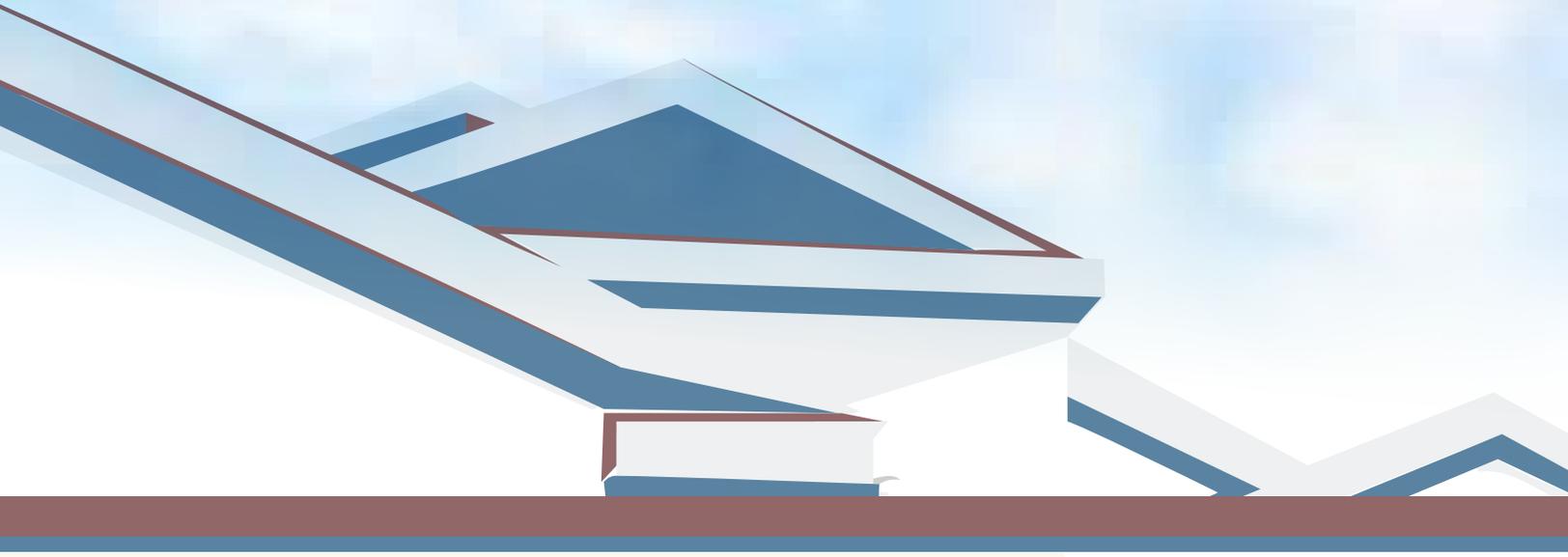


Smoke-free Affordable Housing Made Easy

A Guide to Creating Healthier Living Environments





As an affordable housing provider, you play a critical role in our community.

By making it possible for families and individuals to spend less of their income on housing, building owners like you help residents cover other basic costs, like nutrition and healthcare. You can also make it easier for your residents to enjoy better health and reduce their risk of exposure to secondhand smoke by going smoke-free.

As developers, owners and property managers of affordable housing, not only do you have a legal right to adopt a no-smoking policy, there are several advantages to doing so:

- Providing a healthy and safe living environment,
- Attracting new residents,
- Saving money,
- Protecting your property, and
- Reducing fire risk and avoiding liability.

There are **five easy steps** to ensure no-smoking policy implementation will be a smooth and simple process, protecting your property and your residents. This guide offers resources to make the process as straightforward as possible.

How to Use this Guide to Adopt a No-smoking Policy:

You can create a smoke-free environment by accessing the information and resources you need below. Review this guide from start to finish or simply click on the links that interest you most.

Your Legal Rights

[Click here](#) to learn more.



Legal Right to Smoke-free Housing

If you are interested in learning more about your legal right to implement a no-smoking policy and the various legal strategies residents have used to protect themselves from being exposed to secondhand smoke from neighboring units, please [click here](#).

