U.S. Department of Housing and Urban Development
Office of Lead Hazard Control and Healthy Homes

# CHANGE IS IN THE AIR

## An Action Guide for Establishing Smoke-Free Public Housing and Multifamily Properties

October 2014

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An Action Guide for Establishing Smoke-Free Public Housing and Multifamily Properties

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# Action Plan for Smoke-Free Housing

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# Part I

## HUD Supports Smoke-Free Housing

Springfield Garden Apartments in Springfield, VA are privately owned units that rent some or all of its units at a moderate cost. These units are designated as smoke-free.

### Introduction

**Our Homes**. We believe that what we do in our homes is no one else's business, and that is usually true. At times though, our actions negatively affect others, including our neighbors. Sometimes the nuisance is minor: loud music or strong cooking odors. At other times the offense is major: secondhand smoke.

Secondhand smoke may linger for hours and is dangerous to anyone who breathes it in. **There is no safe amount of secondhand smoke.**

It contains hundreds of toxic chemicals, approximately 70 of which can cause cancer.[1] Even breathing secondhand smoke for a short amount of time can be hazardous to your health.

Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more frequent and severe asthma attacks.[2]

Adults who breathe in secondhand smoke experience immediate adverse effects on their cardiovascular systems, which can trigger heart attacks. Secondhand smoke exposure also increases the risk of heart disease and lung cancer. Pregnant women exposed to secondhand smoke are more likely to have babies who have a higher risk for serious health problems.[3,4]

**Smoke-Free Policies.** If enacted, a smoke-free housing policy would prohibit anyone from smoking in individual units and indoor common areas. Policies may also apply to outdoor common areas and areas within 25 feet of windows or doors.

**HUD Supports Policies.** The U.S. Department of Housing and Urban Development (HUD) has encouraged the adoption of smoke-free policies for the past several years. In 2009 and 2012, HUD's Office of Public and Indian Housing issued Notices PIH 2009-21 and PIH 2012-25 stating HUD "strongly encourages Public Housing Authorities (PHAs) to implement non-smoking policies in some or all of their public housing units." In September 2010, HUD's Office of Housing issued a Notice for owners/agents of federally subsidized private housing encouraging the adoption of smoke-free policies in some or all of their properties. In 2012, HUD sent a smoke-free housing toolkit with background information and sample planning documents for implementation to directors of approximately 2,200 PHAs.

A major reason that HUD is committed to encouraging public housing authorities (PHAs) and property owners/agents of subsidized or market rate multifamily housing to implement smoke-free policies, is that the movement of secondhand smoke between units cannot be controlled in multifamily buildings.* Research has shown that ventilation and other air filtration technologies cannot eliminate the health risks caused by secondhand smoke exposure.[2]

HUD also supports smoke-free policies because they reduce property maintenance costs and the risk of fires.[5,6]

One quarter of U.S. residents — approximately 79 million people — live in multifamily properties. This includes one-family houses attached to one or more other houses and buildings with two to 50 or more apartments. *Even though the majority of people do not allow smoking in their homes, 36 percent regularly are exposed to secondhand smoke.*[7]

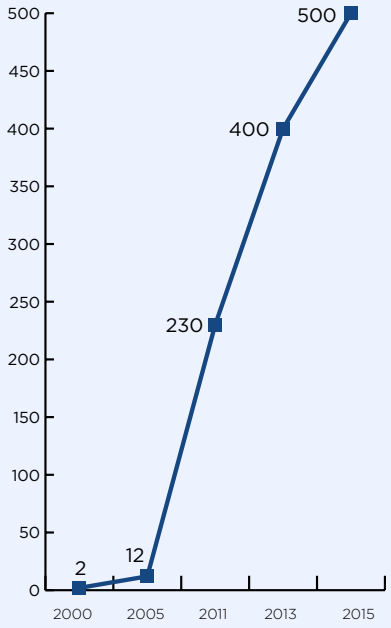
In the past 15 years, more than 500 PHAs throughout the nation have adopted and implemented smoke-free policies. The rate of adoption of smoke-free policies accelerated quickly, following the publication of an official Notice by HUD that strongly encouraged PHAs to adopt smoke-free policies.[8] Also, a growing number of nationwide property management firms are going smoke-free across all properties.

*HUD's Office of Indian Housing and Office of Housing define multifamily housing as a building with five or more apartments; however, users of this Guide should be aware that secondhand smoke can travel between adjacent apartments with a common wall and/or floor, regardless of the number of units in the building (e.g., duplexes, townhouses).

**Trending Towards 100% Smoke-Free**

Across the country, there has been a sizable increase in the number of 100% smoke-free properties in the past five years. More and more PHAs and owners/agents are moving toward making their new developments "green-living, smoke-free properties" as one property manager reported.

**Public Housing Authorities with a Smoke-Free Policy**



**Smoke-free policies have a ripple effect.** While smoke-free housing policies generally focus on mitigating the harmful effects of tobacco smoke on nonsmokers, there is evidence that policies also help smokers quit smoking. *One study of low-income residents in multifamily housing shows that the quit rate was 14.7 percent after the implementation of a smoke-free policy, compared to a common quit rate of about 2.6 percent.*[9]

Research shows that public housing residents have poorer health than the general population, with higher rates of asthma, hypertension, diabetes, obesity, high cholesterol, and depression.[10] In general, high-poverty neighborhoods, where public housing is typically located, have been associated with higher rates of cardiovascular disease and all-cause mortality. Public housing often functions as a safety net; thus, both smoke-free housing, along with wraparound health-related services, may provide opportunities to prevent or manage a variety of chronic diseases that are more prevalent among public housing residents.

Smoke-free housing policies can be implemented at the discretion of PHAs and owners/agents. By strongly encouraging voluntary adoption, HUD acknowledges that in order for the policy to be effective, it is important to get buy-in from a range of stakeholders within an organization and the community. This guide provides the steps and recommended best practices to follow for implementing a smoke-free policy. HUD encourages PHAs and owners/agents of subsidized or market rate multifamily housing to use this guide to take action.

This Partnership Property Management location in Raleigh, NC went smoke-free in 2014.

One study of low-income residents in multifamily housing shows that the quit rate was 14.7 percent after the implementation of a smoke-free policy, compared to a common quit rate of 2.6 percent.

## Who Is This Guide for?

Smoke-free housing is an instrumental part of a nationwide Healthy Homes movement to reduce housing-based health hazards. HUD, along with its federal agency partners, recently released a federal action plan to coordinate the actions of federal agencies to remedy unsafe housing conditions and to address the acute shortage of affordable, decent, and safe dwellings for low-income families.[12] Advancing Healthy Housing: A Strategy for Action. U.S. Department of Housing and Urban Development. Acknowledging that there are common misconceptions about implementation, as well as real challenges, HUD is taking further action with this guide to educate PHAs and owners/agents regarding the benefits of smoke-free policies and best practices for policy adoption and implementation.

