

everyone deserves



A



Breath *of*
Fresh
Air



Smokefree Housing



An Apartment Owner's and Manager's Guide to Going Smokefree



Montana's *Smokefree*

“As an affordable housing agency, it’s in our best interest to provide the best housing we possibly can, and we feel that smokefree housing is the best way we can do that. Whether you’re a resident, or whether you’re a property manager, there are many resources available to you.”

Patti Webster
Deputy Director of the
Housing Authority of Billings

Montana’s Smokefree Housing program is housed in the Montana Tobacco Use Prevention Program (MTUPP) within the Department of Public Health and Human Services. The Smokefree Housing project works with other MTUPP projects, such as the Montana Tobacco Quit Line and the Montana Clean Indoor Air Act, to reduce tobacco use and the death and disease caused by secondhand smoke.

How can the Montana Tobacco Use Prevention Program help you?

- Provide signs and window clings which designate the property as smokefree at no cost to you
- Provide free Montana Quit Line promotion materials to help your residents quit smoking

- Connect you with your local community tobacco prevention specialist, located in almost every county in the state. Your tobacco prevention specialist can present information on the importance of the policy to your residents, help you perform a resident survey, and help you evaluate your signage needs
- Provide you with model lease and lease addendum language
- Give you some tips for high compliance to help make the process of going smokefree as smooth as possible

Why Go Smokefree?

As a landlord, you can play a role in eliminating a significant cause of illness in the home and a major cause of preventable death in the United States: secondhand smoke. You can also save money on apartment turnover, prevent fires, and attract more tenants by adopting a smokefree policy in your facility.



Housing Movement

Creating Healthy Housing: Secondhand Smoke is Toxic

Secondhand smoke – the smoke that comes from a lighted tobacco product or from a person who is smoking tobacco – contains more than 7,000 chemicals. Of these chemicals, 70 are known cancer-causing poisons and 250 are known toxins. The 2006 U.S. Surgeon General’s Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke* (available online at: <https://www.ncbi.nlm.nih.gov/books/NBK44324/>), concluded that there is no risk-free level of secondhand smoke, and the only way to protect people from the dangers of secondhand smoke is to eliminate the smoke exposure.ⁱ

A minimum of 38,000, and up to 65,000, deaths occur each year in the U.S. as a result of diseases caused by exposure to secondhand smoke. Thousands of other people in the U.S.

“Why is it too much to ask that I do not want to die from secondhand smoke?”

suffer from conditions caused by or made worse by secondhand smoke.ⁱⁱ

Secondhand smoke is categorized as a Group A carcinogen by the EPA, placing it in the same category as asbestos and coal dust.ⁱⁱⁱ It’s more than a nuisance: it’s a public health hazard.

“I am exposed to secondhand smoke... I now have been to the doctor, prescribed numerous inhalers, antibiotics for bronchitis. It’s been ongoing for a year. My lungs are painful...I am back to where I started, feeling hopeless, lungs are congested and inhalers are failing to help... Why is it too much to ask that I do not want to die from second hand smoke? I need some help, what are my rights? What can I do?”

Anonymous complaint from a Montana multi-unit housing resident



What Housing Leaders Say About Going Smokefree

“We found that going smokefree reduced all of our costs for turning our units around, it reduced our cost for insurance on our properties, and we know that it would do the same thing in the private market for others. It also helped our residents become healthier people. Because they are no longer smoking, we now have healthier communities in which we’re providing affordable housing.”

Patti Webster
Deputy Director of the
Housing Authority of Billings

Secondhand Smoke in Apartments

Testing and research conducted by the Center for Energy and Environment on buildings in Minnesota concluded that air flow between units in apartment buildings is significant. This air flow is difficult to reduce and virtually impossible to eliminate. The research found that the average cost to seal a unit to reduce secondhand smoke leakage was about \$700 per unit. However, sealing the air leaks was still not enough to completely eliminate the secondhand smoke problem.^{iv}

Secondhand smoke cannot be mitigated by ventilation systems or air purifiers. In 2019, the American Society of Heating, Refrigerating &

Air-Conditioning Engineers (ASHRAE) released their latest position document on secondhand smoke. The document concludes that, “at present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity.”^v

Engineering approaches such as air fresheners, cleaners, and purifiers have not proven to be effective, and ASHRAE cautions that such devices should not be relied upon to control health risks from secondhand smoke. ASHRAE “encourages elimination of smoking in the indoor environment as the optimal way to minimize [secondhand smoke] exposure.”^{vi}



