is good, staff will enforce the policy. I think residents are even more important. Our residents believe this is an important policy and they help with enforcement.



FIFTH FLOOR

Evaluate, celebrate, and recalibrate

As with any work in public health, it is important to evaluate your program, celebrate your successes, and use the data from your evaluation to determine where you can improve.



Evaluate the impact of the policies that have been implemented

As policies are created, conduct an assessment to determine what impact they have had. Some of the areas you may want to assess include: tenant/resident support for the policy, tenant/resident health, economic impact, compliance with the policy, air quality monitoring, litter, and tenant displacement.¹⁰³ The types of assessment you choose will be driven by the kinds of policies created as well as by available resources.

If the results of your evaluation are positive, they can strengthen your case for more smoke-free policies when you reach out to other landlords and property managers. If the results are not positive, they can help you refine the policy, working together with the landlord(s) who created it. In either case, the results will help you calibrate your work as you move forward with other policies.



Celebrate successes

Early successes are important for momentum¹⁰⁴ so take time with your partners and staff to acknowledge what you have accomplished and thank those who have contributed to your success. Also, salute those in the community who have effectively championed your smoke-free policy efforts, and determine if there may be other potential champions who can help you achieve your overall goals.

Depending on your local context, you may also want to develop a recognition program for the properties that are smoke-free. Use this recognition program as another way to celebrate successes.

In addition to celebrating the big successes, such as the creation of a smoke-free policy, try to celebrate the seemingly little successes along the way. For example, in one community, it took almost a year to get a first meeting with the local housing authority. This was a major milestone and worthy of celebration. Mark these moments to keep your momentum going.



Celebrate little successes along the way.



Assess effectiveness and then recalibrate

Regardless of how successful you are at any given point, schedule time both internally and with your partners, to assess what you have accomplished and where you can refine your efforts. Determine:

- What new partners and champions need to be recruited
- How your strategic action plan may need to be updated
- What additional tools, resources, and local data are needed

Additional resources



The following additional resources may be helpful references for communities that are working on a smoke-free multi-unit housing objective.

These resources include resources for tenants, resources for landlords, and resources for affordable housing providers, as well as resources for advocates.

Links to other technical assistance documents

ChangeLab Solutions resources related to smoke-free housing

- A New Lease on Life: Landlords' Right to Make Properties Smokefree
www.changelabsolutions.org/publications/landlords-right-smokefree-properties
- How Landlords Can Prohibit Smoking in Rental Housing
www.changelabsolutions.org/publications/landlords-prohibit-smoking
- Creating Smoke-Free Policies for Affordable Housing in California
www.changelabsolutions.org/publications/SHS-CA-affordable-housing
- Legal Options for Tenants Suffering from Drifting Tobacco Smoke
www.changelabsolutions.org/publications/legal-options-tenants-shs
- How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke
www.changelabsolutions.org/publications/disability-laws-tobacco-smoke

Center for Tobacco Policy & Organizing resources related to smoke-free housing

The Center for Tobacco Policy & Organizing, a project of the American Lung Association in California, has a variety of helpful and informative materials related to smoke-free housing. These materials are available to the public for viewing and download on their smoke-free multi-unit housing page, here:

<http://center4tobaccopolicy.org/tobacco-policy/smokefree-multi-unit-housing>

Smoke-free housing toolkits developed by the U.S. Department of Housing and Urban Development (HUD)

Note, these toolkits include memos from HUD that encourage smoke-free housing policies, as well as a sample tenant survey and sample lease addendum.

