

# An Apartment Manager's Guide

to adopting a smoke-free building policy



Smoke-Free Multi-Housing:  
Healthier Buildings. Happier Tenants.  
A Smart Investment.



# What is Live Smoke Free?

The Live Smoke Free program promotes smoke-free policies for apartment buildings. Currently, tenants seeking smoke-free multi-unit housing outnumber the quantity of smoke-free units available. Over 50% of Twin Cities tenants would prefer to live in a smoke-free apartment<sup>1</sup>; however, only about 4% of apartment properties in the Twin Cities have at least one smoke-free building.<sup>2</sup> Live Smoke Free regularly receives inquiries from tenants who are experiencing secondhand smoke coming into their apartment unit. After listening to their concerns, Live Smoke Free encourages tenants to work with their building managers to create a smoke-free policy that includes individual units.

In order to increase the number of smoke-free buildings, Live Smoke Free educates building owners, managers, local policy makers, and housing industry professionals about the benefits of smoke-free buildings. Live Smoke Free assists building owners and managers with creating and promoting a smoke-free policy for their property.

Live Smoke Free is a program of the Association for Nonsmokers—Minnesota that focuses on the Twin Cities metro area with grant funding from the Minnesota Department of Health.

## Adopting a Smoke-Free Policy: How Live Smoke Free Can Help You

### “I’m thinking about going smoke free”

- This booklet should answer most of your questions. You can also visit the Live Smoke Free web site at [www.mnsmokefreehousing.org](http://www.mnsmokefreehousing.org).
- Live Smoke Free can give presentations on the benefits of smoke-free housing to your staff, decision-making board, or tenants.

### “I’ve decided to go smoke free”

- Live Smoke Free will work with you step-by-step to help you adopt and implement your smoke-free policy.
- Live Smoke Free has a model lease addendum that you can customize.

### “I’m implementing a smoke-free policy”

- Live Smoke Free will send you an implementation kit with everything you need, including free smoke-free signs to place on your property.
- Live Smoke Free can host a smoke-free celebration for your building.

## Free Resources from Live Smoke Free

- Consultations and presentations
- Sample tenant survey
- Research and resources on air movement in buildings, ventilation, secondhand smoke, and legal issues
- Model smoke-free lease addendum to incorporate into your current lease
- Policy implementation kit that includes:
  - Listing on Live Smoke Free’s online directory of smoke-free apartment buildings
  - Sample announcement letters to send to tenants
  - Signs and window clings for buildings and grounds
  - Giveaway items to remind tenants of the policy
  - Strategies for advertising your smoke-free building



Nearly 45% of Twin Cities renters are “extremely” or “very” interested in living in a building with an entirely smoke-free property.<sup>1</sup>

# Healthier Buildings

## 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 4,000 chemicals.<sup>3</sup> Of these chemicals, at least 250 are known toxins, and more than 50 are cancer-causing chemicals.<sup>4</sup> The 2006 Surgeon General’s Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, concluded that there is no risk-free level of exposure to secondhand smoke, and that the only way to protect people from the dangers of secondhand smoke is to eliminate the smoke exposure.<sup>4</sup>

## Secondhand Smoke is a Health Hazard

Exposure to secondhand smoke is responsible for at least 3,000 lung cancer deaths and at least 46,000 coronary heart disease deaths each year.<sup>5</sup> Thousands more people suffer from diseases caused or made worse by secondhand smoke such as emphysema, asthma, pneumonia, and chronic bronchitis. Secondhand smoke also causes ear infections, sore throats, watery eyes, and coughing. In 2003, 66,000 Minnesotans of all ages were treated for conditions that were caused by secondhand smoke exposure.<sup>6</sup>

### Some of the Chemicals in Secondhand Smoke<sup>4</sup> (and other products they are found in)

Chemical	Other Product
Formaldehyde	Embalming fluid
Benzene	Gasoline
Polonium-210	Spark plugs
Vinyl Chloride	Metal pipes
Carbon Monoxide	Car exhaust
Ammonia	Household cleaners

Chemical	Other Product
Arsenic	Pesticides
Chromium	Steel
Lead	Old paint
Cadmium	Batteries
Butane	Lighter fluid
Toluene	Paint thinners

## Renters are Exposed to Secondhand Smoke<sup>1</sup>

Over 30% of Twin Cities renters say that secondhand smoke gets into their apartment from somewhere else in the building at least a few times a month. Of those experiencing secondhand smoke in their apartment, over 30% have considered moving because of the problem.