Information in this guide will best serve property owners and managers of different types of multifamily apartment buildings, including:

**Public Housing:** Housing that is owned by a city, county or regional public housing agency (which may also be called a public housing authority, housing authority, or housing commission, etc.). If a public housing agency receives federal public housing funds from HUD, it must adhere to HUD's operating regulations and standards for housing quality.

**Project-Based Section 8 Housing:** Privately-owned multifamily housing for which the owner receives federal funds from HUD to subsidize part of the rent for qualified residents.

**Market Rate Apartments:** Housing that is rented or owned by people who pay market rent (the rent rate without a subsidy) to lease the housing, or who paid market value (the sales price without a subsidy) when they purchased the housing (such as a unit in a condominium or cooperative). While there is no subsidy or housing assistance provided by HUD for market rate housing, mortgages on these properties may be HUD-insured.

Cigarette butts continue to be the most commonly littered item in the U.S. and around the world today.

## What's the Purpose of This Guide?

The purpose of this Action Guide is to encourage PHAs and owners/agents of subsidized or market rate multifamily housing to adopt smoke-free policies. The guide also includes insights from some of the early implementers, referred to as smoke-free pioneers. These insights address common questions and concerns PHAs and owners/agents have about smoke-free policies.

You can help HUD continue its smoke-free housing initiative by providing details of your experience implementing a smoke-free policy and offering feedback on this Action Guide. Please send your comments to Smokefreehousing@hud.gov.

# Part II

## Five Leading Reasons to Adopt a Smoke-Free Policy

If you are not sure that the benefits outweigh the risks, this part of the guide may convince you to take steps toward adopting a smoke-free policy. Each section provides a distinct reason for adopting a policy that assures your residents and staff have a healthier and safer environment, reduces costs, and adheres to all legal requirements. Common questions of housing providers who are considering a smoke-free policy are addressed, such as:

- **How will this policy protect the health and safety of residents and staff?**
- **Can implementation of this policy result in cost savings?**
- **Can secondhand smoke be controlled between units?**
- **Do residents actually prefer smoke-free housing?**
- **Are smoke-free policies legal?**

Review Part II when you need a summary of the major rationale for adopting a smoke-free policy.

# 1. Protect the Health and Safety of Residents and Staff

Secondhand smoke poses serious health threats to children and adults. The damaging effects of secondhand smoke are well-documented, and since the early 1990's, have given rise to smoke-free ordinances that are now common throughout the U.S. for public areas, workplaces, restaurants, and bars.

As of September 2014, over 500 PHAs have smoke-free policies in over 30 states. This is a dramatic increase; only two PHAs had smoke-free policies prior to 2001.[8]

Secondhand smoke is a known human and animal carcinogen. Secondhand smoke contains many poisons and cancer-causing chemicals, including: nicotine, carbon monoxide, ammonia, formaldehyde, hydrogen cyanide, nitrogen oxides, phenol, and sulfur dioxide. In 1992, the U.S. Environmental Protection Agency classified secondhand smoke as a Class A known carcinogen. As such, secondhand smoke poses health concerns for all individuals, but particularly children, pregnant women, and people with chronic illnesses, such as heart disease and asthma.

Pets and service animals can also suffer severe health consequences from exposure to secondhand smoke. For some people, gaining awareness about the benefits of smoke-free policies on pets' health serves as a motivating factor to support smoke-free policies.

In 2006, the U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke. Secondhand smoke causes heart disease, cancer, chronic obstructive pulmonary disease, and other lung diseases. It triggers asthma attacks, and it exacerbates all heart, lung, and respiratory conditions. Living with a smoker increases the chances of developing lung cancer by 20-30 percent, even in people who have never smoked.[1] There is strong evidence to support an association between secondhand smoke exposure in children and adverse health effects such as respiratory illnesses, ear infections, hospitalizations, and sudden infant death syndrome.[3] The Surgeon General concluded that the only way to keep children and adults safe from secondhand smoke is to ban all smoking indoors.

**Children Are Vulnerable to Secondhand Smoke Exposure**
Young children spend most of their time inside. Because smoking rates are highest among low-income individuals, children living in subsidized housing are routinely exposed to high concentrations of secondhand smoke. One study of over 5,000 children found that even in households that do not allow smoking, children living in apartments had a 140 percent higher cotinine level than children living in detached homes. Cotinine is a biological marker for exposure to tobacco smoke.[13]

**Staff are at risk for exposure to secondhand smoke as part of their workday.**
Whenever a manager or maintenance worker has to enter a building, she or he is at risk of exposure to smoke. The movement of smoke between units cannot be controlled, and no level of exposure to tobacco smoke is safe.

**Smoking is the leading cause of fire deaths.**
Smoking in the home is the leading cause of residential fire deaths and injuries. Almost 1,000 people die every year in smoking-related fires, half are residents in multiunit housing, and a third of them are children. Thousands more are injured by fires that were caused by smoking.[14]

"Smoking-related fire damage claims are usually $50,000 or more, but they reach upwards of $100,000. Owners and agents with smoke-free policies should promote this as a request for discretionary credits. Discretionary credits are for good clients who take care of their properties and have fewer claims — and to an insurer, a smoke-free policy is an indicator of this."

*- Ken Stewart, Capital Insurance Group, Monterey, CA*

## 2. Cost Savings

Smoking in units can lead to serious damage to your property. Moderate to excessive smoking damages most surfaces and fixtures in the home. The U.S. Fire Administration reports that smoking-related fires result in 326 million dollars of property damage every year.[15]

**Maintenance Cost Savings**

Turning over a smoking unit can cost two to seven times more than turning over a smoke-free unit.

The cost of cleaning and renovating a smoking unit adds up quickly, and smaller properties generally pay more per unit than larger properties when repairing smoking damage. Implementing smoke-free policies across the country in subsidized housing would save approximately $521 million per year, including $341 million in second-hand smoke-related healthcare expenditures, $108 million in renovation expenses, and $72 million in smoking-attributable fire losses, according to a recent study from the Centers for Disease Control and Prevention.[16] For public housing, the study estimates annual savings of about $154 million per year.

"We were all about creating these wonderful policies for our in-house staff on how you work with mold and how you work with asbestos and lead paint. The American Lung Association said secondhand smoke is very similar to asbestos; and you're putting all of this energy into protecting your staff from asbestos and mold, yet you are not willing to do that for your residents and staff around this. When we heard that, it was kind of eye-opening."