- HUD Toolkit for Owners/Managers
<http://portal.hud.gov/hudportal/documents/huddoc?id=pdfowners.pdf>
- HUD Toolkit for Residents
<http://portal.hud.gov/hudportal/documents/huddoc?id=pdfresidents.pdf>

More resources

- Minnesota Smoke-Free Multi-Unit Housing Manual
www.mnsmokefreehousing.org/cppw
- Housing Authority of Portland No-Smoking Policy Transition Toolkit
www.smokefreehousingnw.org/pdf/HAP%20Transition%20Toolkit.pdf
- Housing Authority of Portland Steps Toward a No-Smoking Policy in Public Housing
www.chef.org/LinkClick.aspx?fileticket=bvBbnhKqq00%3D&tabid=99
- Centers for Disease Control and Prevention (CDC) Healthy Homes Manual: Smoke-Free Policies in Multi-Unit Housing
www.cdc.gov/healthyhomes/healthy_homes_manual_web.pdf
- U.S. Surgeon General's Report on the Health Consequences of Involuntary Exposure to Tobacco Smoke
www.surgeongeneral.gov/library/secondhandsmoke/report

Appendices



In addition to the resources listed in the previous section, there are several documents attached below. These appendices are as follows:

Handouts on specific issues

- APPENDIX 1: Overview of the Health Hazards of Secondhand Smoke
- APPENDIX 2: Overview of the Economics Benefits of Going Smoke-Free

Model documents (California-specific)

- APPENDIX 3: Model document: notice to tenants of a new smoke-free housing policy
- APPENDIX 4: Model document: notice to tenant of impending change to the terms of tenancy
- APPENDIX 5: Model document: tenant complaint form for secondhand smoke

Health hazards of secondhand smoke

Secondhand smoke in multi-unit housing is a serious public health problem. To protect residents from secondhand smoke drifting into their living spaces, housing providers have the right to prohibit smoking on their property. One of the first steps towards addressing the problem is to better understand how and why secondhand smoke poses a risk to the health of multi-unit housing residents. This fact sheet is designed to give an overview of that risk.

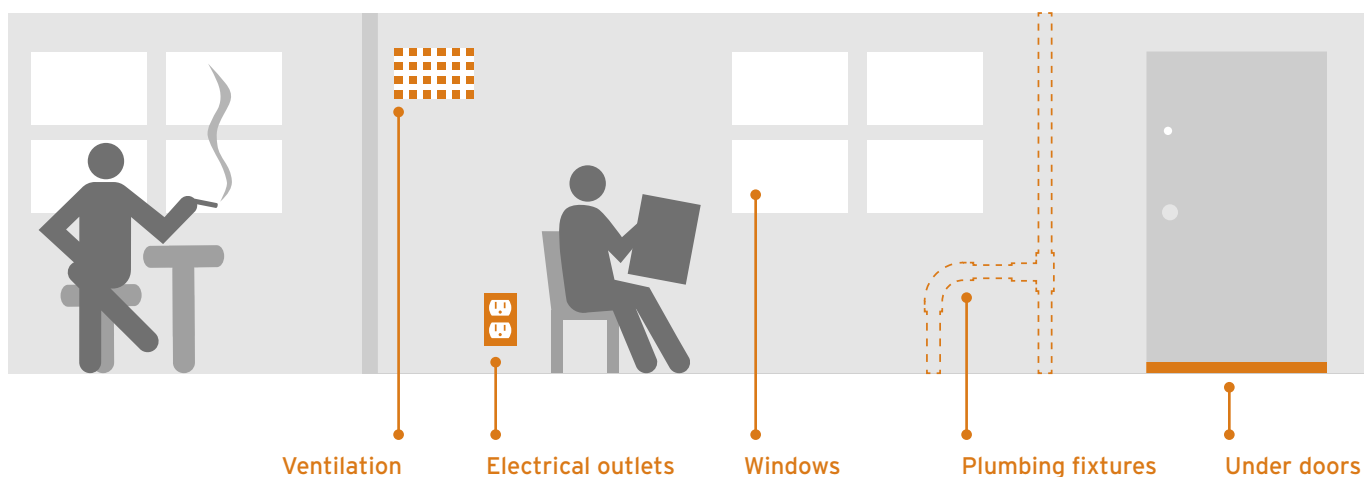
Secondhand smoke poses serious health risks.

