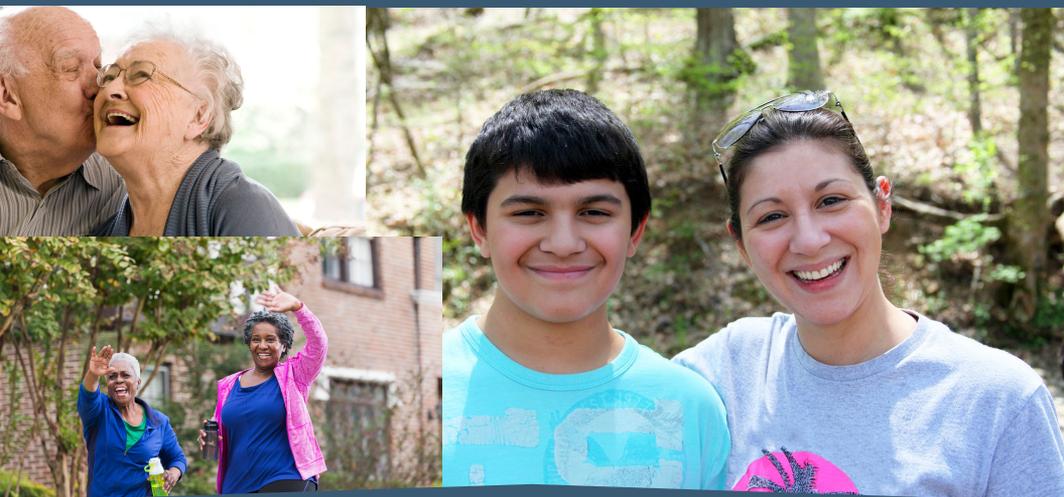




BREATHE  
*easy*  
SMOKE FREE



**Smoke-free Multi-unit Housing:  
Adopting a policy  
for your community**

A property manager's guide



## Why should you adopt a smoke-free policy for your community?

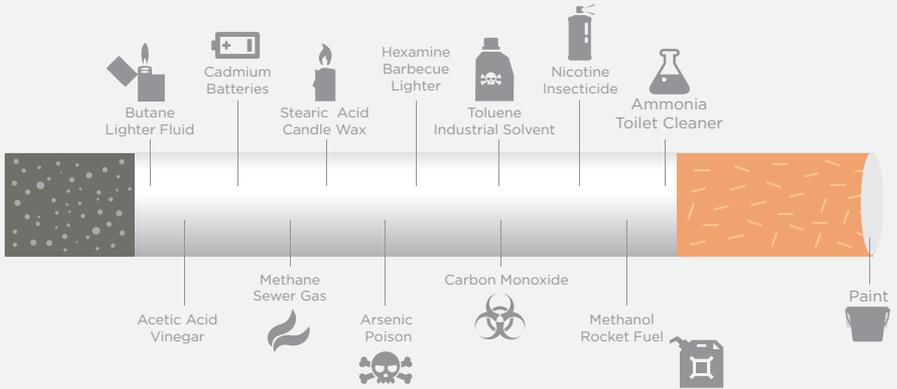
Many property managers and owners are discovering the benefits of adopting a smoke-free policy. 206,000 Nashvillians currently live in apartments in Davidson County, and that number is projected to grow. Unfortunately, many of these residents are exposed to secondhand smoke, but only 29% of apartment residents in Davidson County are smokers themselves.<sup>1</sup> Secondhand smoke is more than annoyance; it's a serious health hazard that can lead to disease and premature death in children and nonsmoking adults.

Living smoke free is a win-win for residents and property managers. A smoke-free policy can save money on maintenance costs, as well as fire risks. It's also legal and easier to implement than most managers and owners expect. Smoke-free policies make for a safer and cleaner place to live, where residents can enjoy quality of life and all the resources the community has to offer.