# Indoor Air Quality

## Air Flow Between Units is Significant<sup>7</sup>

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.

## Secondhand Smoke Cannot be Controlled by Ventilation and Air Purifiers<sup>8</sup>

In 2008, 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.”

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.”

## Eliminating Smoking is the Only Way to Protect People from the Dangers of Secondhand Smoke<sup>4</sup>

*The Health Consequences of Involuntary Exposure to Tobacco Smoke* report by the U.S. Surgeon General concludes that eliminating smoking indoors is the only way to fully protect people from the dangers of secondhand smoke. In fact, the report states that ventilation systems can actually distribute secondhand smoke throughout a building. Conventional air cleaning systems may be able to remove large particles from the air, but they cannot remove the smaller particles and gases found in secondhand smoke.

Secondhand smoke cannot be completely controlled by ventilation or air purifiers. A smoke-free policy is the only way to eliminate secondhand smoke exposure and protect the health of your tenants.

# Happy Tenants, Happy Owners

Smoke-free buildings are a unique amenity for landlords to offer their residents.



“The response from our tenants was overwhelmingly positive. We received several thank you notes and phone calls, some from smokers.” — Dan Lagen, Property Manager, Mint Properties, Minneapolis, MN (The company went smoke free in all 42 of their buildings)<sup>9</sup>

## The Vast Majority of Minnesotans Don't Smoke

In Minnesota, 84% of adults are nonsmokers,<sup>10</sup> and 69% of rental households in multi-family buildings in the Twin Cities have nonsmoking residents.<sup>1</sup>

Nearly 80% of U.S. households do not allow smoking anywhere and at any time in the home.<sup>11</sup> However, even though most households prohibit smoking, residents in multi-family buildings cannot control the secondhand smoke caused by their neighbors. Smoke-free policies ensure that residents are protected from secondhand smoke, but only about 4% of apartment properties in the Twin Cities have at least one smoke-free building.<sup>2</sup>

## Twin Cities Tenants Prefer Smoke-Free Housing<sup>1</sup>

According to a 2009 survey, 53% of Twin Cities renters are “extremely” or “very” interested in living in a smoke-free building. Over 75% of renters would be “somewhat” or “very likely” to choose a smoke-free building over a building that allows smoking, all other things being equal. Over 22% of renters would pay more in rent to live in a smoke-free building. Many renters would also be willing to make sacrifices such as driving farther to work or walking farther to a bus line to live in a smoke-free building.