- Secondhand smoke can cause a variety of serious illnesses, including heart disease, cancer, chronic obstructive pulmonary disease, and asthma.¹
- The U.S. Centers for Disease Control and Prevention estimate that approximately 50,000 nonsmokers die every year from diseases caused by exposure to secondhand smoke.²
- The U.S. Surgeon General has declared that there is no risk-free level of exposure to secondhand smoke, meaning that even small amounts smoke have the potential to cause disease and death.³

Secondhand smoke exposure among children, the elderly and disabled, and low income and minority tenants is a particular concern.

- Children are especially susceptible to asthma and lower respiratory tract infections like pneumonia or bronchitis.⁴ Children have higher rates of exposure to secondhand smoke in multi-unit housing than in single family homes.⁵
- Secondhand smoke can worsen existing health conditions among elderly and disabled tenants: tenants with compromised cardiac or pulmonary function are especially vulnerable to secondhand smoke.⁶
- Low income and minority residents experience significantly higher than average rates of secondhand smoke exposure.⁷ A study of Boston public housing before it became smoke-free demonstrated that secondhand smoke exposure among residents was substantially higher than national averages.⁸ Low income tenants also face additional challenges in avoiding secondhand smoke exposure since they are more likely to have difficulty finding housing alternatives.

How secondhand smoke spreads



Secondhand smoke leaks into other units.

- Studies conducted in multi-unit housing show that secondhand smoke seeps into both common areas and neighboring units.⁹ Up to 60 percent of air can come from adjoining units!¹⁰
- Secondhand smoke particles can linger in air for over an hour after smoking!¹¹
- Sealing up leaks only reduces average airflow between units between 3 percent¹² and 29 percent.¹³ Air filtration and ventilation systems don't effectively reduce the amounts of fine particles and toxic gases created by secondhand smoke.¹⁴

Secondhand smoke leaves behind thirdhand smoke.

- Particulate matter from smoke forms a residue called "thirdhand smoke," which is absorbed by porous surfaces such as carpets, drapes, and upholstery, and leaves a sticky film on hard surfaces such as walls, countertops, and fixtures.¹⁵
- Thirdhand smoke contains carcinogenic materials and causes health hazards long after secondhand smoke has cleared. Carcinogenic material is slowly released into the air where it can be inhaled. It can also be absorbed through direct skin contact.¹⁶

Smoking is a fire hazard.

- 63 percent of smoking-related fires reported between 2006 and 2010 occurred in homes!¹⁷