*- Rodger Moore, Home Forward, Portland, Oregon*

## The Monetary Impact

Cost to Rehabilitate a Unit Where Smoking is Prohibited vs. a Unit Where Smoking is Allowed

| | Non-Smoking | Light Smoking | Heavy Smoking |
|---|---|---|---|
| General Cleaning | $270 | $500 | $720 |
| Paint | $170 | $225 | $480 |
| Flooring | $50 | $950 | $1,425 |
| Appliances | $60 | $75 | $490 |
| Bathroom | $40 | $60 | $400 |
| TOTAL | $560 | $1,810 | $3,515 |

*Data reflects surveys from housing authorities and subsidized housing facilities in New England. Collected and reported by Smoke-Free Housing New England, 2009*

*Source: Breathe Easy Coalition of Maine*

The combination of nicotine and tar in cigarette smoke causes a build-up of yellow and brown stains on walls and ceilings. Particles of the chemicals often become embedded in the sheetrock making stains impossible to remove. These harmful chemicals also leave behind a burnt smell that can endure along with the stains. *Photo credit:* New Hanover County Health Department

**Insurance Cost Savings**

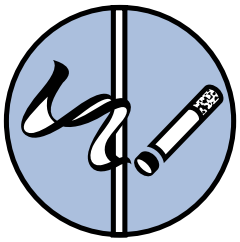
Having a smoke-free policy is an opportunity to advocate for reduced insurance costs. The best way to pursue this is to promote your property for discretionary credits, which are optional monetary benefits offered by an insurer. These are typically provided to clients who file fewer claims. After implementing a smoke-free policy, contact your insurer and inquire about discretionary credits. Since smoke-free housing reduces the risk of fire, fire damage claims are less likely. Also, implementing a smoke-free policy demonstrates to your insurer that you are actively minimizing the risk of damage to your building. Although most insurance companies do not yet offer a specific credit for smoke-free policies, they are more likely to reward proactive clients with lower premiums.

**Reduced Legal Liability**
Smoke-free policies can help to avoid lawsuits. Residents can file lawsuits over secondhand smoke. Claims may be based on legal precedents for nuisance, warranty of habitability, or the covenant of quiet enjoyment. Landlords, management companies, condominium associations, co-op owners, and smokers may all be found liable in such cases. Residents with pre-existing conditions, such as asthma or other respiratory illnesses, can file claims under disability laws, such as the Fair Housing Act.

Residents are not the only ones who can file a lawsuit over secondhand-smoke exposure. Staff and maintenance workers who are exposed to secondhand smoke may sue as well. Managers, staff, maintenance workers, or other employees who must enter the building over the course of a normal workday are at risk of exposure to smoke in the units and common areas. Most states have smoke-free workplace laws. Allowing smoking in common areas in buildings located in states or municipalities with smoke-free workplace laws can be illegal.

A 2009 study found that even with air filtration systems in place, low-income multifamily housing that allows smoking indoors cannot control the spread of tobacco smoke. The study found that air in 94 percent of units was contaminated, including 89 percent of non-smoking units.[18]

## 3. Movement of Secondhand Smoke Between Units Cannot Be Controlled



**The only sure way to prevent exposure to secondhand smoke in multifamily housing is to enforce a smoke-free policy.**

The international standard-setting body for indoor air quality, The Board of Directors for the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), unanimously agreed that ventilation and other air filtration technologies cannot eliminate all the health risks caused by secondhand smoke exposure.[17]

- Multifamily buildings share air ducts or vents, which means a lit cigarette in one unit can easily transmit tobacco smoke into another unit. Even in modern buildings designed to minimize air transfer between units, there is no way to guarantee that smoke will not be blown from unit to unit through open windows. Movement of smoke between units and evidence of improved air quality in buildings with smoke-free policies was identified in a recent study conducted in public housing.[12]

**Allowing smoking in affordable housing means exposing an already vulnerable population to smoke.**
Rates of chronic disease, such as cardiovascular disease, obesity, diabetes, and asthma, are higher in adults who live in public housing.[19] Lower-income Americans are more likely than their higher-income counterparts to have been diagnosed with a major chronic health condition. These differences contribute to disparities in life expectancy between the lower half of the income spectrum and the upper half. Reducing risk factors, like smoking and exposure to secondhand smoke, has the potential for considerable health benefits for residents in affordable housing.

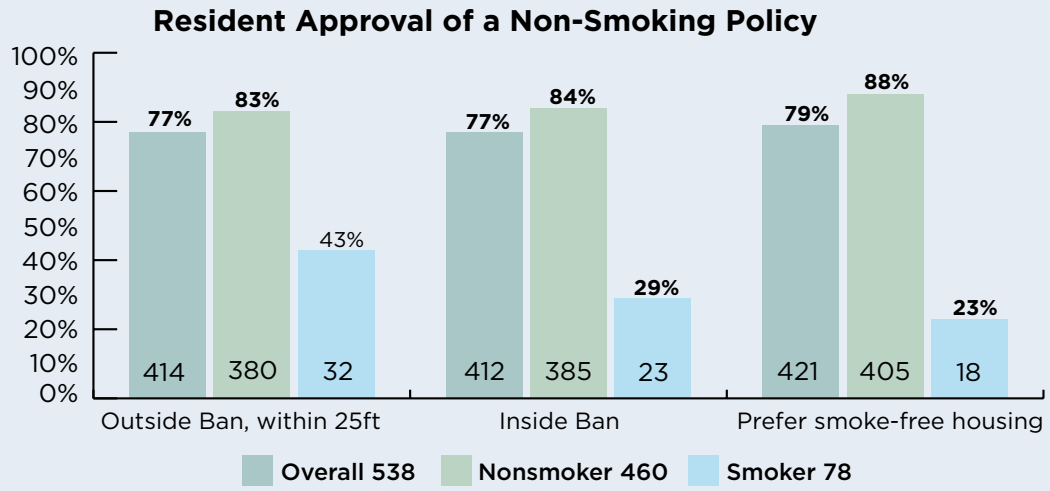
Infants and children are susceptible to secondhand smoke exposure. Children spend more time in the home than adults and have little or no control over their environment. In 2014, 37% of public housing residents were children.[20] Low-income and minority children are more likely to have asthma, which can be triggered by secondhand smoke, and they suffer worse health outcomes from it. Black children are twice as likely to be hospitalized and are four times as likely to die from asthma as white children.[21]

The elderly and disabled are especially vulnerable due to chronic health conditions and an inability to physically escape secondhand smoke. Smoke-free policies help provide housing stability for residents with respiratory conditions, such as asthma or chronic obstructive pulmonary disease (COPD), or who breathe with assistance from a home oxygen respirator.

"When residents in Providence, Rhode Island, were surveyed, the results surprised even those on the resident council who were not passionate about smoke-free housing to begin with. I did vote against the smoke-free policy at first because I didn't think it had support. But I was very surprised to see 95 percent of people in the building approved it. So I brought it back to the board. That's when I changed my decision in favor of the policy."