### The Market Gap for Smoke-Free Housing<sup>2</sup>



Total Apartment Buildings in the Twin Cities



= 1,100 buildings

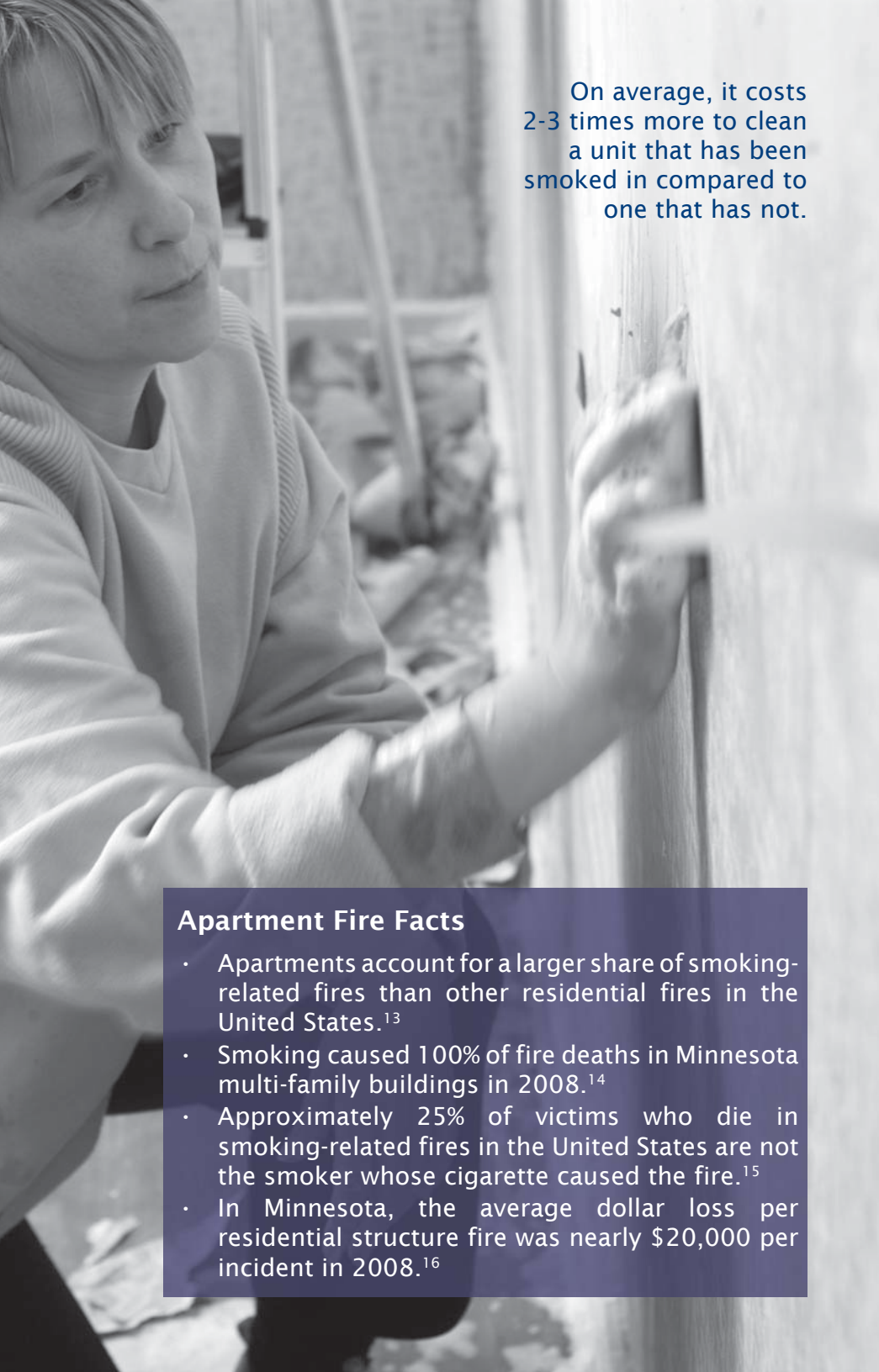
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Smoke-Free Apartment Buildings in the Twin Cities

The demand for smoke-free housing greatly outnumbers the amount of smoke-free housing available.

## Minnesota Owners Have Had Positive Experiences<sup>12</sup>

When building owners first consider adopting a smoke-free policy, many are concerned about enforcement and legal issues. In a 2001 survey, many owners of smoke-free buildings saw a decrease or no effect in turnover, vacancy rates, and staff time to manage the building. The actual **experience** of owners with smoke-free buildings has been much more positive than the **perceptions** of those without smoke-free buildings.



On average, it costs 2-3 times more to clean a unit that has been smoked in compared to one that has not.