Smokefree Housing

The Demand for Smokefree Housing



The 2016 Montana Adult Tobacco Survey found that fewer than one-in-four respondents who live in multi-unit housing (25%) are protected by a smokefree policy set by their landlord. Of Montana multi-unit renters who do not have a smokefree policy in their building or complex, the majority (78%) are in favor of their landlord adopting a smokefree policy. That means that by passing a smokefree policy, you can market a product that most Montanans want, but only 25% have. ^{vii}

The Legality of Smokefree Policies in Multi-Unit Housing

There is currently no Montana law or federal law that prohibits a landlord from making an entire apartment building smokefree. Smokefree policies are not discriminatory and may actually protect landlords from the risk of some legal violations such as warranty of habitability or covenant of quiet enjoyment. Tenants with disabilities caused by or made worse by secondhand smoke may also have legal protections under the Americans

with Disabilities Act and the Federal Fair Housing Act.

Smokefree policies are largely self-enforcing. Because tenants expect and tend to prefer a smokefree environment, they are more likely to abide by the policy. Most landlords use existing lease violation policies and procedures to enforce the policy in case of persistent violations.

The Bottom Line

Going smokefree will save you money on apartment turnover, reduce

The Demand for Smokefree Housing continued

the risk of fire, and potentially reduce the cost of insurance premiums.

Apartment turnover costs can be two to seven times greater when smoking is allowed compared to the cost of maintaining and turning over a smokefree unit. Tobacco smoke leaves sticky residue on walls, curtains, cabinets, blinds, appliances, fixtures, and ceilings. The odor and toxins often stay in carpets, curtains, and walls. Dropped ashes may result in burn damage to tiles, carpets, countertops, and bathtubs.

According to Kennedy Restoration Co. (Portland, OR), when converting a smoke-filled unit to a non-smoking unit, a landlord should, at a minimum:

1. Thoroughly wash walls and ceilings with detergent and very hot water to remove as much nicotine and tar residue as possible; Wear gloves, and use multiple clean rags to prevent simply pushing the residue around. Wash, rinse, repeat!
2. Repaint walls with two or three coats of paint. If walls are not thoroughly washed prior to repainting, nicotine stains can seep through even multiple layers of paint.
3. Tear up carpeting and padding, and wash floors before replacing carpeting.



4. Replace curtains/blinds/window coverings to prevent off-gassing of smoke into the environment.
5. Clean out ventilation ducts and replace filters. Heating and air conditioning systems recirculate stale smoke in the unit and throughout the building.^{viii}

As landlords know all too well, the ongoing cost of properly cleaning rental units for new tenants serves as a strong financial motivation of going smokefree.

Fire: Protecting Your Investment and Your Residents

Cigarettes are the leading cause of home fire fatalities in the United States.

In 2011, there were an estimated

90,000 smoking-material-fires in the United States. These fires caused 490 civilian deaths, 1,370 civilian injuries and \$621 million in direct property damage.^x

The risk of dying in a home structure fire caused by smoking materials rises with age. In 2011, nearly half of fatal smoking-material-fire victims were age 65 or older.^{xi}

One quarter of victims of smoking-material-fire fatalities are not the smokers whose cigarettes started the fire: 34 percent are children of the smokers, 25 percent are neighbors or friends, 14 percent are spouses or partners, and 13 percent are parents.^{xii}



How to Go Smokefree

1. Inform your tenants that you are thinking of adopting a smokefree policy. Hold tenant meetings. Explain why you want to go smokefree and get their feedback on the process. Local tobacco prevention specialists can help you during this step by presenting information to your tenants and helping you conduct a tenant survey as necessary.
2. Pick a date when you want the building to be completely smoke free. Plan when you will need to begin giving tenants notice about the policy change.
3. Renew existing leases and initiate all new leases with a smokefree lease addendum or policy. See the sample lease addendum and policy language available for your use (Appendix A+B).
4. Post signs on your property to remind everyone of the new policy. Free signs and window clings are available. Order signs from the signage store, which can be found at tobaccofree.mt.gov. Instructions and pictures of signs can be found in Appendix C.
5. Promote quitting tobacco use by advertising the free Montana Tobacco Quit Line on your property. Quit Line promotional materials can be ordered for free at tobaccofree.mt.gov.
6. Advertise that you have a smokefree building! Mention it in your listings, during initial meetings with new residents, around the property, in your newsletter, and anywhere else you can! The more you promote your policy, the more renters will want your product and the less likely they'll be to violate the policy.