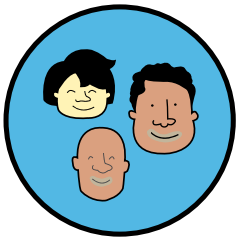
*- Resident, Providence Housing Authority, Rhode Island*

## Cambridge Housing Authority, Massachusetts Healthy Air Initiative: Survey Results, January 2013




**What do CHA residents think about non-smoking policies?**
Overall, 77% of surveyed CHA residents approve of inside and outside smoking bans, and nearly 80% of surveyed residents would prefer to live in smoke-free housing. When responses were examined by looking at the responses of surveyed smokers and surveyed nonsmokers separately, it became clear non-smoking respondents would overwhelmingly prefer to live in smoke-free housing — nearly 90%. Interestingly, 23% of smokers would prefer to live in smoke-free housing, and 29% would support a smoking ban indoors.

# 4. Residents Prefer Smoke-Free Housing



About one-quarter of all Americans live in multiunit housing, and the majority (80%), including people who smoke, have smoke-free home rules.[22] Families are particularly concerned about the effects of secondhand smoke.

Surveys across the country show that residents in multifamily housing prefer smoke-free housing.

- Cambridge Housing Authority in Massachusetts surveyed its residents and found that 77 percent approve of inside and outside smoking bans. Seventy-nine percent of residents surveyed would prefer to live in smoke-free housing. Even among smokers, 29 percent supported an indoor smoking ban.

- A survey in Columbus, Ohio, showed that more than 50 percent of residents in subsidized multifamily housing supported complete smoking bans indoors.[23]

"We thought this smoke-free policy would be a very positive thing. We were just a little bit concerned about what kind of reaction we would get. But as we began to have meetings and discussions about this, we learned that a majority of people would prefer to have a smoke-free environment."

*- Rick Ball, Housing and Redevelopment Authority of Duluth, Minnesota*

- A statewide survey in Oregon showed that more than 70 percent of renters in that state prefer smoke-free housing.[24]

- A survey in Douglas County, Nebraska, found more than 70 percent of renters would choose smoke-free housing over housing that allowed smoking indoors.[25]

Most surveys find that over 50 percent of residents in multifamily housing in any given building or city prefer indoor smoking bans.

*Photo credit:* Boston Housing Authority

## 5. Smoke-Free Policies Are Legal

Smoke-free policies are legal, do not unlawfully discriminate against residents who smoke, and do not violate residents' privacy rights. As of the date of this publication, no organization that has implemented smoke-free housing has faced a legal challenge.

Smokers are not a protected class and do not have any special legal status. Smoking is a public health issue, and smoke-free policies are not discriminatory because they do not prohibit anyone from renting a unit. They merely set rules as to what activities are permitted on the property.

PHAs and owners/agents of subsidized and market rate multifamily housing properties are encouraged to identify whether a property has a smoke-free policy in the property's description and on its waiting list application. With this information available, a prospective resident can choose to be added to a waiting list for a property with the smoking policy status that they want. At the same time, a resident's status as a smoker or non-smoker is irrelevant. An individual's smoking status cannot be used to determine eligibility for applying for, or residing in, public or assisted multifamily housing. Current and prospective residents need to know they are allowed to smoke, just not in the areas that have been designated non-smoking, as determined by the property's smoke free policy. Note: PHAs and multifamily property owners must not maintain separate smoking/non-smoking waiting lists.

# Part III

## Real Stories, Real Success: Smoke-Free Policies in Action

This section offers true stories from public housing authorities (PHAs) and agents/owners who share "how" and "why" they implemented a smoke-free policy. You will be able to identify with these pioneers from all over the country as they explain the benefits, challenges, sources of support and other lessons learned from first-hand experience. Some of the questions they respond to include:

- **What motivated you to implement a smoke-free policy?**
- **Were your current staff and resources sufficient to take on this program?**
- **How did the smoke-free policy affect occupancy rates and turnover?**
- **What did you do about residents who were addicted to nicotine?**
- **Have you seen any cost savings?**
- **How do you enforce the smoke-free policy?**

You will appreciate their candid comments, perceptive insights, and practical suggestions for implementation.

# Q&As with Nine Smoke-Free Policy Pioneers

Transitioning from thinking about doing something to actually doing it, often involves overcoming obstacles. Considering a smoke-free policy and actually adopting one is no different. Every PHA and owner/manager goes through a similar process: exploring and overcoming concerns; building buy-in from staff and residents; developing a plan; and moving forward. For those who have not adopted a smoke-free policy, these steps can feel daunting. Often there is a belief that something must be different about the properties that were able to go smoke-free, such as residents who advocated for it, targeted funding to implement it, or management compelled to impose it. The experience of implementers, however, demonstrates that implementing a smoke-free policy is something every PHA or owner/manager can do.

The following nine profiles of PHAs and owners/agents of project-based Section 8 and market rate properties are derived from interviews conducted with smoke-free pioneers, early adopters of smoke-free housing policies. They have remained committed to the intent of their policies, and each reported that the policies are still effective. They all followed a similar pathway to adoption, implementation, and enforcement of a smoke-free policy.

*The comments from people that appear in this guide represent their own opinions and recommendations, and do not represent official HUD policy. As you read their profiles, find the stories with which you most identify.*

## Gail Livingston
## Deputy Administrator for Housing Programs, Boston Housing Authority
Boston, Massachusetts
Smoke-free since 2012

The Boston Housing Authority (BHA) houses approximately 10 percent of the city's residents through the affordable housing programs it administers, including Section 8. The BHA consists of a mix of low-, medium-, and high-rise buildings and townhouses.

Boston was the first large city in Massachusetts, and the largest in the nation, to ban smoking in public housing, beginning in September 2012.

**What motivated Boston Housing Authority to implement a smoke-free policy?**
Over the last several years, we began to receive a large number of requests for reasonable accommodations from people who had respiratory problems; people wanting to be in an area where they would not be around cigarette smoke. Without a non-smoking policy, there was no way to manage that problem or guarantee that type of housing.

**Small housing authorities are concerned they do not have the staff and resources to take this on. Is it as time consuming as people fear?**
It is just a question of deciding what is important to do. You can adjust the amount of time it takes you on a day-to-day basis by figuring out what your implementation schedule is and how much time you are going to spend on this.

**Has the smoke-free policy affected your occupancy?**
Vacancy was not an issue for us when we implemented the smoke-free policy. Our federal portfolio is at 98.5 percent occupancy.

**How do you enforce the policy?**
We have a five-step process. The first thing we do when we get a complaint, is to have the manager go to the unit, give the resident a copy of the policy, and notify the resident that management has received a complaint about smoking. We also provide the resident with a reminder of the smoke-free policy. If there is a second complaint, the manager has a second conversation with the resident and reports the actual complaint. A third complaint results in the resident receiving a written notice of violation and we hold a private conference with that resident. Either the person agrees to comply or not. Then we talk with the legal department to determine what additional enforcement actions can be taken including bringing the case to court. To date, we have not had to do this.

We say this is smoke-free housing, not smoker-free housing. Residents can go outside to smoke. For residents with mobility issues, we have made reasonable accommodations where we transferred them to a unit that is closer to an elevator or door to facilitate their ability to go outside to smoke.