Advantages of No-Smoking Policies in Affordable Housing

Smoke-free environments:

- [Protect Health](#)
- [Attract More Residents](#)
- [Save Money & Protect Your Property](#)
- [Reduce Fire Risk](#)

Sample Documents and Resources for Policy Development and Implementation

- [HUD Notice](#)
- [Resident Survey](#)
- [Resident Notification Letter](#)
- [No-Smoking & Smoke-free Area Signage in Multiple Languages](#)
- [Lease Addendum](#)
- [Warning Letter](#)
- [Policy Language](#)
- [House Rules](#)
- [Infographics by Washington State Department of Health](#)
- [Answers to Frequently Asked Questions](#)
- [Sample Flyers: Top 5 Reasons for a No-Smoking Policy | Landlord FAQ](#)

How to Go Smoke-free Using 5 Easy Steps

- STEP 1:** [Identify Champions in Your Housing Community](#)
- STEP 2:** [Develop Your Policy](#)
- STEP 3:** [Communicate Your Policy](#)
- STEP 4:** [Implement Your No-Smoking Policy](#)
- STEP 5:** [Enforce Your Policy](#)

Legal Right to Smoke-free Housing

No-smoking Policies are Legal

The [U.S. Department of Housing and Urban Development \(HUD\)](#) recently released a memo to all affordable multi-family housing owners, managers and public housing authorities encouraging the adoption of no-smoking policies and providing instructions for their implementation. [Click here](#) to read HUD's recommendations.

Since [no one has the legal right to smoke](#), you are not discriminating against anyone by designating multi-family housing as smoke-free. You are not required to make accommodations for a resident to smoke. Just as you might regulate pets or waste removal, you have the right to limit smoking.

A no-smoking policy can also reduce your legal liability. Courts in California, Oregon, Massachusetts, New York and Washington State have found property managers liable when they fail to address problems caused by secondhand smoke. Residents have successfully sued for breach of warranty of habitability, constructive eviction and breach of covenant of quiet enjoyment, because property managers did not stop smoke from drifting into their units.

No Smoking & the Fair Housing Act

Both federal and state fair housing laws require that housing providers grant reasonable accommodation requests for residents with disabilities. Residents with disabilities affected by secondhand smoke may request that property management implement a no-smoking policy as a reasonable accommodation under the [Fair Housing Act](#).

This Act makes it unlawful for any person to refuse to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford persons [with disabilities] equal opportunity to use and enjoy a dwelling.¹ Smoking, however, is not considered a disability and you are not required to make places for a resident to smoke.

You have the right to set reasonable rules that protect your investment and the health of your residents. A no-smoking policy can legally include any, and all, areas of your property, including:

- individual units,
- common areas, and
- all outdoor areas.

¹ [The Fair Housing Act of 1968. 42U.S.C.3601—3619](#)



Smoke-free Environments Protect Health

No-smoking Policies Make it Easier to be Healthy

Smoke-free indoor air is quickly becoming an expectation where Americans work, eat and live. Eliminating smoking indoors is the only way to fully protect nonsmokers from secondhand smoke.² Secondhand smoke is a known cause of cancer, heart disease, respiratory illness, sudden infant death syndrome (SIDS) and other illnesses. Making your property smoke-free will protect residents and the staff that service your building, while also encouraging healthy behaviors. Studies show that smoke-free air laws decrease secondhand smoke exposure among nonsmokers, reduce heart attack and asthma hospitalizations and encourage smokers to quit.³

Much of this recent demand for more smoke-free areas can be attributed to the 2006 findings report published by the U.S. Department of Health and Human Services: The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. The report revealed that any exposure to smoke, whether direct or secondhand, causes adverse health outcomes. In 2010, the Surgeon General issued another report: The Biology and Behavioral Basis for Smoking-Attributable Disease, which summarizes how tobacco smoke causes disease.

Going smoke-free is not just healthy—it's green.

Tobacco smoke is a pollutant containing more than 7,000 chemical compounds, of which hundreds are toxic and at least 70 are known to cause cancer.⁴ Many of these chemicals linger in the air and on walls and other surfaces long after smoking has ceased.⁵ In addition, smoke does not just affect the health of residents in a unit where someone is smoking: secondhand smoke moves between units through windows, doors and vents – as well as through heating, plumbing and electrical ducts. Engineering studies of multi-family buildings show that increased ventilation or sealing does not prevent smoke from drifting from one unit to another.⁶

² U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Healthy Homes Manual: Smoke-Free Policies in Multiunit Housing. 2011. http://www.cdc.gov/healthyhomes/Healthy_Homes_manual_WEB.pdf

³ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Healthy Homes Manual

⁴ U.S. Department of Health and Human Services. How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking Attributable Disease: A Report of the Surgeon General. Atlanta, GA: US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010

⁵ Matt G et al. When smokers move out and non-smokers move in: residential third-hand smoke pollution and exposure. Tobacco Control 2011; 20

⁶ American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc. ASHRAE Position Document of Environmental Tobacco Smoke. 2008. www.ashrae.org/aboutus/page/335. Accessed March 18, 2009.