If You Have Already Passed a Policy: *Congratulations!*

To ensure that tenants do not violate your smokefree policy, use these tips for high compliance:

- **Continually advertise** and promote the apartments as smokefree in all advertising media to attract residents who do not smoke or who smoke only outside.
- **Update your information** on the Montana Smokefree Housing Database to reflect the smokefree policy tobaccofree.mt.gov.
- **Thank residents periodically** for high compliance. Consider developing some sort of incentive for high compliance.
- **Use the same warning** and enforcement methods for smokefree rule violations that are used for other property rules.



For resources, help or questions, please visit tobaccofree.mt.gov and click on Smokefree Housing.

Or contact:
Montana Tobacco Use Prevention Program
1-866-787-5247

ⁱ U.S. Department of Health and Human Services, U.S. Surgeon General's Office, The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, 2006, <https://www.ncbi.nlm.nih.gov/books/NBK44324/>

ⁱⁱ U.S. Department of Health and Human Services, U.S. Surgeon General's Office, The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, 2006, <https://www.ncbi.nlm.nih.gov/books/NBK44324/>

ⁱⁱⁱ Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders; EPA/600/6-90/006 F

^{iv} Center for Energy and Environment. "Reduction of Environmental Tobacco Smoke Transfer in Minnesota Multifamily Buildings Using Air Sealing and Ventilation Treatments." 2004. <https://www.mncee.org/getattachment/Resources/Projects/Secondhand-Smoke-Research/Reduction-of-Environmental-Tobacco-Smoke-Transfer-in-Minnesota-Multifamily-Buildings-Using-Air-Sealing-and-Ventilation-Treatments.pdf.aspx>

^v American Society of Heating, Refrigerating & Air-Conditioning Engineers. "Environmental Tobacco Smoke: Position Document." 2019. https://no-smoke.org/wp-content/uploads/pdf/ASHRAE_PD_Environmental_Tobacco_Smoke_2019.pdf

^{vi} American Society of Heating, Refrigerating & Air-Conditioning Engineers. "Environmental Tobacco Smoke: Position Document." 2019. https://no-smoke.org/wp-content/uploads/pdf/ASHRAE_PD_Environmental_Tobacco_Smoke_2019.pdf

^{vii} Montana Department of Public Health and Human Services, Montana Tobacco Use Prevention Program, Montana Adult Tobacco Survey, 2008.

^{viii} American Nonsmokers' Rights Foundation. "Thirdhand Smoke in Apartments and Condos: Recommendations for Property Owners and Managers" 2017. <https://no-smoke.org/thirdhand-smoke-fact-sheet/>

^{ix} Ahrens M. Home structure fires. Quincy (MA): National Fire Protection Association; 2011

^x Smoking-Material Fire Problem, John R. Hall, Jr., NFPA Fire Analysis and Research, Quincy, MA, March 2012

^{xi} Smoking-Material Fire Problem, John R. Hall, Jr., NFPA Fire Analysis and Research, Quincy, MA, March 2012

^{xii} Smoking-Material Fire Problem, John R. Hall, Jr., NFPA Fire Analysis and Research, Quincy, MA, March 2012w



Appendix A: Sample Lease Addendum

Model Smokefree Multi-unit Housing Lease Addendum

The Resident and all members of Resident's family or household are parties to a written Lease with the (Landlord, Property Manager). This Addendum states the following additional terms, conditions and rules which are hereby incorporated into the original Lease agreement. A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

1. Addendum Purpose: (name of housing) has elected to adopt a Smokefree Facilities Policy for all (name of housing) owned and operated rental facilities. A smokefree policy is based on recognition of the scientific evidence of the dangers of secondhand smoke as stated by the Environmental Protection Agency, the Public Health Service's National Toxicology Program and the 2006 U.S. Surgeon General's report. In addition, the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) has determined there is no filtration or ventilation system that can completely eliminate the carcinogens in secondhand smoke.

2. Definition of Smoking. The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, electronic cigarette or other tobacco product or similar lighted product in any manner or in any form.

3. Smokefree Complex. Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident's household, as well as, outside areas have been designated as a smokefree. Resident and members of Resident's household shall not smoke anywhere in the unit rented by Resident, in the building where the Resident's dwelling is located, in any of the common areas inside the building or in any outside areas. Nor shall Resident permit any guests or visitors under the control of Resident to do so.

4. Resident to Promote No-Smoking Policy and to Alert (Landlord, Property Manager) of Violations. Resident shall inform Resident's guests of the no-smoking policy. Further, Resident shall promptly report to the (Landlord, Property Manager) any incident where tobacco smoke is migrating into the Resident's unit from sources outside of the Resident's unit.

5. (Landlord, Property Manager) to Promote No-Smoking Policy. Landlord shall post no-smoking signs at entrances and exits, common areas, hallways, unit entrances and/or in such conspicuous places as may be appropriate to ensure effective implementation of this policy.