**Is enforcement working well enough to have the policy?**
Working with residents is crucial. We have facilitated smoking cessation programs and have given people opportunities to quit smoking through a variety of different avenues. Some of our residents are very good about giving us information regarding people who smoke in their units. This is helpful because we cannot be in every building every day. *The great thing is that if someone is bothered by smoke, now we can do something. Encourage residents to take responsibility to report the smoke but not be confrontational with other residents who do smoke.*

**Is it important to have someone in management who champions the smoke-free policy?**
It is so crucial that there be a real commitment at a high level within the housing authority. In addition to (then) Mayor Menino making a public statement that the housing authority was going smoke-free, Bill McGonagle, the administrator of the housing authority, was 100 percent behind it. He just said, "We are doing this; we are moving forward."

All of the work that we've done over the past decade with the public health commission and other partners gave us a group of people to support and work with us. That was crucial, because having partners and other agencies working with us provides political and technical support, which is very important.

## Scott Alderman
## President, Landura Management Associates
Winston-Salem, North Carolina
Smoke-free since 2010

**Describe Landura Management Associates' portfolio.**
We currently conduct business in Virginia, North Carolina, South Carolina, Tennessee, and Kentucky. We also have two properties in Washington State. We manage over 4,500 units of affordable housing properties. Our properties include: one-story senior housing, all predominately under one roof, and family communities in different multilevel buildings. All of our properties are rural, and 85 percent of them are owned by Landura. The rest are fee-managed.

**What motivated Landura's decision to go 100 percent smoke-free across the portfolio?**
In September of 2009, HUD issued a letter to owners and agents saying that they were in support of smoke-free housing. It could not have come at a better time because in January of 2010, we had two very large smoking-related apartment fires within a 10-day period that cost us well over $1 million. Both incidents involved smoking and oxygen tanks in the unit. Therefore, for us to try to protect assets, residents, owners, and lenders, we decided we had to do something. Because the recent smoke-free housing letter had come out, we thought we should be able to implement it without much roadblock.

Many properties are going smoke-free for the health benefit of residents. I am doing it for the benefit of the properties and safety.

**How did you convince your staff to support the policy?**
To get everybody on board, it had to start with me and go all the way down. It was not difficult to get my regional staff on board because they all work out of our home office. When we had those big fires, they saw up close how devastating it was. With a 40-unit elderly property and 10 units destroyed, the other 30 units had to move out too because the safety system in the building was compromised by the fire.

Rural southeastern U.S. is known to be big tobacco country, yet Landura Management effectively drew a line when it came to smoking inside its properties, implementing a smoke-free policy years before the idea took hold among other property owners/agents around the country.

Landura specializes in the management of apartment communities; primarily affordable housing sponsored by Rural Development of U.S. Department of Agriculture, the U.S. Department of Housing and Urban Development, and various state housing finance agencies.

*Photo credit*: Tobacco Prevention and Control Branch in Raleigh. NC

**How did you roll out the policy?**
We sent letters to the residents that said, "Here's what is going to happen, here are the revisions to the lease, here is a copy of the lease addendum, here are frequently asked questions and smoking cessation information, and here are the warnings that you will get." We received very little pushback.

**How do you enforce the policy?**
We enforce it just like any other lease rule or regulation. We don't use undercover tactics or have folks spying on everybody. We have found that residents will report other residents if they see them smoking. We go in all of our units at least monthly to change A/C filters and check for pests, which provides a regular inspection system for evidence of smoking. If we go into a unit and we can smell it or see it, it gets reported. If they violate the policy, we give residents terminations and warnings just like we do for any other lease violation.

"They have to know that you are serious about it, which is key."

*- Scott Alderman, President, Landura Management Associates*

When we find smoking, we issue a written warning that says the resident must immediately stop smoking in the unit. If it continues, we give another. The third time, we go to court. We've had two eviction cases since we started this in 2010: one in North Carolina and one in Virginia. We won both. The magistrates are looking at it as lease violations. There have only been two evictions because when we give terminations for violating the smoking policy, most of our residents are saying, "OK, I will start abiding by it," or they leave and go to another property that allows it.

**What kinds of savings have you seen?**
Our operating costs have dropped a lot. We have had some of our bigger properties drop $5,000 to $6,000 per year. It is phenomenal. We are saving around $100 per unit, per year in turnover costs. I know it may not sound like a lot, but if you run on shoestring budgets that is a lot of money.

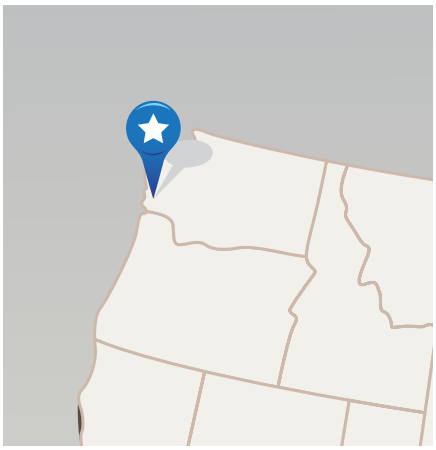
**What's been the impact on occupancy and turnover?**
That seems to be the biggest concern I hear from other property managers by far. I can tell you that last month we had a 2 to 3 percent vacancy rate across the properties. If residents leave because of the policy, it is not hurting vacancy because we are able to lease the units again. We also use our smoke-free policy as a marketing tool: prospective residents can come and live in a unit that has been smoke-free for two years now.

Someone I know at a large management company that conducts business in the same towns, said to me, "When you implemented this, I was just waiting with open arms to welcome everybody that ran from your property." Then he said it never happened. Now two to three years later, they are doing the same thing we did, implementing smoke-free policies.

"People are getting used to smoke-free living. There are various kinds of smoking policies everywhere. You have to go through a paradigm shift on what is acceptable and what isn't before everything becomes normalized. People finally got on board and understood the policy."

*- Scott Alderman, President, Landura Management Associates*

**Bill Cook**
**Director of Property Management,**
**King County Housing Authority**
Tukwila, Washington
Smoke-free since 2012



King County Housing Authority owns and manages almost 3,300 units of subsidized housing for families, the elderly, and those with disabilities. All of the senior housing is mid-or high-rise buildings. More than 4,500 units of other rental housing are financed through tax credits or tax-exempt bonds.

King County wanted to ensure their properties support the health and safety of staff and residents. Their policy offers a compassionate, supportive approach to assisting residents with compliance, which they learned from Home Forward, the housing authority in Portland, Oregon.

**What motivated King County Housing Authority to implement a smoke-free policy?**
The argument we made as leadership was that this is the best thing, health-wise, for our residents, and maybe more importantly, for our employees. Front-line field staff, whether they are maintenance or managers doing inspections, are in units far more than anyone else, except for the residents who live there. Exposing our employees to secondhand smoke as part of their work environment is not acceptable. We had employees who've worked at the housing authority for 20 plus years and did not really realize how much smoke they were encountering in their day-to-day work until we implemented the policy.