### Apartment Fire Facts

- Apartments account for a larger share of smoking-related fires than other residential fires in the United States.<sup>13</sup>
- Smoking caused 100% of fire deaths in Minnesota multi-family buildings in 2008.<sup>14</sup>
- Approximately 25% of victims who die in smoking-related fires in the United States are not the smoker whose cigarette caused the fire.<sup>15</sup>
- In Minnesota, the average dollar loss per residential structure fire was nearly \$20,000 per incident in 2008.<sup>16</sup>

# Protect Your Investment

## Cleaning and Renovation Costs are Lower

Smoking can cause extensive damage to apartment units. The smoke can leave sticky particles, residue, and stains on walls, curtains, cabinets, blinds, appliances, and fixtures. Dropped cigarettes and ashes can leave burn damage on tiles, carpets, curtains, countertops, and bathtubs. Smoke odors can remain in carpets, curtains, and walls for a very long time. Residue, burns, and odors create more turnover time, and 2-3 times higher cleaning costs for building owners and managers.

Many residents may decide not to rent an apartment if it has been smoked in. A smoky smell and residue is very difficult for a resident to eliminate on his or her own. Rather than risk feeling ill and having their clothing and furniture absorb the smoke smell, they may decide to look for somewhere else to live.

## Less Risk of Fire Damage

Cigarette-caused fires often result when a smoker—who may also be impaired by drugs or alcohol, or may have fallen asleep—drops or improperly disposes of a lit cigarette. A dropped cigarette can lie in furniture or bed linens and smolder for up to 30-45 minutes, eventually causing a fire or large amounts of smoke.<sup>17</sup>

Cigarettes and other smoking materials are the leading cause of residential fire deaths in Minnesota and the United States.<sup>16, 13</sup> Smoke-free policies in apartments reduce the risk of cigarette-related fires, damages, injuries, and deaths by eliminating lighted smoking materials from the interior of the building.

## Insurance Savings

It's possible to see some savings in your building's insurance costs by going smoke free. Management of a building in Bloomington, Minnesota, that went smoke free in 2007, expects to see a reduction in their building insurance costs. In addition, the building management encourages residents to tell their insurance agent that the building they live in is smoke free. Residents are already seeing a reduction in their renters' insurance premiums.<sup>18</sup>

# Smoke-Free Policies are Legal

## “What Does Minnesota Law Say Concerning Smoking in Rental Apartment Buildings?”

There is no state statute that prohibits smoking in individual apartment units. There is also no state law that prohibits landlords from making an entire apartment building smoke free, meaning they can do so if they wish.

The Minnesota Clean Indoor Air Act (MCIAA) prohibits smoking in all common areas of apartment buildings with three or more rented living units, including hallways, laundry rooms, underground garages, rental and maintenance offices, building entryways, exercise rooms, indoor swimming pool areas, and party rooms.<sup>19</sup> For more information about the MCIAA, contact the Minnesota Department of Health.

## “What are the Legal Liabilities if My Building is not Smoke Free?”

Tenants could bring legal actions against a landlord for a breach of the warranty of habitability or the covenant of quiet enjoyment, trespass, or nuisance, resulting in rent abatement or judicial termination of leases. While legal cases are rare, there is a growing likelihood of suits if the landlord knows the dangers of secondhand smoke and does not act to reduce exposure.<sup>20</sup>

Tenants with disabilities made worse by being exposed to their neighbors' secondhand smoke may seek legal action under the Americans with Disabilities Act, the Federal Fair Housing Act, or the Minnesota Human Rights Act requiring a reasonable accommodation in their housing. Possible accommodations could include developing or enforcing a smoke-free policy.<sup>20</sup>

Tenants' Rights

## Policy Enforcement Tips

- Though smoke-free policies are largely self-enforcing, let your residents know that there are consequences for violating the policy.
- If you do not enforce a smoke-free policy, you will not have smoke-free units or happy tenants.
- The smoke-free policy should be enforced as would any other lease provision.
- Contact Live Smoke Free if you have questions about enforcing your smoke-free policy.

