SMOKEFREE HOUSING
A Property Manager’s Guide to Adopting a Smokefree Policy
WHY GO SMOKEFREE?
Smokefree policies protect residents from the dangers of secondhand smoke.

- Secondhand smoke is the smoke that comes from the lit end of a cigarette and is dangerous to breathe\(^1\).
- Secondhand smoke contains over 4,000 chemicals, 69 of which are known to cause cancer\(^1\).
- Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma\(^1\).

Secondhand smoke does not stay in the smoker’s apartment.

- Secondhand smoke can migrate from other units through doorways, cracks in walls, electrical lines, plumbing and ventilation systems\(^2,3\).
- In Illinois, about 1.3 million people living in multi-unit housing experience intrusion of secondhand smoke\(^2\).
- 35-65% of air in any given unit is shared air from other units and common areas\(^4\).
- A study of children living in apartments where no one in the home smoked still showed evidence of secondhand smoke exposure\(^5\).

“There is no safe level of exposure to secondhand smoke.”

2006 U.S. Surgeon General’s Report
Majority of renters are non-smokers
• In Illinois, 82% of adults are current non-smokers\textsuperscript{6}.
  - Of smokers in Illinois, about 40% reported that they rent their home\textsuperscript{6}.
• The Illinois Adult Tobacco Survey reports that about 82% of adults have a smokefree policy for their home\textsuperscript{7}.
• Only 11.7% of adults surveyed reported that someone had smoked inside their home within the past 7 days\textsuperscript{8}.

Renters prefer smokefree housing
• Research shows the overwhelming majority of renters support the implementation of a smokefree policy in their multi-housing unit\textsuperscript{9}.

Smokefree housing is a growing market
• Municipalities, public housing authorities and properties across the U.S. are adopting smokefree policies\textsuperscript{10}.
• HUD strongly encourages public housing authorities to adopt smokefree housing policies\textsuperscript{11}.
Smokefree polices can prevent building fires

- Smoking-related residential fires are the #1 cause of fire death in the United States\textsuperscript{12}.
- There are an estimated 7,600 smoking-related fires in residential buildings the United States each year\textsuperscript{12}.
- In 2011, Illinois had approximately 500 smoking-related residential fires\textsuperscript{13}.

Smokefree policies are legal

- There is no constitutional right to smoke. Smokers are not a protected class and legal judgments have concluded smokefree policies do not infringe on individual rights\textsuperscript{14}.
- There is no federal, state or local law that prohibits a property from adopting a smokefree policy\textsuperscript{14}.
- Smokefree policies are generally self-enforcing, with the majority of residents already having a smokefree policy in their unit\textsuperscript{15}.
SMOKEFREE POLICIES ARE GOOD FOR BUSINESS
Reduce maintenance costs
• In units where smoking is permitted, the cost to get the unit ready for a new tenant can be two to seven times greater than in smokefree units\textsuperscript{16}.

Cost to renovate a unit

\begin{tabular}{lccc}
 & \textbf{Non-Smoking} & \textbf{Light Smoking} & \textbf{Heavy Smoking} \\
\hline
General Cleaning & $240 & $500 & $720 \\
Paint & $170 & $225 & $480 \\
Flooring & $50 & $950 & $1,425 \\
Appliances & $60 & $75 & $490 \\
Bathroom & $40 & $60 & $400 \\
\hline
\textbf{Total} & \textbf{$560} & \textbf{$1,810} & \textbf{$3,515} \\
\end{tabular}

Data reflect surveys from housing authorities and subsidized housing facilities in New England. Collected and reported by Smoke-Free Housing New England, 2009\textsuperscript{12}.

Business incentives
• Talk to your insurance provider about possible discounts available for being a smokefree property\textsuperscript{16}.
• Thinking of becoming a “Green Building”? The U.S. Green Building Council’s LEED program provides credit for being a smokefree property\textsuperscript{17}.
• Nonsmoking tenants can bring legal action against owners and smoking tenants on the basis of several legal grounds, such as breach of covenant of quiet enjoyment, negligence and nuisance\textsuperscript{18}.
DECIDING TO ADOPT A SMOKEFREE POLICY
So you’re thinking about going smokefree?
Before you make a decision and jump right into writing and enforcing a policy, the best thing to do is to gather some basic information.

Why are we thinking of going smokefree?
Knowing why you’re considering going smokefree lays the groundwork for making the decision and will help in communicating the policy, if adopted.

POSSIBLE REASONS
• Is it because of residents’ complaints about drifting smoke?
• You’re worried about the dangers of secondhand smoke and want to do what is best for the health of the residents?
• A fire was caused in the building by a cigarette or you are concerned it might happen?
• You’re building new apartments or renovating current?

What do your residents think?
Another helpful tool during the information gathering stage is to conduct a resident survey. This will help you gauge how the residents feel about a possible smokefree policy, how many will be affected and anticipate potential enforcement issues.

Sample residents surveys are available at www.LungIL.org/Housing.

What will be smokefree?
You need to think about the reach of the policy. The American Lung Association recommends a smokefree policy that makes all units in the building smokefree in addition to common areas, such as hallways, meeting rooms, etc. We also recommend extending the policy to outdoor areas, such as balconies, patios and decks.

We encourage properties to make the property grounds 100% smokefree. If this is not feasible, then making all outdoor common areas, such as the playgrounds and pool area, smokefree is an important start. Additionally, the policy should specify a distance, such as 15 feet, from entrances and common areas that must also be smokefree.
DEVELOPING THE SMOKEFREE POLICY
You’ve decided to go smokefree

You’ve gathered the information and decided to move forward with adopting a smokefree policy. Congratulations!