**How did the smoke-free policy effort evolve?**
In 2006, we started an internal workgroup to look at converting either some or all of our housing to non-smoking. The group was comprised of property management staff, resident services staff, representatives from our repair and weatherization department, and representatives from our Section 8 department. The workgroup met for about a year to create a plan for implementing a smoke-free policy. From those meetings we decided to pilot the policy at three properties, see how it went, and then consider expanding. The transitions at the pilot properties went well. A year and a half later, we expanded to about another 13 properties. Then about two-and-a-half years after that, we decided to convert all of our properties.

**How does your policy handle people who are struggling to quit smoking or to comply with the rule?**
The reality is that none of us want to see an 83-year old woman lose her housing because she can't physically get outside on a regular basis to smoke. That is when we inserted into our process an interactive last step before we got to an eviction. Our resident services department tries to work with the resident on quitting, or to help them get themselves outside regularly to smoke. For us this is a fail-safe mechanism, so that we would not get to enforcement and have to go to court, unless somebody was just absolutely refusing to follow the smoke-free policy.

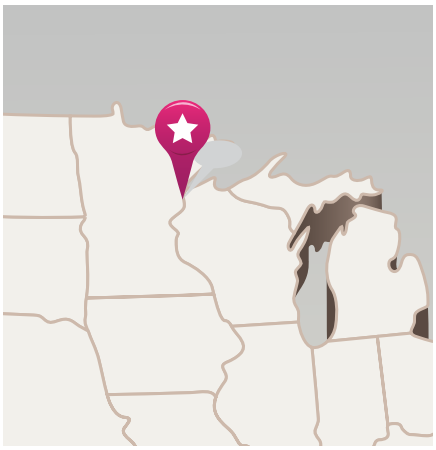
**How is the policy enforced?**
We put enforcement of non-smoking near the top of our list of things that we want our site staff to be proactive about. At the first complaint, the site manager visits that unit and speaks with the resident who is being complained about to find out what is going on and see if there is evidence. Then, we send a follow-up letter thanking them for meeting with the site manager and reminding them of the policy. If we receive a second complaint, we have a formal meeting between that resident and the property manager to talk about the complaint. At that point the person is issued a 10-day notice, which is a legal notice from us. If we get a third complaint, we send another 10-day notice. If that 10-day notice is violated within those 10 days, a 30-day notice is sent to the resident. This is basically an eviction notice. We have never had to get to that point.

**What did your local health department do to support the smoke-free policy?**
The King County Department of Health has been a really good partner. They came to all of our resident meetings, provided cessation materials, and answered questions. Our resident services department is excellent and can definitely forward cessation information and materials to a resident, but when you have the Department of Health or a similar group involved, it really takes it to another level.

"Before we implemented it, internally we asked if we were prepared to evict somebody over violating a smoke-free policy. It took some time to find an answer we were comfortable with."

*- Bill Cook, Director of Property Management, King County Housing Authority*

**Rick Ball, Executive Director and**
**Diane Martin, Property Manager**
**Housing and Redevelopment Authority of Duluth**
Duluth, Minnesota
Smoke-free since 2011



The Housing and Redevelopment Authority of Duluth is smoke-free in all five of its high rise buildings, which mainly house seniors and individuals with special needs.

Winters in Duluth, Minnesota are long and cold. People keep windows closed for a large percentage of the year, reducing ventilation. A smoke-free policy can be more important and beneficial in this type of climate. Their success with the policy demonstrates the importance oflooking past climate as a barrier, and it points to the value of partnering with an organization like the American Lung Association that can assist with implementation.

**What motivated the Housing and Redevelopment Authority of Duluth to implement a smoke-free policy?**
We experienced a death in one of our high-rise units: a person who had been smoking in his room fell asleep while smoking. The cigarette caught fire, and before the sprinkler system put out the fire, the person died from smoke inhalation. We began talking with folks at the American Lung Association who encourage smoke-free housing. We see it as a health issue and also a finance issue because of the expense smoking incurs.

Initially, we were concerned about the kind of reaction our residents would have. However, in the resident meetings, we learned that a majority of people would prefer to have a smoke-free environment and were actually bothered by secondhand smoke.

**As one of the staff who was initially resistant to the idea, what got you on board?**
There was a fire in our building caused by cigarettes. Seeing the damage was more than enough to convince me that smoking in the buildings needed to stop.

In the beginning, I was concerned about the ability to monitor it: how we would track violations, what it would take to evict someone if there were violations, and ultimately how we would track where the smoke was coming from. I was adamant that the policy was going to take too much effort, and we were going to be spending our whole lives to get people to stop smoking. It was not actually like that at all.

*Photo credit:* American Lung Association in Florida

**Has the smoke-free policy been worth it?**
If I had to do it over again, I would. It was worth it. The buildings are better off without smoking. In the beginning, the policy did take a lot of time and resources, but things have settled down. There have been a lot of maintenance savings, as it takes less time to turn a unit because it is not cigarette-damaged with burns in carpets or nicotine-stained walls. It really did not cost that much to implement. Your staff already has to do their inspections, so they might as well check for evidence of smoking while they are on site. *You may pay up front; but in the long run, you are going to be saving money and saving lives, which is the bigger picture.*

"I was concerned about the ability to monitor it, how we would track violations, what it would take to evict someone if there were violations, and ultimately how we would track where the smoke was coming from. I was adamant that the policy was going to take too much effort, and we were going to be spending our whole lives to get people to stop smoking. It was not actually like that at all."

*- Rick Ball, Executive Director, Housing and Redevelopment Authority of Duluth*

**Scott Wilkerson**
**Principal and Chief Operating Officer**
**Ginkgo Residential**
Charlotte, North Carolina
Smoke-free since 2007

**What motivated Ginkgo Residential to implement a smoke-free policy?**
The primary trigger was that we had about $4 million in damages from fires caused by the improper disposal of cigarettes. We had discussed smoke-free housing for several years, but no one was actually implementing any policies then. Our investors were very skeptical. We selected two properties to pilot the policy in areas that were progressive on anti-smoking. This went so well that we expanded.

**How did Ginkgo inform residents when you converted properties, and how do you communicate it to prospective residents?**
We put out a simple survey. There were an overwhelming number of residents who wanted smoke-free housing. When we announced the results, we notified residents about the policy implementation timeframe. We advertise it in our brochures, newsletters, and in any information we hand out to prospective residents. We also have signs and large maps on our properties saying we are a smoke-free community and showing the locations of the smoking stations. We provide designated smoking stations, which include a nice wood bench with permanently mounted ashtrays that are accessible and well-lit.

**How long does the implementation process take to convert a property to smoke-free?**
For us, it takes about 18 months because we grandfather in smokers on existing leases. When a resident's lease is up for renewal, they either sign the lease addendum or they move out.