## “Is it Discriminatory to Designate an Entire Building or Apartment Complex as Smoke Free?”

No. Smoking is not a protected activity or right. An individual's status as a smoker is not a protected category or recognized disability.<sup>21</sup> A smart decision is to implement a policy based on the activity of smoking and not an individual's status as a smoker. Write the policy so that a person who smokes can continue to live in the building, but he or she must refrain from smoking in the building or other areas that are included in the policy.

# Adopting a Policy

## “When is an Appropriate Time to Adopt a Policy?”

### **Are you planning for new construction?**

A smoke-free policy is easily adopted during construction and can help maintain the building's new, clean condition. Simply have all new tenants sign a smoke-free lease addendum with the primary lease agreement.

### **Are you renovating your building or purchasing an older building?**

A smoke-free policy can help protect all of the labor and money you put into new carpet, paint, or fixtures. The “quit date” method may work best in order to ensure that your renovations are kept as clean as possible.

### **Are you adopting a policy with no changes to your building's construction?**

Many owners adopt a smoke-free policy without renovating or doing major changes to the building. Either the “phase in” method or the “quit date” method could work for your building.

## “What Areas of My Property Can be Covered?”

### **Individual units**

Covering all residential units ensures that smoke cannot drift from one unit to another unit in the building.

### **Outdoor areas**

You can choose to allow smoking in all outdoor areas, only allow smoking in designated outdoor areas, or prohibit smoking in all outdoor areas. Keep in mind that outdoor smoking areas should be a considerable distance away from entrances, windows, patios, balconies, and ventilation intakes to prevent fires from starting in those areas and prevent smoke from drifting into the building. Limiting or prohibiting smoking outdoors can also reduce tobacco litter on your property.

### **Common areas**

According to the Minnesota Clean Indoor Air Act, all common areas in apartment buildings with three or more rented living units must be smoke free.<sup>19</sup> For a list of some common areas that must be smoke free, read the “Smoke-Free Policies are Legal” page.

## “How Long Does it take to Convert My Building to Smoke Free?”

**“Phase-in” method:** Begin having new tenants who move into the building sign a smoke-free lease addendum or policy immediately. Announce the policy change to current tenants and have them sign a smoke-free lease addendum or policy at the time of their lease renewal.

**“Quit-date” method:** Decide what date you would like the building to go smoke free. Give your tenants notice of the policy change and tell them that they must sign a smoke-free lease addendum before the policy change.

**Reasonable notice:** You will want to notify your tenants about the policy change in a reasonable period of time. Depending on your building's situation, reasonable notice could be 30-60 days.



## “Why do I Need a Policy?”

Written policies help managers enforce the smoke-free regulation. It allows all residents and staff to have the same understanding about what is expected. If a policy is written into a lease addendum, building handbook, or house rules and is signed by all tenants, building managers will have an easier time dealing with a violation.



# Adopting a Policy

## “How do I Adopt a Smoke-Free Policy?”

1. Inform your tenants that you are thinking of adopting a smoke-free policy. Send out a survey or hold tenant meetings. Explain why you want to go smoke free and get their feedback on the process. Live Smoke Free has a sample tenant survey and is available to come to your building to give a presentation on the benefits of smoke-free housing.
2. Decide if the “phase-in” method or the “quit-date” method will work best for your building. 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. Live Smoke Free has a tenant notification letter that you can modify to send to your tenants.
3. Renew existing leases and initiate all new leases with a smoke-free lease addendum or policy. Live Smoke Free has a sample lease addendum and policy language available for your use.
4. Post signs on your property to remind everyone of the new policy. Free signs and window clings are available from Live Smoke Free.
5. Advertise that you have a smoke-free building! List it for free on Live Smoke Free’s online directory of smoke-free housing.