As new and rehabilitated properties invest in environmentally friendly construction materials, prohibiting smoking is a natural step to promote green living.

The State Department of Commerce Housing Trust Fund Evergreen Sustainable Development Standard (ESDS) checklist and the King County Built Green Program have both added seven optional points for smoke-free buildings. For more information about the ESDS, [click here](#).

Additionally, the Seattle Office of Housing includes a no-smoking policy in its tips for being green, because it makes housing more durable, reduces operating costs and improves air quality. Additional tips for green housing are available: www.seattle.gov/housing/GreenUnitTurn

Smoke-free Multi-unit Housing Attracts More Residents

While owners and property managers increasingly recognize the benefits of no-smoking policies, some are concerned such policies will increase their vacancy rates.⁹ However, owners and property managers that have implemented no-smoking policies report mostly positive or neutral effects on vacancies, turnover and time spent on property management.¹⁰

Greater awareness of the dangers of secondhand smoke, increased consumer demand and recommendations issued by federal authorities, including The U.S. Department of Housing and Urban Development (HUD) and Environmental Protection Agency (EPA) are making no-smoking policies the new social norm.

“Going smoke-free was easier than I expected. A vast majority of our residents are pleased with this new policy and many thanked us for initiating the change.”

—Bellwether (formerly Housing Resources Group)

The stats are telling.

The following groups of people prefer smoke-free housing⁷⁻⁸:

- 92% of Washington renters,
- 77% of King County renters,
- More than 95 percent of non-smoking renters prefer to live in smoke-free housing.
- 75% of renters *who smoke* prefer smoke-free housing.

⁷ 2007 Healthy Community Environments Survey

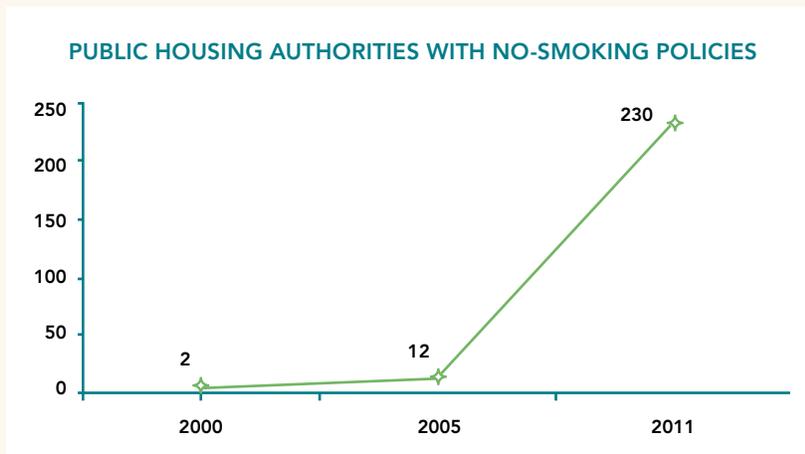
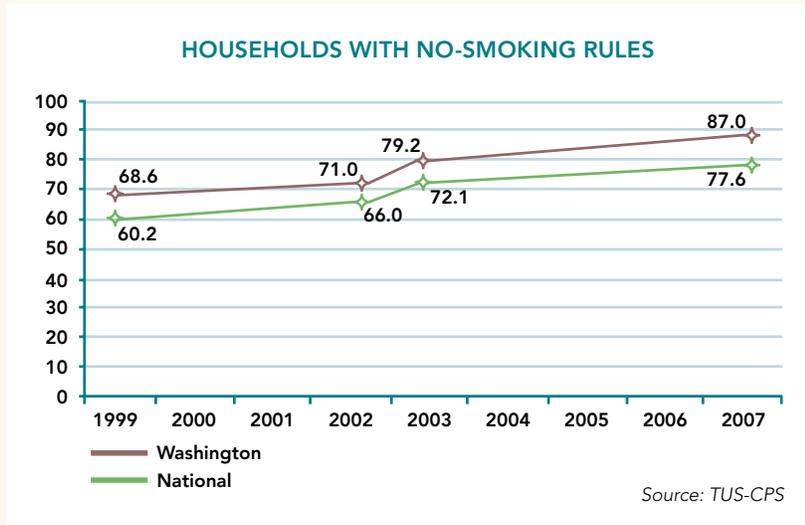
⁸ Behavioral Risk Factor Surveillance System, Washington State, 2010