6. (Landlord, Property Manager) Not a Guarantor of Smokefree Environment. Resident acknowledges that (Landlord's, Property Manager's) adoption of a smokefree living environment, and the efforts to designate the rental complex as smokefree, do not make the (Landlord, Property Manager) or any of its managing agents, the guarantor of Resident's health or of the smokefree condition of the Resident's unit and the common areas. However, (Landlord, Property Manager) shall take reasonable steps to enforce the smokefree terms of its leases and to make the complex smokefree. Landlord is not required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking.

7. Effect of Violation and Right to Terminate Lease. A violation of this Lease Addendum shall give each party all the rights contained herein, as well as the rights previously outlined in the original Lease. A material breach of this Addendum shall be a material breach of the Lease and will be considered a lease violation.

8. Effective Date. This Smokefree Housing Policy will be effective on (implementation date).

Tenant Acknowledgement:

I have read and understand the above no smoking policy and I agree to comply fully with the provisions provided therein.

Resident Signature: _____ **Unit Number:** _____ **Date:** _____

(Landlord, Property Manager) Signature: _____ **Date:** _____

Appendix B: Model Smokefree Policy

Model Smokefree Multi-unit Housing Policy

The (name of housing entity) finds that:

WHEREAS, the (name of housing entity) cares about the health, welfare and safety of all residents and rental facilities;

WHEREAS, numerous studies have concluded that exposure to secondhand tobacco smoke is a serious health hazard that can cause disease in healthy nonsmokers including cancer, heart disease, and respiratory disease and is responsible for over 53,000 deaths annually nationwide;

WHEREAS, secondhand tobacco smoke is particularly hazardous to elderly people and children, causing or exacerbating asthma, cardiovascular disease, respiratory disease and infections, cancer and SIDS (sudden infant death syndrome);

WHEREAS, the U.S. Surgeon General's Report in 2006, The Health Consequences of Involuntary Exposure to Tobacco Smoke, states (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke, (2) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system, and (3) "there is NO risk-free level of exposure to secondhand smoke";

WHEREAS, the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) has determined there is currently no air filtration or other ventilation technology that can completely eliminate the carcinogenic components in secondhand smoke;

THEREFORE, the (name of housing) adopts this smokefree housing policy for (name of complex) located at (address).

Definitions:

1. "Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or electronic device intended for inhalation of tobacco, nicotine or vapor/aerosol of any type.
2. "Resident" means living in, or staying in (name of housing).
3. "Employee" means manager, owner, representative, or worker of (name of housing).
4. "Outside areas" means any area outside the multi-unit complex but within the property lines

Smokefree Policy:

1. Effective on (effective date) smoking is not permitted anywhere inside the building(s), and in outside areas as described above. This includes, but is not limited to, individual living spaces, porches, all common areas, hallways, stairs, elevators, restrooms, and any other enclosed areas.
2. This policy applies to all current and new residents, all employees, and all guests at all times.
3. Failure of any resident to follow the smokefree policy will be considered a lease violation and treated as such under the original terms of the lease. Repeated lease violations may result in termination of the resident's lease.
4. "No Smoking" signs will be posted inside and outside the building(s).
5. If a resident smells tobacco smoke in any place in the building(s), they will report this to the (landlord, property manager) as soon as possible.
6. The (landlord, property manager) will enforce the smokefree policy and will respond as soon as possible to secondhand smoke complaints on the property.
7. Upon adoption of the policy, all new and current residents will be given a copy of this Smokefree Policy.
8. Upon adoption of the policy, all new and current residents will sign the Smokefree Housing Lease Agreement Addendum. A signed copy will be placed in the resident's file and a copy given to the resident.
9. This (name of housing entity) Smokefree Policy shall be communicated to all current staff and residents (30, 60, 120) days prior to its effective date, and at the time of employment for all employees and prior to admission and/or prior to the signing of any new lease agreements. This policy is effective on (effective date).

Signed: _____ Date: _____
(Housing Authority, Landlord, Property Manager)



Appendix C: Free Signage

To order the sign below, please go to tobaccofree.mt.gov and choose “online store” from the menu on the left. All materials are free.

Smokefree Property



**Including E-cigarettes
And All Other
Electronic Smoking Devices**



<http://dphhs.mt.gov/publichealth/mtupp>



MONTANA
TOBACCO USE
PREVENTION PROGRAM



Smokefree Housing

*For resources, help or questions, please visit tobaccofree.mt.gov and click on Smokefree Housing.
Or contact: **Montana Tobacco Use Prevention Program • 1-866-787-5247***