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- 1 US Department of Health and Human Services, Centers For Disease Control and Prevention. *Health Effects of Secondhand Smoke*. 2012. Available at: www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm
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 - 4 Wilson, Karen M.M.D., M.P.H., Klein, Jonathan D.M.D., M.P.H., Blumkin, A. K., M.S., Gottlieb, M., & Winickoff, Jonathan P.M.D., M.P.H. (2011). Tobacco-smoke exposure in children who live in multiunit housing. *Pediatrics*, 127(1), 85. Retrieved from <http://search.proquest.com/docview/847317356?accountid=148808>
 - 5 *Id.*
 - 6 Winickoff, J. P., Gottlieb, M., & Mello, M. M. (2010). Regulation of smoking in public housing. *The New England Journal of Medicine*, 362(24), 2319-25. doi:<http://dx.doi.org/10.1056/NEJMhle1000941>. <http://search.proquest.com/health/docview/503239408/13E0B96B6C777DD1E68/5?accountid=148808>
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 - 9 Kraev TA, Adamkiewicz S, Hammond SK, Spengler JD. Indoor concentrations of nicotine in low-income, multi-unit housing: associations with smoking behaviors and housing characteristics. *Tob Control* 2009;18:438-44. <http://tobaccocontrol.bmj.com/content/18/6/438.full>
 - 10 Center for Energy and Environment. *Reduction of Environmental Tobacco Smoke Transfer in Minnesota Multifamily Buildings Using Air Sealing and Ventilation Treatments*. (2004). Available at: www.mncee.org/pdf/research/summary.pdf
 - 11 Klepeis NE, Ott WR, and Switzer P. *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study*. San Francisco: University of California, San Francisco and Stanford University, 2004, p. 80, 87. Available at: http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf; see also Klepeis NE, Ott WR and Switzer P. "Real-Time Measurement of Outdoor Tobacco Smoke Particles." *Journal of the Air & Waste Management Association*, 57: 522-534, 2007. Available at: www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf
 - 12 *Id.*
 - 13 Bohac, D. L., Hewett, M. J., Hammond, S. K., & Grimsrud, D. T. (2011). Secondhand smoke transfer and reductions by air sealing and ventilation in multiunit buildings: PFT and nicotine verification.
 - 14 US Department of Health and Human Services, Office of the Surgeon General. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. 2006, p. 31-32. Available at: www.surgeongeneral.gov/library/secondhandsmoke/report/chapter2.pdf
 - 15 Sleiman M, Gundel LA, Pankow JF, et al. "Formation of Carcinogens Indoors by Surface-mediated Reactions of Nicotine with Nitrous Acid, Leading to Potential Thirdhand Smoke Hazards." *Proceedings of the National Academy of Sciences*, 107(15): 6576-6581, 2010. Available at: www.pnas.org/content/early/2010/02/04/0912820107
 - 16 Matt, G, et al. When smokers move out and non-smokers move in: residential thirdhand smoke pollution and exposure. *Tobacco Control*, 2011; 20:e1. Available at <http://tobaccocontrol.bmj.com/content/early/2010/10/29/tc.2010.037382.abstract>
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Economic benefits of smoke-free housing

Drifting secondhand smoke in multi-unit housing is not only a serious public health problem, it can also cause significant damage to property. To protect their residents from exposure to secondhand smoke and to reduce the property damage caused by tobacco smoke, housing providers have the right to prohibit smoking anywhere on their property. In some cases, housing providers might be hesitant to go smoke-free because they are concerned that it may involve extra costs or make it more difficult to attract tenants. In fact, there are numerous economic benefits to going smoke-free. This fact sheet is designed to give an overview of some of the benefits of smoke-free housing to property owners or managers.



Turnover costs related to smoking and secondhand smoke.

- The average cost of turning over a smoke-free unit is \$5,000 less than turning over a unit where past residents have smoked.¹
- Smoking-related costs such as repainting walls, ceilings and fixtures and replacing carpeting can reach as high as \$15,000.²
- Because smoke drifts between units, these turnover costs affect more than just units where residents smoke.³ Up to 60 percent of the air in a unit can come from adjoining units,⁴ and sealing leaks only reduces airflow between units between 3 percent⁵ and 26 percent.⁶

- Thirdhand smoke can remain in a unit long after a smoking tenant has left.⁷ Thirdhand smoke is lingering smoke that is absorbed by porous surfaces or that leaves a film on harder surfaces.⁸ Thirdhand smoke damages fixtures and appliances and can cause health hazards long after secondhand smoke has cleared by slowly releasing carcinogenic material into the air, where it can then be inhaled.⁹ Even after rehabilitation, thirdhand smoke may still be detectable, making a unit less desirable.

Smoke-free housing is desirable and more marketable.

- Public opinion polls show that smoke-free housing is quite popular. Polls of renters in California conducted in 2004 and 2005 found that 82 percent would prefer to live in a smoke-free building.¹⁰ This popularity increases the marketability of units.
- Recent polls show that over a third of renters in Minnesota and over half of renters in Oregon would be willing to pay higher rents to live in a smoke-free building.^{11, 12}

Smoking can cause fires and significant damage to residential property, whereas smoke-free housing can qualify multi-unit housing for fire insurance discounts.

- 75 percent of property damage caused by smoking-related fires is to housing, including apartments.¹³ According to the National Fire Protection Association, this accounts for \$506 million dollars in residential property damage.¹⁴
- Some insurance companies offer a “smoke-free credit” that reduces fire insurance premiums by up to 10 percent.¹⁵

Smoke-free housing may reduce potential legal liability for housing providers.

