

ADOPTING A SMOKE-FREE POLICY

WHEN IS A GOOD TIME TO ADOPT A SMOKE-FREE POLICY?

Are you planning new construction?

A smoke-free policy can easily be adopted during construction. It can help keep new buildings clean and reduce maintenance costs. Advertise the building's smoke-free status and have all new residents sign a smoke-free lease addendum with the primary lease agreement.

Are you renovating your building?

Owners may opt for the “quit-date” method (see below) to ensure the smoke-free policy is in full effect by the time the renovations are complete; this will keep the property as clean as possible and will reduce the need for further renovations.

Are you adopting a policy with no changes to your building?

Many owners adopt a smoke-free policy without making any changes to the current building. Depending on resident feedback, owners should implement the smoke-free policy using the “phase-in” or “quit-date” method, outlined below. Owners may also seek voluntary agreement of the policy before the lease expires. If both parties agree, the lease may be amended prior to lease renewal.

Did you know that HUD supports smoke-free housing?

HUD issued a notice in 2012 that “strongly encourages Public Housing Authorities to implement non-smoking policies in some or all of their public housing units.”

HOW LONG DOES IT TAKE TO CONVERT A BUILDING INTO A SMOKE-FREE PROPERTY?

“Phase-in” method

The conversion time for this method varies; it will depend on the length of leases for the property and it will also depend on the length of time between starting implementation and the most recent lease signed by each resident. As a reminder to residents, you should post signs and send newsletters, emails, and other communication materials leading up to the policy effective date.

The two most common types of leases are month-to-month and annual, both require lease expiration and renewal for amendments to be made. If your property uses month-to-month leases, the policy may be changed with a 30-day notice. If using annual leases, the policy may take up to a year to be changed, unless a voluntary agreement is reached (see above).

“Quit-date” method

Decide what date you would like the smoke-free policy to go into effect. Give your residents reasonable notice (30–60 days) of the policy change and notify your residents that they must sign a smoke-free lease addendum before the policy change.

No federal, state, or local law prohibits an owner, management agency or housing authority from adopting a no-smoking policy for an entire property, including all apartment units and outdoor spaces.

SMOKE-FREE LEASE ADDENDUM (SAMPLE)

Addendum to Lease

Smoke-Free Policy

Smoking is not allowed in all areas of this property, both private and common, whether indoors or outdoors. The decision to adopt a smoke-free policy is in response to increased risks to public health and property damage.

[Optional – the use of electronic nicotine delivery devices is also prohibited in _____.]

The policy applies to all residents, owners, guests, and service persons.

Smoking: The term “smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, or other product containing tobacco or any other substance.

[Optional – Electronic Nicotine Delivery Device: The term “Electronic Nicotine Delivery Device” means any electronic device that provides a vapor of liquid nicotine and/or other substances to the user as she or he simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes, e-hookah, vape pens, or under any product name.]

Designated smoking areas [optional but not recommended]:

Resident Acknowledgement

I hereby acknowledge the above smoking policy as part of the lease (or month-to-month) agreement. I agree that I will not smoke on the property. I will be responsible for enforcing this policy with all of my visitors, guests, and relatives who visit the premises. I understand [Management Company/Property Name] will take action should I violate the conditions of this policy.

RESIDENT NAME

UNIT

SIGNATURE

DATE