⁹ King BA et al. Prevalence and predictors of smoke-free policy implementation and support among owners and managers of multi-unit housing. *Nicotine Tob Res.* 2010 Feb; 12(2):159-63

¹⁰ Hewett MJ et al. Secondhand Smoke in Apartment Buildings: Renter and Owner or Manager Perspectives http://www.cdc.gov/tobacco/data_statistics/state_data/state_highlights/2010/states/washington/index.htm

No-Smoking Policies Have Grown Exponentially

Back in 2000, “No-smoking” policies in multi-family dwellings were rare. Since then, we have seen a dramatic increase in the number of public and private buildings that have gone smoke-free both locally and nationally.



This transformation can be attributed to both local and national initiatives that aim to reduce adverse health outcomes from exposure to second-hand smoke. The King County Board of Health even passed a resolution encouraging city councils, homeowners associations, developers and managers to adopt no-smoking policies “for the safety and welfare of all citizens and residents of King County.” Properties that prohibit smoking indoors are well positioned to take advantage of increased consumer demand for smoke-free multi-family housing.

As of 2010:

- 87% of Washington homes have a no-smoking rule
- 85% of Oregon homes have a no-smoking rule¹⁰

By the end of 2011:

- 21 out of 37 Public Housing Authorities in Washington have no-smoking policies in some or all of their buildings
- 18 out of 22 Public Housing Authorities in Oregon have adopted no-smoking policies



Smoke-free Multi-family Housing Saves You Money

Permitting people to smoke in your building not only threatens your residents' health, but also damages your property. No-smoking policies prevent nicotine and other smoking-related stains caused by the chemical compounds in cigarettes from lingering on walls and surfaces long after the smoking has stopped. Maintenance and renovation costs can be reduced in properties where smoking is not allowed in either common areas or individual living units.

You can dramatically reduce cleaning and repair costs when you prohibit smoking inside buildings. Every time a resident vacates a unit, the unit has to be cleaned in preparation for a new resident. Repairing smoke damage can cost thousands of dollars in additional expenses each time a unit where smoking has been permitted needs to be prepared for a new resident.¹²

Even with all the extra effort and money spent to clean these units, the smell of tobacco stubbornly often lingers and these units tend to remain vacant longer.¹³ For these reasons, smoke-free policies can greatly reduce the cost of unit turnover.

THE MONETARY IMPACT

Costs to rehabilitate a Unit Where Smoking is Prohibited vs. a Unit Where Smoking is Allowed

	Non Smoking	Light Smoking	Heavy Smoking
General Cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1,425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
TOTAL	\$560	\$1,810	\$3,515

If you allow smoking in your building, you may also be faced with many additional expenses:

- Priming and repainting ceilings and walls, often with multiple coats, to cover stains and smells;
- Replacing carpeting, flooring, blinds;
- Replacing countertops and other surfaces with burns or stains;

¹² Tobacco Control Legal Consortium. Regulating Smoking in Multi-Unit Housing. 2011. http://publichealthlawcenter.org/sites/default/files/resources/tclc-guide-regulating-smoking-multiunits-2011_0.pdf

¹³ Matt G et al. When smokers move out and non-smokers move in: residential third-hand smoke pollution and exposure. Tobacco Control 2011; 20



Reduce Fire Risk

The damage caused by smoking also goes beyond odors and stains. When residential smoking-related fires occur, they cause more injuries, more death and more extensive property damage than other types of residential fires. That is why a no-smoking policy may even qualify your property for a lower insurance rate. Ask your broker or insurance company if your building is eligible.

The United States Fire Administration (USFA) indicates smoking as the number one cause of home fire deaths in the United States. Smoking materials are the third leading cause of residential fires in Washington state. Smoking-related fires also cause more injuries and deaths, and more expensive property damage than any other type of residential fires. In 2008, smoking caused \$15 million in damages from fires at residential properties.¹⁴ Going smoke-free will make your building safer today, saving money and even lives tomorrow.