Ginkgo Residential focuses on middle-market rental housing with a mix of two- and three-story apartment buildings and townhouses. Since 2007, Ginkgo has converted 10,000 units in North Carolina, South Carolina, Virginia, Florida, and Texas to smoke-free housing.

Gingko Residential has a clear vision of responsible property investing, which they define as a focus on people, planet, and profit. Years ago, they stepped ahead of their industry and embraced water-efficient fixtures, ENERGY STAR appliances, efficient lighting, and low VOC paint and carpeting. A smoke-free policy was a natural extension of these principles, but it was counter-cultural for the South.

**How is the policy enforced?**
The policy is mainly self-enforcing, because the residents like the policy and do not smoke in the buildings. All residents have a responsibility to notify the management if someone is smoking in the building. When someone calls us to complain about a neighbor smoking, we call that resident to remind him or her of the policy. If the resident admits that someone was smoking in a unit, we will give an official verbal warning. A second or third offense results in a written warning. A fourth offense is a $250 fine paid to the American Lung Association [Editor's Note: a fine can be imposed in market rate housing but not in public or federally assisted multifamily housing. A public or subsidized multifamily housing resident can be charged for property damage or cleaning due to smoke damage at the end of their tenancy.] We have only had a few of these instances so far; most people never get to this point. *We have not taken anyone to court over the policy.* In every continuing violation case we have had, once we send an eviction notice letter, the tenant moves out.

**Has the smoke-free policy affected your occupancy rate?**
If anything, we have seen an increase in our occupancy rate. We believe there are many more people who want to rent from us specifically because our properties are smoke-free. This includes smokers who do not smoke in their units and do not want anybody smoking in their building.

**What was the greatest challenge about implementing a smoke-free policy?**
Getting the buy-in from all the people involved: the owners, investors, and staff members. You have to convince them that this is the right thing to do. As a company, we were afraid of a smoke-free policy and debated implementing one for years. We were afraid we were going to lose our customer base and many people would move out. But our customers want smoke-free housing. We see survey results where 75 percent of residents prefer smoke-free housing and 50 percent would pay more for it.

"We have not taken anyone to court over the policy. In every continuing violation case we have had, once we send an eviction notice letter, the tenant moves out."

*- Scott Wilkerson, Principal and Chief Operating Officer, Ginkgo Residential*

**Carmen Moore-Minor**
**Community Resources Manager**
**Metropolitan Development and Housing Agency**
Nashville, Tennessee
Smoke-free since 2011

The Nashville Metropolitan Development and Housing Agency has a total of 20 properties with a mix of public housing, including elderly and family properties. All seven high-rise buildings are smoke-free.

Nashville MDHA embraced a wrap-around service approach to its policy implementation, for which MDHA found health partners to provide a range of support services to their residents, many of whom are elderly.

**Why did the Metropolitan Development and Housing Agency of Nashville decide to implement a smoke-free policy?**
In 2010, our former Executive Director, Phil Ryan, had the idea to initiate a non-smoking policy in our high rises and to provide nonsmoking classes. The initial plan was to have a test property and then implement it at all seven high-rises, but we ended up fast-forwarding the initiative.

**How did you engage your residents in the decision to implement a smoke-free policy?**
We held a focus group and conducted surveys to gauge how people felt about the policy, whether they were open to trying to quit, and what services we could provide them. We learned that many residents, including people who smoked, did not want their apartments to smell of smoke and were already smoking outside. Many residents who have family that visit their apartments were already aware of the health effects of secondhand smoke and did not smoke in their apartments.

**Describe the services Nashville Metropolitan Development and Housing Agency offered to support residents.**
We felt it was our responsibility to support health and cessation services so that people would grow to embrace the whole notion of non-smoking, even if they had smoked for the last 60 years. Many of the residents had smoked most of their lives, ever since they were teenagers. Try telling an 80-year-old woman that she should stop smoking when she started at the age of 14 or 15! This is why we approached this issue with social services at the forefront.

*Photo credit:* If you choose to reproduce, or modify this photo, we request that you please contact Live Smoke Free.

We launched a non-smoking service fair at our initial test property, where people could sign up for cessation classes, which started shortly thereafter. Those classes went on for a year and a half before the start date of the policy. We used a behavioral modification model for the classes, which was designed by one of our social workers to help people manage or eliminate unhealthy behaviors. We wanted to be able to provide smoking cessation classes, and they were general enough that we could tell people, "OK, you don't smoke, but is there anything else you want to work on?" Even though the underlying theme of that class was smoking cessation, we wanted to help as many people as possible.

**Describe the partners you engaged for this effort.**
We had partnerships ranging from the health department, to local clinics and mental health providers. We had home health care providers for folks who were not able to go to a clinic. We also partnered with organizations that provided students to help teach some of the classes. Leveraging partnerships was instrumental in making this happen.

**Faye Dodd**
**Executive Director**
Murray Housing Authority Murray, Kentucky
Smoke-free since 2009

Murray Housing Authority is composed of 206 units that are either duplex or stand alone, with a mix of elderly and family housing.

At the Murray HA, a single staff person, Faye Dodd, proposed and implemented the policy. Ms. Dodd is notable in her Southern tobacco-farm region for her vision of seeing a way to reduce secondhand smoke exposure among residents and accommodate smokers' interests.

**How did you become the first housing authority in Kentucky to go smoke-free?**
We had a situation with an elderly resident who was asthmatic or allergic to smoke and lived next door to a smoker. Fair Housing became involved because they wanted her to live next door to a nonsmoker. Of course, we did not screen for that or know who smoked and who didn't. So that kind of sparked the thought that air quality issues can impact your neighbors and that there could be some accommodation issues.

I was first introduced to the idea of smoke-free housing at the 2008 National Association of Housing and Redevelopment Officials (NAHRO) conference. I brought the idea to my board and explained how much money could be saved on turn-around. I have a very supportive board, but it is such a huge change, as we are in the heart of tobacco country. There was concern about what the backlash would be.

Then in the spring of 2009, we had a resident who fell asleep with a cigarette and burned a duplex. The fire swayed us to realize this is about more than air quality; smoking is truly a health and safety hazard. We adopted the policy and it became effective on September 1, 2009.

**Were existing residents allowed to continue to smoke indoors?**
We grandfathered in current residents until their leases renewed. We chose to grandfather those people so that they could make the decision to leave when their lease renewed. We did not have a mass exodus. Everyone stayed.

**Is smoking allowed on the property?**
Units have attached porches out front where residents can smoke. They have to pick up their cigarette butts. We've probably had two complaints that I can think of. Someone said that when they have windows open, that someone's smoke on the porch blows into the apartment.

**How did residents react when you announced the policy?**
No one had an issue with it, and I was surprised. I actually think people were thankful that now there wouldn't be smoking in the apartment next door, and their kids would not have to breathe it. It was actually the opposite of what most people would have thought would happen.