Breathe Easy Nashville was created to provide you with resources to help you transition to smoke-free housing. For additional information, you can find us online:



# HEALTHIER HOMES



Secondhand smoke is smoke from the tip of the cigarette and smoke exhaled by the smoker. It contains more than 4,000 chemicals, of which 250 are known to be harmful, and more than 50 are known to cause cancer.<sup>2</sup> Each year in the U.S. secondhand smoke causes disease and nearly 50,000 deaths from heart disease, lung cancer and sudden infant death syndrome (SIDS). Secondhand smoke exposure is also now known to cause strokes in nonsmokers. Many cancer-causing and toxic chemicals are actually higher in secondhand smoke than in the smoke inhaled by smokers, and breathing secondhand smoke even briefly can interfere with the normal functioning of the heart, blood and vascular system.<sup>3</sup>

Because children are still developing and breathe faster than adults, they are especially vulnerable to the dangers of secondhand smoke. One study found that children living in nonsmoking households in apartment communities had a 45% increase in cotinine levels (a metabolite caused by exposure to tobacco smoke) compared with children living in detached homes. Secondhand smoke can lead to the development of asthma and cause children with asthma to experience more attacks. Even at very low levels, tobacco smoke exposure is associated with decreased reading and math scores and higher rates of behavioral problems in children.<sup>4</sup>



## Apartment residents are exposed to smoke

Secondhand smoke can infiltrate from other apartments into common areas and your home. It happens through air ducts, cracks in floors and walls, stairwells, hallways, elevator shafts, plumbing, electrical lines and open windows. Testing and research by the Center for Energy and Environment found that airflow is difficult to reduce and virtually impossible to eliminate. Separating smokers from nonsmokers, cleaning the air and ventilating the building cannot eliminate exposure.<sup>5</sup>

**The American Society of Heating, Refrigerating, and Air Conditioning Engineers, which sets the industry standards for ventilation, determined no cleaning, ventilation or air-cleaning technologies "controls risks from second hand smoke exposure in spaces where smoking occurs."<sup>6</sup>**

- Conventional air cleaning systems can remove large particles but not the smaller particles or the gases found in secondhand smoke.
- Current heating, ventilating and air conditioning systems alone do not control secondhand smoke exposure. In fact, these systems may distribute secondhand smoke throughout a building.
- Even separately enclosed, separately exhausted, negative-pressure smoking rooms do not keep secondhand smoke from spilling into adjacent areas.

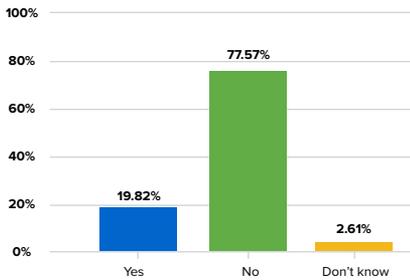
According to the Surgeon General, the only way to effectively eliminate the health risks of secondhand smoke is to ban smoking activity.<sup>7</sup>



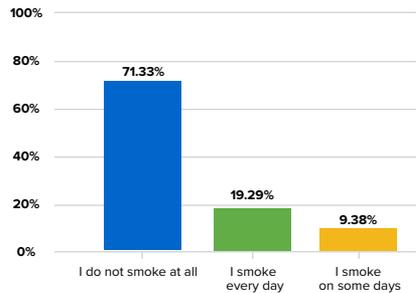
## HAPPIER RESIDENTS

There is demand for smoke-free apartment communities. Research shows that most people prefer environments that are free of secondhand smoke because the majority of people do not smoke tobacco. In Davidson County, 19.3% of adults are tobacco users (2009 Behavioral Risk Factor Surveillance Survey, BRFSS).