A policy that covers the whole property will have the biggest impact on reducing cleaning and repair costs, reducing fire risk and making the building healthier for residents.

“Enforcing our no-smoking policy takes the same amount of time and effort as enforcing any of our policies. The only difference is that most of our residents are so passionate about smoke-free living that they help ensure their neighbors comply without involving us.”

—Seattle Housing Authority

In 2008, smoking caused \$15 million in damages from fires at residential properties.

¹⁴ Washington State Fire Marshal's Office. Data from the National Fire Incident Reporting System. March 18, 2009.



5 Easy Steps to Adopting a Smoke-free Policy

STEP 1: Identify Champions in Your Housing Community

Building resident support is essential since multi-family housing residents will be directly affected by new policies. You can identify individuals interested in smoke-free living environments; they can help you spread the word. You can also help your residents understand the benefits of no-smoking policies.

How?

- Invite residents to gather to discuss ways to create a healthier community;
- Conduct resident surveys in each of your buildings to measure the amount of support for a no-smoking policy;
- Share materials that outline the benefits of smoke-free housing; and
- Provide information about resources available to help people who want to quit smoking.

By doing this, you could increase volunteerism and unite owners around a common goal.

Checklist:

- Identify which units have smoking and nonsmoking residents;
- Survey residents on their views about secondhand smoke exposure;
- Identify champions of smoke-free living environments;
- Assess interest in this transition and address resident concerns;
- Communicate benefits of policies to owners and property managers to help reduce concerns about implementation and enforcement.

STEP 2: Develop Your Policy

No-smoking policies can be quickly and easily adopted. A no-smoking policy should include all indoor areas including individual units and all outdoor areas within 25 feet of entrances, windows and air intakes of the building. It is recommended that smoking be prohibited in all outdoor areas of your properties as well as this provides the most protection for your building and residents.

In some cases you may opt to have a designated smoking area. Designated smoking areas should be placed away from areas where residents normally pass through or enter to ensure that no one has to be exposed to secondhand smoke. Designated smoking areas are viewed as an amenity by HUD so they need to be accessible to residents with disabilities. HUD also requires that all smoking areas be clearly identified with signage.

- Including no-smoking policy language in their lease when new residents move in;
- Amending leases for existing residents upon renewal; or
- Setting a date when all residents will be expected to comply with the new policy.

Sample No-Smoking Policy Language for Lease Agreements:

No Smoking: Due to the increased risk of fire, increased maintenance costs and the known health effects of secondhand smoke, smoking is prohibited in private and common areas of the property, all indoor areas, and within 25 feet of the building(s) including entryways, balconies and patios. This policy applies to all owners, residents, guests and service persons. Residents are responsible for ensuring that family members, roommates and guests comply with this rule.

Definition of “smoking”: The term ‘smoking’ means any inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any manner or form.

Checklist:

- Decide on smoke-free areas
- Determine if there will be any designated smoking areas
- Develop lease language

STEP 3: Communicate Your Policy

Washington state law requires that you give current residents at least 30-days notice before changing any rules. Although 30 days is the legal minimum, giving residents more time to adjust to the new policy will make implementation easier. One way to inform residents is to send out a notice, which outlines the following:

- New policy language, where you can and can't smoke and what it means to all residents
- Reasons for the policy (reducing fire risk, improving health, protecting the property units, etc.)
- Effective date for the policy
- Resources for quitting smoking, such as the free Washington State Tobacco Quit Line, **1.800.QUIT.NOW**

STEP 4: Implement No-Smoking Policy

Enforcing your policy starts before the first violation. Follow these guidelines to establish your property as smoke-free:

- Write the policy into your lease or rental agreement. Make sure all current and new residents know where smoking is and is not allowed, and that the rule also applies to their guests,
- Highlight your no-smoking policy in rental listings and advertising,
- Explain policy before prospective residents apply for a unit, and remind them when they move in,
- Post "No Smoking" and "Smoke-free Area" signs to make it clear where smoking is not allowed,
- Offer quit-smoking support to residents and staff. [Research shows that no-smoking policies can help residents quit.]

