

Smoke Free Multi-Unit Housing

Secondhand smoke is one of the leading causes of preventable death. It is a complex mixture of gases and particles that includes smoke from the burning cigarette, cigar, or pipe tip (side stream smoke) and exhaled mainstream smoke. Secondhand smoke cannot be contained. It seeps through light fixtures, doorways, and crawl spaces in buildings where there are smokers. It cannot be controlled by ventilation systems, or by separating smokers from nonsmokers. The only solution to protect the health of all residents in a multi-unit housing facility is to adopt a smoke free air policy.

Why a Smoke Free Air Policy for Multi-Unit Housing?

- By implementing a smoke free air policy for multi-unit housing, landlords and owners will reduce wear and tear on their facilities, and will save money on cleaning and painting expenses. Multi-unit housing owners estimate that it costs from \$500-\$8,000 extra to restore a housing unit that had a smoker versus a nonsmoker.
- Adopting a smoke free air policy can reduce the likelihood of fires in multi-unit housing. Cigarette smoking is reported as the leading cause of apartment fires. In 2009 there was an estimated 90,000 apartment fires in the US. About \$1.2 billion was spent on damages that were a result of apartment fires. Four hundred sixty-five lives were lost in multi-unit housing fires in 2009.
- Apartment owners have the legal right to make their rental property smoke free, just as they have the right to decline to rent to pet owners. There is no state or federal constitutional right to smoke.
- If a landlord or owner has a tenant that is sensitive to secondhand smoke or has breathing disorders, landlords are required under the Disabilities Act and/or the Fair Housing Act to provide accommodations to protect the tenant from secondhand smoke in common areas as well as in their own units.
- As more landlords and owners become aware on the dangers of secondhand smoke and implement smoke free policies for their building, tenants are becoming increasingly aware of the dangers of living in a building without a smoke free air policy. With the increase of smoke free apartment buildings and homes, there is an increased interest and demand by tenants for apartments that have a smoke free air policy.

In July 2009, the federal Housing and Urban Development (HUD) Office of Public & Indian Housing issued a memorandum titled [*Non-Smoking Policies in Public Housing*](#), which “strongly encourages Public Housing Authorities to implement non-smoking policies in some or all of their public housing units.” In September 2010, HUD's Multi-Family Housing Section issued a notice titled [*Optional Smoke-Free Housing Policy Implementation*](#) to encourage owners and managers of HUD Multi-Family Housing rental assistance programs, such as Section 8, to adopt and implement smoke free policies for some or all their properties.

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How Tenants Can Protect Themselves from Secondhand Smoke:

1. **Do Your Homework:** Look at your lease. It may not specifically address smoking, but there might be terms and conditions about noise or other types of behaviors that can impact residents' quality of life, which could be used to make a case that your neighbors should not be smoking in a way that jeopardizes your quality of life.
2. **Find Allies:** You may not be the only one affected by secondhand smoke in your apartment or condominium complex. Other tenants may be willing and interested in joining with you to find a solution. Find out if any tenants have health problems that make them particularly susceptible to the hazards of secondhand smoke. When discussing the problem of other residents smoking within multi-unit housing with the landlord, owner, or management association, you are likely to have greater success with many voices instead of one.
3. **Share Information:** Remind your landlord that it is legal to adopt a smoke free policy. Many landlords are hesitant to adopt a smoke free policy because they mistakenly think it is illegal or discriminatory to do so. Even with an existing lease, a no-smoking lease addendum can be added at any time. Place emphasis on landlords and owners having the legal right to institute a smoke free policy.

How Landlords and Owners Can Implement a Smoke Free Air Policy:

1. **Make a Plan:** Will you adopt a smoke free campus or will tenants be able to smoke outside? Start by designating all indoor areas as smoke free, including individual apartments. Follow up by limiting smoking outdoors to designated areas.
2. **Hold a Meeting:** Gather with tenants to discuss the changes and inform them of the new policies regarding where smoking is prohibited and where the designated smoking areas are located. There may be resistance, but remember all existing tenants have rights under their leases, including nonsmokers.
3. **Amend New Leases:** Change the language of the lease to legally include your new smoke free policy. When new tenants sign a contract, the policy should be made clear.
4. **Promote Your Smoke Free Policy:** Begin advertising your smoke free status to gain new tenants who appreciate a clean and healthy smoke free environment. According to a recent survey, nearly three quarters of renters would prefer living in smoke free apartments.
5. **Enforcing Your Policy:** This has been reported to be the easiest part of the process. In fact, enforcing a non-smoking policy takes less time than mediating disputes between smokers and nonsmokers when a policy is not in place.

Helpful Resources on Smoke Free Multi-Unit Housing

Americans for Nonsmokers' Rights: www.no-smoke.org

MI Smoke Free Apartments: www.mismokefreeapartment.org

Smoke Free Environment Law Project: www.tcsg.org/sfelp/home.htm

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