## “What if I Have a HUD or Publicly-Funded Building?”

According to the U.S. Department of Housing and Urban Development (HUD), owners of federally subsidized housing have the right to prohibit or otherwise restrict smoking. In 2007, the Chief Counsel at Minneapolis Field Office of HUD confirmed that HUD does not have a policy restricting landlords from adopting smoke-free policies and does not have a policy addressing the grandfathering of tenants.<sup>22</sup> And on July 17, 2009, HUD issued a notice that “strongly encourages” all public housing authorities to adopt smoke-free policies for their buildings.<sup>23</sup>

The requirements for implementing a smoke-free policy in subsidized housing vary depending on the type of subsidy or assistance the property receives. For example, some properties can include the smoke-free language in the lease; others should implement the policy using house rules. The process to enforce a smoke-free policy can also vary by type of property. For more information on smoke-free subsidized housing, visit [www.mnsmokefreehousing.org](http://www.mnsmokefreehousing.org).

# Resources

## Smoke-Free Multi-Housing Programs — Minnesota

- **Twin Cities Metro Area:** Live Smoke Free: [www.mnsmokefreehousing.org](http://www.mnsmokefreehousing.org)
- **Central Minnesota:** Smoke Free Communities: [www.smokefreecentralmn.org](http://www.smokefreecentralmn.org)
- **Northeast Minnesota:** American Lung Association of Minnesota's Smoke-Free Multi-Housing Program: [www.alamn.org/smokefreehousing](http://www.alamn.org/smokefreehousing)

## Smoke-Free Multi-Housing Programs — National

- There are numerous smoke-free multi-housing programs in the United States and around the world. For information on programs in other states or countries, please visit the Resources section of our web site: [www.mnsmokefreehousing.org/landlords/links.html](http://www.mnsmokefreehousing.org/landlords/links.html)

## Minnesota Multi-Housing Associations

- **Minnesota Multi-Housing Association:** [www.mmha.com](http://www.mmha.com)
- **National Association for Housing and Redevelopment Officials** Minnesota Chapter: [www.mnnahro.org](http://www.mnnahro.org)

## Minnesota Health Organizations

- **American Cancer Society:** [www.cancer.org](http://www.cancer.org)
- **American Heart Association:** [www.americanheart.org](http://www.americanheart.org)
- **American Lung Association of Minnesota:** [www.alamn.org](http://www.alamn.org)
- **Association for Nonsmokers—Minnesota:** [www.ansrmn.org](http://www.ansrmn.org)
- **ClearWay Minnesota<sup>SM</sup>:** [www.clearwaymn.org](http://www.clearwaymn.org)
- **Minnesota Department of Health Indoor Air Unit:** (for help complying with the Minnesota Clean Indoor Air Act) 1-800-798-9050 or [www.health.state.mn.us/divs/eh/indoorair/mciaa](http://www.health.state.mn.us/divs/eh/indoorair/mciaa)
- **Minnesota Department of Health Tobacco Prevention and Control:** [www.health.state.mn.us/divs/hpcd/tpc](http://www.health.state.mn.us/divs/hpcd/tpc)
- **Public Health Law Center:** [www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)

## Tobacco Cessation Services

- **QUITPLAN<sup>®</sup> Services:** [www.quitplan.com](http://www.quitplan.com) or 1-888-354-PLAN

