

IMPLEMENTING A SMOKE-FREE POLICY

HELPFUL TIPS TO CONSIDER WHEN IMPLEMENTING A SMOKE-FREE POLICY

Educate Your Staff.

Inform staff that the property is adopting a smoke-free policy. Communicate that this policy will apply to all staff, residents, and visitors. Provide reasoning behind the new policy, how they will be affected, penalties for violating the new policy, and resources to help residents and staff quit tobacco use (e.g., Maryland Tobacco Quitline: 1-800-QUIT-NOW).

Ask for Residents' Input.

Inform residents that the property is thinking about adopting a smoke-free policy and would like resident input on the matter. Send out a survey and/or hold resident meetings. Explain reasons to go smoke-free and get feedback on the process.

Design the Policy.

Decide what the policy will include. The policy can apply to individual units, balconies and patios, entrances and exits, outdoor common areas, or the entire property. **A policy that includes the entire property is easiest to enforce and will have the greatest impact on maintenance, litter, repair costs, and the health of residents and staff.**

Clearly define the policy in leases and lease addendums (for existing residents). The policy should specify that it applies to all residents, guests, employees and other visitors to the property.

Communicate the Policy.

Distribute the new policy, in writing, to residents. The written notice should inform residents of the following:

- Areas where smoking will be prohibited (and permitted, if applicable)
- Effective date of the policy
- Enforcement procedures (i.e., written warning, violation, fine, eviction, etc.)
- Reasons for the policy
- Free resources to quit tobacco use (e.g., Maryland Tobacco Quitline: 1-800-QUIT-NOW)

WHAT TO INCLUDE IN YOUR POLICY:

- List of the places where smoking will be prohibited and permitted
- To whom the policy applies (residents, guests, staff, service persons, etc.)
- Who is responsible for enforcing the rule
- Penalty for violations
- Effective date of the policy
- Definition of smoking/tobacco use

Implement the Policy.

Implementation of the smoke-free policy will depend on the type of leases in your building.

“Phase-in” method: New residents should sign a smoke-free lease addendum with the primary lease agreement. Current residents should sign a smoke-free lease addendum at the time of their lease renewal. If all parties agree to the new lease terms, a lease may be amended before the expiration.

“Quit-date” method: Decide what date you would like the smoke-free policy to go into effect. Give your residents reasonable notice of the policy change and notify your residents that they must sign a smoke-free lease addendum before the policy change.

HOUSING TYPE	HOW TO IMPLEMENT A SMOKE-FREE POLICY
Market Rate	A smoke-free policy is just like any other term of the rental agreement—it is written into the lease or lease addendum.
Public Housing Authorities (PHAs)	HUD encourages all PHAs to go smoke-free, if a PHA chooses to implement a smoke-free policy they must comply with all HUD requirements. The PHA should update their plans, including the statement of operation and management and the rules and standards that will apply to the policy. PHAs should also revise lease agreements to include the smoke-free policy and ensure consistent application among all properties and buildings in their housing inventory in which smoke-free policies are being implemented.
Project-based Voucher Housing	Owners must revise House Rules to include a smoke-free policy and address where smoking is prohibited. If a 100% smoke-free policy is not implemented, a designated smoking area must be established. For residents who have completed their initial lease term, owners must provide a copy of the revised House Rules at least 30 days before they become effective. For residents in their initial lease term, a 60 day notice must be given before changing House Rules.
Housing Choice Voucher Program	Leases are usually governed by state and local law. If a resident agrees to a change in the lease, it must be in writing. If a resident does not agree to a change in the lease, owners must wait until the lease expires to add a smoke-free addendum and submit it to the local public housing authority.
Rural Development	Owners need to get approval from the Rural Development program before implementing changes to the Occupancy Rules, which must be in writing 30 days before they go into effect.

REFERENCES

<http://portal.hud.gov/hudportal/documents/huddoc?id=12-22hsgn.pdf>

<http://portal.hud.gov/hudportal/documents/huddoc?id=pdfowners.pdf>

Change Lab Solutions: http://changelabsolutions.org/sites/default/files/SFMUH_Guidebook_FINAL_20140417.pdf

RESIDENT SURVEY (SAMPLE)

[DATE]

Dear Residents of [building/complex/community]:

To ensure that all our residents have access to clean, healthy air, [Name of Property] is considering adopting a smoke-free policy including individual units.

We need your input! Please answer the questions below. This questionnaire is anonymous and will in no way effect your ability to live at [building/complex/community].

Please return responses to the office (or provide other means of response) by [DATE] so your feedback can be considered.

Thank you in advance.

Please circle 'yes' or 'no' and add your comments at the bottom.

Are you a smoker?	YES	NO	
If yes, do you smoke in your unit?	YES	NO	
If yes, do you smoke outside--on your porch, balcony, or anywhere on the property?	YES	NO	
Do you allow guests or others to smoke in your unit?	YES	NO	
Can you smell tobacco smoke from other units in your apartment?	YES	NO	
Can you smell tobacco smoke in the hallway/common areas?	YES	NO	
Are you in favor of a smoke-free policy for this <u>building</u> ? <i>Note: A smoke-free policy permits smokers to live in the building. It prohibits the <u>act</u> of smoking in the building.</i>	YES	NO	MAYBE
Are you in favor of a 100% smoke-free policy for this <u>property</u> ? <i>Note: A 100% smoke-free property is one where smoking is not allowed anywhere on the grounds, both indoors and out.</i>	YES	NO	MAYBE
Do you have any questions or concerns about a smoke-free policy? If yes, please fill in below.	YES	NO	

Other Comments:

RESIDENT NOTIFICATION LETTER (SAMPLE)

Dear Resident:

[Property name] has decided to adopt a smoke-free policy to provide a healthier and safer environment for all residents. A smoke-free policy for all units will be phased in as leases are renewed.

Secondhand smoke is a serious health hazard. Smoking is the leading cause of preventable death in the United States, causing almost 480,000 deaths per year. Secondhand smoke is most dangerous to children and has been linked to Sudden Infant Death Syndrome (SIDS), pneumonia, bronchitis and middle ear infections.

Because tobacco smoke travels from unit to unit, secondhand smoke affects all residents. It can seep through outlets in walls and spread through cooling and heating systems. The only effective method to stop the spread of secondhand smoke is through the adoption of a no-smoking policy.

Smoking will not be allowed in individual units as leases come up for renewal. All leases from this point forward will include a smoke-free addendum.

Please consider this letter as notice about the changes that will take place upon your next lease renewal. The intention of the new policy is to ensure everyone has access to clean, tobacco-free indoor air.

Please sign this letter and return to our office within one week, no later than [DATE]. If you have any questions or concerns, please contact us.

Regards,

Name

Property Manager/Owner

I understand and agree to abide by the policies in this letter.

RESIDENT NAME

UNIT

SIGNATURE

DATE

Should you or a loved one decide to quit tobacco use, FREE resources are available at www.smokingstopshere.com or 1-800-QUIT-NOW.

The information and materials contained in this guidebook are for informational purposes only and are not offered or intended to be and should not be construed to be legal advice nor to be a substitute for obtaining legal advice from a licensed attorney.