### Is smoking allowed in your home?

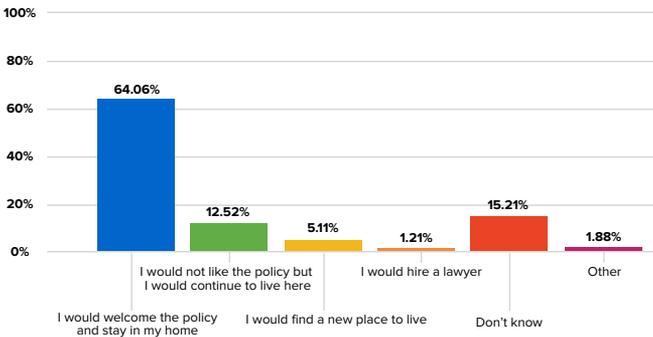


### How would you describe your smoking habits?



A survey of more than 750 Nashville multi-unit housing residents showed that most apartment residents do not smoke, and most were in favor of a smoke-free policy. In fact, 56% agreed that the entire community should be smoke free, rather than certain buildings. Only 6% of residents said they would find a new place to live or hire a lawyer if their community adopted a smoke-free policy.

## How would you feel if the place where you live adopted a smoke-free policy?



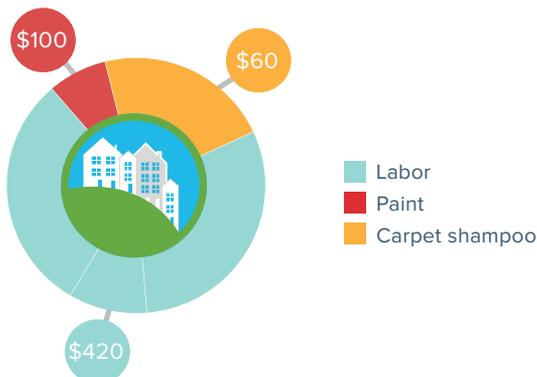
Only 25 % of respondents said they were not interested in quitting. Most of the smokers see themselves quitting at some point, either immediately or with help, which indicates an opportunity for providing information on cessation resources.

## SAFER & CLEANER HOMES

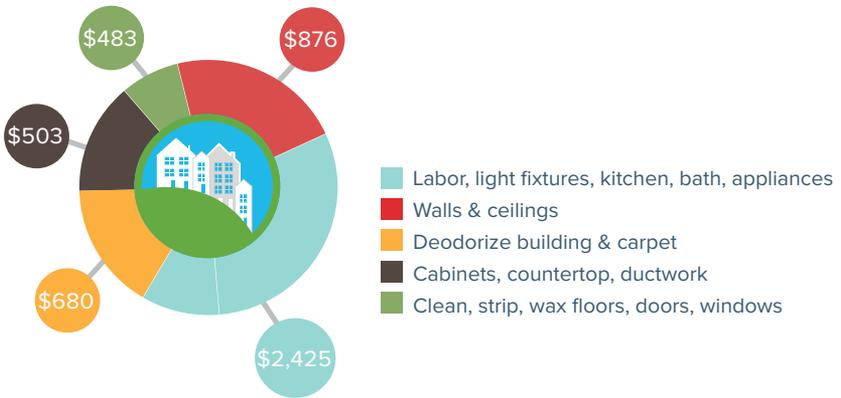
### Reduced Maintenance Costs

Smoke-free policies reduce the costs of cleaning, repairing and general maintenance. They also improve property values because there is less damage caused by smoking and discarded cigarettes. Residue and the smell of smoke are difficult to eliminate, so some residents may decide to live elsewhere rather than deal with the damage from smoke.