[[Download sample lease language](#), and a [sample lease addendum](#)]

Checklist:

- Post flyers
- Schedule resident meetings
- Develop and share new policy language

Checklist:

- Set key dates/implementation timeline
- Notify residents: announce plan (and schedule) to go smoke-free
- Circulate no-smoking lease addendum and get signatures from every resident
- Offer support for quitting – send people to smokefree.gov or smokefreewashington.com
- Before Enforcing New No-smoking Policies:
 - Post no-smoking signs
 - Be sure each resident has received communication about no-smoking policy changes in advance of adoption

STEP 5: Enforce No-smoking Policies

A no-smoking policy may feel like a major change, but enforcement is easier than you may think. Taking the rule seriously from day one with all of your residents will send a clear message that smoking is not allowed.

Landlords and residents can work together to enforce a no-smoking policy.

Visit your property regularly and perform inspections for signs of smoking. When a violation is reported, perform a “knock and talk,” explain that a report has been made and remind them of the policy. You can request entry to a unit where smoking is reported or suspected. Give the resident proper notice for an inspection (usually 48 hours), and take note of tobacco odors, ash trays, burn marks and stains inside. It is okay to bring a second person to verify what you see and smell.

Residents are more likely to witness violations if staff is not on site at all times. To ensure compliance:

- Ask residents to report suspected violations immediately;
- Follow-up promptly on complaints; and
- Ensure residents that policy violations will be taken seriously.

Enforce a smoking violation as you would any other lease violation:

- Respond promptly and keep a record of the problem,
- On the first violation, send a written warning letter to remind the resident about the policy,
- Warn residents of the consequences of a second incident, and
- Document details of each incident (who, what, where, when, etc.).

Hold residents financially responsible for carpet cleaning, painting and repairs for other smoking-related damage. You may want to use a third-party vendor to verify smoke damage. Note that some vendors charge more for cleaning and repairs due to smoke damage.

Checklist:

- Communicate clearly in advance of policy adoption
- Distribute no-smoking addendum
- Collect signed no-smoking addendum
- Perform “knock and talks”
- Follow-up on questions, complaints
- Take violations seriously
- Treat each smoking violation as you would any other lease violation

Eviction is expensive but not as costly as allowing a resident to flaunt your no-smoking policy.

No-smoking policies are strongly supported by the majority of residents and the overwhelming majority of your residents (even the ones who smoke) will honor your decision to prohibit smoking in your building. However, you may run up against a resident who simply refuses to stop smoking in the building despite every effort you make to resolve the problem. In such cases, it is much better to move forward with the eviction process than to ignore the problem.

- Gather complainants' names, and a record of when and where they smelled smoke.
- Keep your own records of each incident and of the ways you attempted get the violation resolved (verbal warning, written notice, resident conference, etc.).
- Make note if you or your staff smell smoke during a maintenance visit.

To ensure residents have the support they need to quit, you can direct them to:

- www.smokefree.gov
- www.smokefreewashington.com
- www.quitline.com

Residents with Medicaid may also be eligible for additional quit counseling and other benefits from the quit line. Additional quit materials may also be available by contacting Public Health – Seattle & King County at www.kingcounty.gov/health/tobacco.

Provide Residents with Quit Support

All King County residents are eligible for free support for quitting smoking by calling:

**1-800-QUIT-NOW
(1-877-2NO-FUME in Spanish).**

Online Resources

Explore the following sites for more information on smoke-free housing and tobacco issues:

- SmokeFreeWashington.com
- [Seattle Housing Authority Video on Resident Perspectives](#)
- [Washington State Tobacco Quit Line](#)
- [Washington State Youth Action Site](#)
- [Washington State Department of Health Tobacco Prevention and Control Program](#)
- [Centers for Disease Control and Prevention – Tobacco Information and Prevention Source](#)
- [Environmental Protection Agency \(EPA\) Smoke-free Homes and Cars Program](#)
- [World Health Organization](#)
- [The American Legacy Foundation](#)
- [Portland-Vancouver Metro Area Smoke-free Housing Project](#)
[This provides information on going smoke-free, including free listings for no-smoking units in that area.]
- [Public Health – Seattle & King County Tobacco Prevention Program](#)
- [American with Disabilities Act](#)

Public Health 
Seattle & King County

401 – 5th Ave, Suite 900
Seattle, WA 98104

Phone: 206–296–7613

Email: tobacco.prevention@kingcounty.gov