Now it’s time to develop the policy and figure out the details. The policy needs to include the following:

• Where smoking is prohibited and where smoking is allowed
• Who the policy applies to, specifying residents, guests, staff and other visitors
• The definition of smoking and what that includes, such as cigarettes, cigars, electronic cigarettes, hookahs, etc.
• When the policy will go into effect
• Enforcement and penalties

You can download sample policies and lease addendums from www.LungIL.org/Housing.

How will you transition?

If you decide to adopt a policy, then determining how to transition from a smoking to smokefree building or property is essential to the planning stage. There are two main approaches used—gradually or all at once.

**Gradual Transition** means that as residents renew their lease, they are informed of the new policy and the language on the policy is included in the new lease or as a lease addendum. This process can take up to a year or more, as the leases are renewed.

**All At Once Transition** means that the residents are informed of the change and are required to complete either a new lease or a lease addendum to acknowledge the new policy. You must give reasonable notice of this change, 30-60 days, to allow residents to adjust. It is also important to decide if a resident is not agreeable to the new policy, if they will be released from their existing lease agreement without penalty, which we recommend.
Policy resistance
Based on previous experience, there may be some residents not willing to sign the new lease, and you will need to be prepared. A resident survey is a good way to know beforehand how many residents may consider moving, if the policy is adopted.

While most people will embrace the new smokefree policy, there is always the possibility of some residents not wanting to continue their lease under the new policy.

We recommend allowing residents who do not want to sign the new policy to terminate their lease early with no penalty. This is a much better option than having enforcement issues after the policy goes into effect.

Enforcement and penalties
• How you will penalize individuals who violate the policy is up to you, but it is important to determine all the details before you implement the policy.

• When drafting your policy, be clear and specific about the enforcement policy and protocol.
  - Clearly define how and when warnings will be issued and what criteria will be used to determine if smoking has occurred in the unit.
  - Define the procedure for issuing citations and the appeal process.

• The American Lung Association recommends a tiered system of enforcement, similar to the Smokefree Illinois Act, in which initial offenses receive a warning and penalties or citations are not issued until repeated infractions occur.

• **Eviction should be a last resort.** In many cases, a resident violating the smokefree policy may also be violating other policies with the potential for eviction. Always consult your attorney before pursuing an eviction.
IMPLEMENTING THE SMOKEFREE POLICY
**Resident education**

After making the decision to go smokefree and developing the policy, you need to communicate the policy change to all of your residents. We recommend you begin this process at least 60 days before the policy goes into effect.

**Gradual Transition** If you are doing a gradual transition, we recommend you send out an initial notice of the plan to go smokefree, advising residents that the policy will go into effect for them at the time of their lease renewal. This will give them time to prepare for the change prior to receiving their lease renewal paperwork.

During the lease renewal process, either have the resident complete a separate lease addendum or, if including language in the main lease agreement, highlight and require initials to the new section, to ensure the resident acknowledges they are informed of the new policy.

**All At Once Transition** If you are renewing all leases at one time, you need to allow enough time to have all residents resign leases or lease addendums and to allow residents to adjust to the policy. We recommend at least 60-90 days. Set a deadline to have all the lease/lease addendums completed and returned.

Follow up with any residents not completing the new lease prior to the deadline to ensure they are aware of the requirements and return the paperwork.

**Suggested activities**

- Send out a resident notice with a copy of the policy to all tenants
- Post flyers and signs in building common areas announcing the new policy
- Post signs in any outdoor common areas announcing the policy
- Hold a resident meeting to explain the policy and answer any questions

Closer to the implementation date, you will want to do another round of resident education to remind them of the policy. You will also want to start posting permanent signage in smokefree areas.
Promote being smokefree!
Going smokefree is a great time to get your name in the media. Draft a press release about the policy implementation or even host a press event. You can invite local health officials, fire safety officers or tenants who have been personally affected by secondhand smoke.

Make ‘Smokefree Building’ your #1 amenity listed. Update your existing marketing materials, website and apartment listings to advertise your new smokefree status.

Don’t forget to submit your name to be listed on the Illinois Smokefree Housing Directory. The form can be downloaded at www.LungIL.org/Housing.
**Enforcing the policy**

Smokefree policies are primarily self-enforcing, but it is critical that you enforce the policy. If there is no enforcement, then residents will continue to smoke and other residents will not be pleased with the situation or with management’s lack of action.

A smokefree policy is no different than any other policy you have traditionally put into place for your tenants. Think of enforcing it the same way you enforce a policy prohibiting pets or loud music.

Follow the procedures you use for any other lease violation and consult your legal counsel with specific issues or to discuss potential eviction proceedings.
Additional Resources
American Lung Association in Illinois-Greater Chicago
www.LungIL.org
Smokefree Illinois
www.SmokefreIllinois.org
Americans for Nonsmokers’ Rights
www.No-Smoke.org
Tobacco Control Legal Consortium
www.publichealthlawcenter.org
Illinois Department of Public Health
www.idph.state.il.us/

Smoking Cessation Resources
Illinois Tobacco Quitline
1-866-QUIT-YES | www.QuitYes.org
Freedom From Smoking®
www.FFSOnline.org
References


Help your neighbors quit smoking

A smokefree policy is an excellent opportunity for residents to quit smoking. The Illinois Tobacco Quitline, **1-866-QUIT-YES** or [www.QuitYes.org](http://www.QuitYes.org), provides one-on-one phone counseling and support for smokers.

When a smoker calls, they are provided encouragement, a personalized plan and tools to quit smoking. Services are free of charge to all residents of Illinois and funded by the Illinois Department of Public Health. The Illinois Tobacco Quitline can also provide you with information on other smoking cessation services available in your area, or you may contact your local public health department.

Materials can be ordered, free of charge, to provide to residents. Visit [www.QuitYes.org](http://www.QuitYes.org) to complete your request today!