- Without smoke-free housing, a housing provider may face legal claims from tenants who suffer harm from exposure to secondhand smoke on the premises.

Potential legal claims may be based on the implied warranty of habitability, the implied covenant of quiet enjoyment, constructive eviction, nuisance, negligence, or disability laws.

Smoke-free housing can increase a property's competitiveness in the low income housing tax credit program.

- The California Tax Credit Allocation Committee awards an extra point for properties that prohibit smoking in at least 50 percent of units, making these properties more likely to receive a tax credit.¹⁶

Smoke-free housing can help resolve conflict among tenants.

- Smoke-free rules establish standards and expectations for tenants from when they move in and preempt conflicts between tenants related to smoking.

- If smoking related conflicts do arise between tenants, smoke-free rules create a framework for addressing these conflicts. If one tenant is smoking and exposing another tenant to secondhand and thirdhand smoke, there is clarity on who is in the right and who is in violation.
- By going smoke-free, housing providers can avoid potentially time consuming and costly consequences of conflicts between smoking and nonsmoking tenants, such as becoming involved in litigation or dispute resolution, or having to provide special accommodations to disabled tenants affected by secondhand smoke.

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 - 12 National Apartment Association. "Clearing the Air: Industry Discusses Trend Toward Smoke-Free Housing." *UNITs*, December 2007. p. 19. Available at: www.tcsq.org/sfelp/UnitsDec2007.pdf
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 - 14 *Id.*
 - 15 Cushing G. "Apartment Owners Realize Benefits from Smoke-Free Multi-Unit Housing Trend." *Apartment Management*, April/May 2011, p. 13-14. Available at: www.caanet.org/WorkArea/DownloadAsset.aspx?id=1486
 - 16 Nicholl, Jack. "California Tax Credit Agency Supports No Smoking Rules in Affordable Housing." LIHTC Monthly Report, November 2007. Available at: www.scanph.org/files/nonsmokingunits.pdf

Sample notice to residents of the creation of a smoke-free policy

[Insert date]

Dear Resident:

In an effort to reduce the risk of fire, maintenance costs, and the known health hazards caused by secondhand smoke, [insert name of the property] will become a non-smoking resident community effective [insert effective date of the policy]. Smoking of cigarettes, cigars, pipes, or any other product or substance that is smoked, [including electronic smoking devices] will be prohibited in [list all areas of the property that will be smoke-free, for example, common areas, units, balconies and patios, etc.] [optional: except for the following designated outdoor smoking areas]. The new policy will apply to residents, guests, service persons and anyone entering the property.

Our decision to convert to a non-smoking facility was based on several factors as outlined below:

- Risk of Fire: Cigarettes, cigars, lighters, matches, and other smoking materials are a leading cause of home and total fire deaths in the United States. Property damage from smoking-related fires is estimated to total hundreds of millions of dollars each year.
- Property Damage Due to Smoking: When a tenant who smokes vacates, costly cleaning and repairs are typically necessary to prepare the unit for a new tenant. Smoke damages residential property in a variety of ways, requiring extra cleaning and painting, special sealants, and replacement of fixtures, appliances, carpeting and other flooring.
- Health Risks of Secondhand Smoke: According to the US Centers for Disease Control and Prevention, secondhand smoke is a leading cause of preventable death in the United States, killing approximately 50,000 non-smokers each year from heart attacks, strokes, lung cancer and other conditions. It can cause asthma attacks and worsen other respiratory illnesses such as bronchitis and chronic obstructive pulmonary disorder. The California Environmental Protection Agency has designated secondhand smoke to be a toxic air contaminant.
- [If a tenant survey was conducted, note the response here: A recent survey taken in (insert date) indicated that (insert percentage) of residents prefer to live a smoke-free environment.]