Non-smoking maintenance costs: \$500 - \$1,500

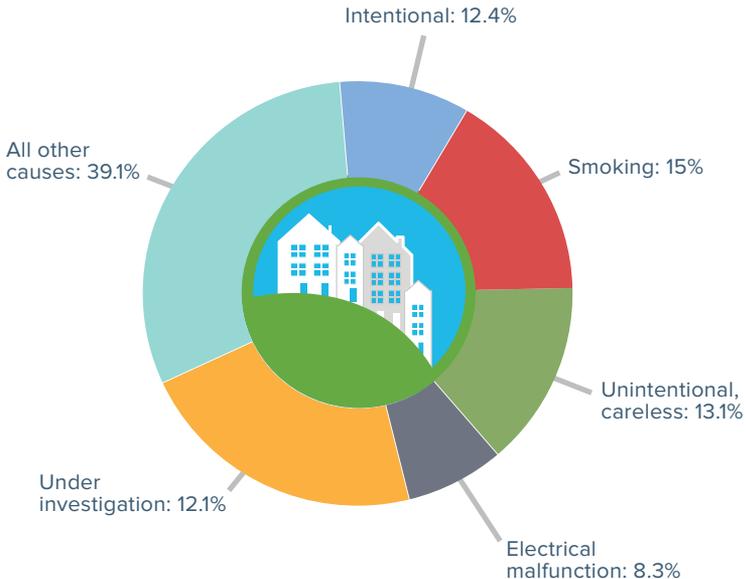


Smoking maintenance costs: \$4,000 - \$8,000



### Reduced Fire Risk

Smoking is one of the leading causes of fires in the US, and apartments account for a larger share of smoking-related fires than other types of residences.<sup>8</sup> An estimated 7,600 smoking-related fires occur in residential buildings each year in the US.



The rate of fires caused by smoking in apartment communities is alarming, as are the consequences. The fatality rate of smoking-related fires is four times greater than other fires, and the injury rate is three times greater. Casualties of smoking-related fires often include the children, friends, and neighbors of the smoker who caused the fire. Twenty-five percent of victims of smoking-material fire fatalities are not the smoker whose cigarette started the fire.<sup>9</sup> Adopting a smoke-free policy can help reduce injuries and save lives.

## IT'S LEGAL

No law prevents adoption of smoke-free policies in multi-unit housing, including policies that make individual units smoke free. No smoking policies for multi-unit housing are not discriminatory and do not violate fair-housing regulations because people who smoke are not a protected class according to federal or state law. Under the **Non-Smoker Protection Act**, smoking is already prohibited in enclosed public places within the State of Tennessee including lobbies, hallways and other common areas in apartment buildings and other multiple-unit residential facilities.

In fact, smoke-free policies can actually reduce legal action.

- Nonsmoking residents can bring legal action against owners and smoking residents for breach of covenant of quiet enjoyment, negligence, nuisance and breach of warranty of habitability.<sup>10</sup>
- Under the Fair Housing Act, owners could be liable if they do not provide reasonable accommodations to ensure equal access to housing.
  - Certain health conditions can be a disability due to their severity. If so, and the conditions are exacerbated by exposure to secondhand smoke, then a resident could be entitled to reasonable accommodations.



## IT'S EASIER THAN YOU THINK

Surveys of owners found that staff time spent dealing with smoking-related complaints was actually reduced following a smoke-free policy. A study in South Dakota found that 38% of the survey respondents without a smoke-free policy thought they would lose tenants when they adopted the policy, but that was not the case. Only 1% of property owners who implemented a smoke-free policy saw an increase in turnover rates; 3% felt vacancy rates had increased. The study also noted that owners experienced little difficulty enforcing the no-smoking policy.<sup>11</sup>

Several Nashville property managers found that a smoke-free policy saved time and money and was easy to enforce.

"For us, having a smoke-free property was a decision made for cost-saving purposes. Cleaning out air vents, re-painting smoke-stained walls, and removing the smell of smoke costs a lot. We save on those costs by having smoke-free apartments."

-Misty\*,  
12 South Flats, 2310 12th  
Avenue South

"We adopted a smoke-free policy in 2011 for three reasons: maintenance, health and financial issues. It has taken time for us to fully enact the policy, but we have had great success. Although not an immediate fix, it is much simpler and more cost efficient than replacing insulation, filters and carpet. Residents appreciate our efforts to consider their health, and our facility looks and smells like a place where our community members can call home. Residents adhere to the smoking policy, which has made enforcing the policy a lot easier."