# References

1. Wilder Research. "Perceptions of Secondhand Tobacco Smoke Among Minnesota Metro Renters." 2009. [www.wilder.org/download.0.html?report=2273](http://www.wilder.org/download.0.html?report=2273)
2. Hawthorne Group, Inc. "MultiFacts." [www.multifacts.com](http://www.multifacts.com) and Live Smoke Free [www.mnsmokefreehousing.org](http://www.mnsmokefreehousing.org). Accessed 26 April 2010.
3. National Toxicology Program. 11th Report on Carcinogens. 2005. [ntp.niehs.nih.gov/go/roc](http://ntp.niehs.nih.gov/go/roc)
4. U.S. Department of Health and Human Services. "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)
5. California Environmental Protection Agency. "Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant." 2005. [www.arb.ca.gov/toxics/id/summary/summary.htm](http://www.arb.ca.gov/toxics/id/summary/summary.htm)
6. BlueCross BlueShield of Minnesota. "Health Care Costs and Secondhand Smoke: The Bottom Line." 2007.
7. Center for Energy and Environment. "Reduction of Environmental Tobacco Smoke Transfer in Minnesota Multifamily Buildings Using Air Sealing and Ventilation Treatments." 2004. [www.mncee.org/research/index.php](http://www.mncee.org/research/index.php)
8. American Society of Heating, Refrigerating & Air-Conditioning Engineers. "Environmental Tobacco Smoke: Position Document." 2008. [www.ashrae.org/aboutus](http://www.ashrae.org/aboutus)
9. Private Interview by Live Smoke Free with Mint Properties. April 2010.
10. Minnesota Adult Tobacco Survey. 2007. [www.mnadulttobaccosurvey.org](http://www.mnadulttobaccosurvey.org)
11. Centers for Disease Control and Prevention. "Adult Tobacco Survey — 19 States, 2003-2007." Surveillance Summaries, 16 April 2010. MMWR 2010;59(No. SS-3). [www.cdc.gov/mmwr/](http://www.cdc.gov/mmwr/)
12. Center for Energy and Environment. "Survey of Multifamily Building Owners and Managers in Minnesota Regarding Movement of Secondhand Smoke in Buildings and Designation of Smoke-Free Buildings." 2001. [www.mncee.org/research/index.php](http://www.mncee.org/research/index.php)
13. U.S. Fire Administration. "Residential Smoking Fires and Causalities." Topical Fire Research Series, Vol. 5, Issue 5. 2005. [www.usfa.dhs.gov/statistics/reports/index.shtm](http://www.usfa.dhs.gov/statistics/reports/index.shtm)
14. Minnesota Fire Marshal. "Fire Fatalities." 2008. [www.fire.state.mn.us/FireInvest/FireFatalityDetail08.html](http://www.fire.state.mn.us/FireInvest/FireFatalityDetail08.html)
15. National Fire Protection Association. "The Smoking-Material Fire Problem." 2006. [www.nfpa.org](http://www.nfpa.org)
16. Minnesota Fire Marshal. "Fire in Minnesota." 2008. [www.fire.state.mn.us/firefirs.html](http://www.fire.state.mn.us/firefirs.html)
17. Hillel, Alpert R. "Regulating Cigarettes for Fire Safety." Produced by the Tobacco Control Legal Consortium. 2007 [www.tclconline.org/resourcesTCLC.html](http://www.tclconline.org/resourcesTCLC.html)
18. Private interview by Live Smoke Free with apartment building staff. 24 May 2007.
19. Minn. Stat. § 144.411-144.417. [www.leg.state.mn.us/leg/statutes.asp](http://www.leg.state.mn.us/leg/statutes.asp)
20. Schoenmarklin, Susan. "Infiltration of Secondhand Smoke into Condominiums, Apartments, and Other Multi-Unit Dwellings." Produced by the Tobacco Control Legal Consortium. 2009. [www.tclconline.org/resourcesTCLC.html](http://www.tclconline.org/resourcesTCLC.html)
21. Graff, Samantha K. "There is No Constitutional Right to Smoke." Produced by the Tobacco Control Legal Consortium. 2008. [www.tclconline.org/resourcesTCLC.html](http://www.tclconline.org/resourcesTCLC.html)
22. Gronewold, Stephen J. Letter on smoke-free policies. From U.S. Department of Housing and Urban Development Minneapolis Field Office. 2007.
23. U.S. Department of Housing and Urban Development Office of Public and Indian Housing Office of Healthy Homes and Lead Hazard Control. Notice: PIH-2009-21 (HA). "Non-Smoking Policies in Public Housing" 17 July 2009.

# Ready to go Smoke Free?

Log on to our web site to learn more about the benefits of smoke-free multi-housing and the steps you can take to create a smoke-free environment in your building.

[www.mnsmokefreehousing.org](http://www.mnsmokefreehousing.org)



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