Moreover, there is statewide support from local communities that have enacted ordinances making most public areas smoke-free. As the owner of this community we believe that our decision to designate [insert name of the property] as a non-smoking facility is in the best interest of all residents. We agree and support this policy, and therefore, take this opportunity to join other housing providers across the country in designating [insert name of the property] as a non-smoking community as well.

Before the smoke-free policy becomes effective, you will be sent a 90-Day notice of change in terms of tenancy along with an addendum to your rental agreement. When you receive a copy of the Addendum please read it carefully. A resident meeting will be held to answer any questions you may have. You will be informed of the date and time to sign the Addendum.

Sincerely,

[Insert name of property owner or manager]

Notice of change in terms of tenancy to prohibit smoking

[Insert date]

[Name]

[Address]

RE: [insert length of notice: 30 days, 90 days, etc.] Notice Change in Terms of Tenancy –
Non-Smoking Policy Complex Addendum

Dear [name of resident]:

In accordance with Civil Code Section 827, and with your Rental Agreement, 30 days [this is the minimum amount of notice that must be provided, but more notice can be given, for example 60 days or 90 days] after delivery of this notice, or on [insert date that the lease term expires or rolls over to month-to-month], whichever is later, the terms of your tenancy at [insert name of the property] will be changed. **[Insert name of the property] will become a non-smoking community.**

This Notice serves only to add the above policy into your Rental Agreement; all other terms of your tenancy shall remain in full force and effect. **Please sign the addendum before [insert date]. Failure to sign the addendum may result in legal action.**

We appreciate your cooperation in this matter.

Sincerely,

[Insert name of property owner or manager]

Complaint form

Violation of smoke-free policy

What happened (be as specific as possible, note what you saw, smelled, or heard that lead you to believe that someone was smoking in violation of the policy)? _____

When did it happen (time & date)? _____

Where did it happen (location of where you smelled smoke or saw someone smoking)? _____

If you did not see someone smoking, where do you think the smoke came from (unit # if known)? _____

Name of Person Making Complaint (optional): _____

.....

ACTION TAKEN BY OWNER/MANAGER: _____

Owner/Manager Representative _____ Date _____

Endnotes



- 1 US Department of Health and Human Services, Centers For Disease Control and Prevention. *Health Effects of Secondhand Smoke*. 2012. Available at: www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm
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- 4 Wilson, Karen M.M.D., M.P.H., Klein, Jonathan D.M.D., M.P.H., Blumkin, A. K., M.S., Gottlieb, M., & Winickoff, Jonathan P.M.D., M.P.H. (2011). Tobacco-smoke exposure in children who live in multiunit housing. *Pediatrics*, 127(1), 85. Retrieved from <http://search.proquest.com/docview/847317356?accountid=148808>
- 5 *Id.*
- 6 Winickoff, J. P., Gottlieb, M., & Mello, M. M. (2010). Regulation of smoking in public housing. *The New England Journal of Medicine*, 362(24), 2319-25. doi: <http://dx.doi.org/10.1056/NEJMh1000941>. <http://search.proquest.com/health/docview/503239408/13E0B96B6C77DD1E68/5?accountid=148808>
- 7 "Clearing the Air: Industry Discusses Trend Toward Smoke-Free Housing." *UNITES*, December 2007, p. 27. Available at: www.tcsq.org/sfelp/UnitsDec2007.pdf
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See the ChangeLab Solutions Smoke-Free Multi-Unit Housing resource page for research and analysis supporting these strategies. www.changelabsolutions.org/publications/model-ord-smokefree-housing

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CA4Health is the Public Health Institute's Community Transformation Grant, funded by the Centers for Disease Control and Prevention, that is focused on reducing the burden of chronic disease in California counties with populations under 500,000. CA4Health partners with some of the state's leading technical assistance providers and content experts to provide local county partners with tools, training and guidance to make their communities healthier. CA4Health's four strategic directions are reducing consumption of sugary beverages, increasing availability of smoke-free housing, creating safe routes to schools, and providing people with chronic disease with skills and resources to better manage their health.

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