-Audrey Abbott,  
Parthenon Towers Property Manager

"Our residents sign an addendum upon move-in that restricts smoking in the apartments or anywhere in the building. We advertise being smoke-free on Craigslist, and it is non-negotiable. We find that we don't have to spend as much on cleaning after a resident has moved out."

-Bethany\*,  
West End Village Apartments,  
221 31st Avenue North

\*Names have been changed.



Some managers are concerned they may be subject to liability claims if they cannot guarantee that their property is consistently smoke free. To date, we are not aware of any cases brought by a renter based on one of these provisions. Including lease disclaimer language can help as well.

- Language that does not guarantee the property as smoke free but rather making a best effort to provide a smoke-free property.
- Language that places some responsibility on all residents to participate in enforcement by notifying managers of infractions.

To make enforcement easier, lease language should include the penalty for first, second and final offense. Usually the first one is a warning letter and the second is a fine. The third is eviction with a fee to restore the apartment and loss of rent. There should also be a fine for guests who smoke. Example lease language can be found on the Breathe Easy website.



# ADOPTING A POLICY IS SIMPLE

1

Inform your residents you are considering going smoke free. Deliver surveys to gauge their interest and get their feedback. This will allow your residents to be part of the process from the beginning. Sample surveys are available on the Breathe Easy website.

2

Choose the date you will make the property smoke free and give your residents one year notice prior to that date. You can find a sample notification letter on the Breathe Easy website.

3

New residents' leases include the smoke-free policy and effective date. As other leases come up for renewal, residents will need to sign a lease addendum with the smoke-free policy and effective date.

4

Throughout the year transition, send residents reminders of the effective date. Once the transition is complete, post signs that the property is smoke free, so that guests will also be aware of the policy. Signage is available on the Breathe Easy website.

The healthiest option is for the property to be completely smoke free; however, you can choose to allow smoking in all outdoor areas or in designated areas. If you include smoking areas, they need to be away from doors, windows, patios, balconies and air intake systems to prevent smoke from entering the building.

<sup>1</sup> The 2015 survey was conducted by Bill Hudson Agency on behalf of the Metro Public Health Department.

<sup>2</sup> Centers for Disease Control and Prevention. "Healthy Homes Manual." 2011. [www.cdc.gov/healthyhomes](http://www.cdc.gov/healthyhomes).

<sup>3</sup> GASP Colorado. "Colorado Guides to Establishing No-Smoking Policies in Multiunit Housing." 2014. [www.gaspforair.org/breath/action/pdf/GASPBrochure2014.pdf](http://www.gaspforair.org/breath/action/pdf/GASPBrochure2014.pdf).

<sup>4</sup> American Lung Association. "Smokefree Multi-unit Housing: Bringing Healthy Air Home."

<http://www.lung.org/assets/documents/healthy-air/smoking-in-multiunit-housing.pdf>

<sup>5</sup> The Center for Energy and Environment. "Clean Indoor Air in Apartment – Researching Effective Strategies." 2001. [www.mncee.org](http://www.mncee.org)

<sup>6</sup> American Society of Heating, Refrigeration & Air-Conditioning Engineers. "Environmental Tobacco Smoke: Position Document." 2008. [www.ashare.org](http://www.ashare.org)

<sup>7</sup> Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention. "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General." 2006. [www.surgeongeneral.gov/library/secondhandsmoke/](http://www.surgeongeneral.gov/library/secondhandsmoke/)

<sup>8</sup> U.S. Fire Administration. "Residential Smoking Fires and Causalities." 2005

<sup>9</sup> Coalition for Fire-Safe Cigarettes. "Fast Facts."

<sup>10</sup> Schoenmarklin, Susan. "Infiltration of Secondhand Smoke into Condominiums, Apartments, and Other Multi-Unit Dwellings." Tobacco Control Legal Consortium. 2009

<sup>11</sup> South Dakota University. "Smoke-free Policies Benefit Apartment Dwellers, Owners." 26 August 2015. <http://medicalxpress.com/news/2015-08-smoke-free-policies-benefit-apartment-dwellers.html>

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