We have had several residents say they appreciate it and that they think it's great because they are not breathing smoke from next door.

**Have you seen any cost savings?**
Yes! We estimate that we are saving $700 for turning over a three-bedroom unit. We are saving money on paint because less is needed and on labor because less time is needed to turn over a unit.

"We estimate that we are saving $700 for turning over a three-bedroom unit. We are saving money on paint because less is needed and on labor because less time is needed to turn over a unit."

*- Faye Dodd, Executive Director, Murray Housing Authority*

**Larry Sisson, President**
**John Bower, Regional Manager**
**TESCO Properties**
Section 8 Housing across the United States
Smoke-free since 2014

TESCO Properties, based in Germantown, TN, owns and manages approximately 6,000 units in 11 states. All properties in New York, which are high-rises, are 100 percent smoke-free as of January 2014; TESCO plans to convert all of their properties to smoke-free by 2016.

**What motivated you to implement a smoke-free policy?**
We had three motivators: first, we care about the health of our residents; second, we want our housing to be competitive; and third, we want to reduce our insurance rates.

I noticed that brand new, grade-A properties were being built as smoke-free. The smoke-free trend is what future renters are seeing, and I want our properties to be competitive. We also believe that removing smoking reduces our risk of insurance losses, and ultimately, will reduce our rates. More importantly, the health risk of smoking is well documented, and we want to provide a healthy home for all of our residents.

**How did your tenants respond to the policy?**
It was surprising that the majority of residents had a positive response. At our initial resident meeting, we had mostly non-smokers express that they were very happy with the change. A few of our smokers expressed concerns. The meeting allowed us to explain the policy and address those concerns.

> We make the distinction that we are not asking residents to quit smoking. We are just asking them not to smoke inside their apartments or in the building. However, we did have a number of residents quit smoking. The new policy gave them a good reason to say, "You know what? I think it is time I quit."

**Have occupancy rates been affected by the smoke-free policy?**
We were concerned that our occupancy rates would drop; but in reality, we saw very little change. We did have a few move because of the new policy; however, we had more applicants seeking a smoke-free environment.

*Photo credit:* Faribault, Martin & Watonwan Counties Statewide Health Improvement Program.

**Did you work with a partner during implementation of the policy?** Tobacco-Free New York was involved from the start. They came to our meetings and helped us explain some of the misconceptions the residents had about secondhand smoke in the buildings. Having a third party give tenants information added credibility to what was coming from management.

**What is one message that you would tell your counterparts considering implementing this policy?** A smoke-free policy can have a positive impact on your operations.

"We did have a number of residents who quit smoking. The new policy gave them a reason to say, 'You know what? I think it is time I quit.'"

*- Larry Sisson, President TESCO Properties*

## Andrea Janis, Senior Property Manager
## Heartland Christian Tower
Nashville, Tennessee
Smoke-free since 2013

When a property in a national portfolio adopts a smoke-free policy, it may create a positive ripple effect. The regional vice president carried the idea to management; as a result, National Church Residences recently approved a smoke-free policy and is aiming for full implementation across its nationwide portfolio of 330 communities in 28 states and Puerto Rico. National Church Residences is the nation's largest not-for-profit provider of affordable senior housing. It also provides supportive housing for the disabled and formerly homeless.

**What motivated Heartland Christian Tower to implement a smoke-free policy?**
The idea of a smoke-free policy originated with the tenants. We began to look into a smoke-free policy and then the HUD notice on how to go smoke-free came out. We put a lot of work into researching it because people were very adamant about wanting to become a smoke-free property.

Following the HUD guidelines, I created letters for people who live in the building and people who were on the waitlist. I surveyed all the tenants to ask if they wanted to go smoke-free and the majority were really gung-ho about it. Then I approached the board with our documentation and research findings, highlighting the pros and cons of going smoke-free, and the number of smokers we have in the building. It was then that the board agreed to implement a smoke-free policy.

**How did National Church Residences react to the implementation of a smoke-free policy at your property?**
My regional vice president took it upon himself to present it to the National Church corporate level. The corporation implemented a smoke-free policy across the board in November of 2013. They plan to have all owned and/or managed properties go smoke-free.

Heartland Christian Tower is a project-based 202 PRAC property. It is a four-story, 58-unit building for seniors. The property is managed by National Church Residences.

Andrea Janis, Senior Property Manager (*Photo Credit*: Staci Bergeron)

Heartland Christian Tower, Nashville, TN (*Photo Credit*: Staci Bergeron)

**How do you enforce the policy?**
We created a Tenant Request form that tenants can use to notify the management if they smell smoke or see someone smoking. It captures details: where they think it is coming from and the time of day. This system makes sure we have complaints in writing. I will go to that unit, and if I see any evidence of smoking, such as a lit cigarette or ashes in an ashtray, I will charge the resident with a violation.

**Have you ever evicted someone for violating the smoke-free policy?**
I am working on my first one now, but we are working with that resident to explore other housing options for him before we file.

"The benefit of having a corporate-wide smoke-free policy is that we are confident in how we've created it. We have 330 properties scattered across the country and now we have a policy implementation blueprint for them."

*- Matthew McGuire, Director of Affordable Housing Programs and Policies, National Church Residences*

# Part IV

## Recommended Steps to Implement a Smoke-Free Policy

The steps described in this section will guide you as you learn more about smoke-free policies, present your ideas to your staff, board, and residents, and begin to implement a policy. The suggestions will also help your efforts in enforcement and data collection to track policy effectiveness. This section will support you as you begin to ask critical questions, including:

- **What are HUD's recommendations about implementing smoke-free policies?**
- **How can I reach other owners/agents to ask about their experiences in adopting smoke-free policies?**
- **How do I recruit community partners?**
- **How do I approach staff, residents, and my board?**
- **What is the best way to train my staff?**
- **What are the most effective ways to undertake enforcement?**

The activities and suggestions in this section provide a path to ensure the adoption of a successful smoke-free policy.

# ✓ Recommended Steps to Implement a Smoke-Free Policy in Multifamily Housing

**1. Get Started**

- [ ] 1. Review HUD Notices
- [ ] 2. Contact owners/agents of local properties with smoke-free policies
- [ ] 3. Learn about local smoke-free laws
- [ ] 4. Review examples of smoke-free policies and related forms
- [ ] 5. Look for community partners

**2. Move Forward**

- [ ] 1. Present idea to staff, board, and resident council
- [ ] 2. Survey residents
- [ ] 3. Develop your policy
- [ ] 4. Set your plan and timeline
- [ ] 5. Obtain board approval to begin comment period
- [ ] 6. Notify residents and begin 45-60 day comment period

**3. Ready to Implement**

- [ ] 1. Prepare frontline staff
- [ ] 2. Prepare resident services
- [ ] 3. Focus on vulnerable residents
- [ ] 4. Help residents set appropriate expectations
- [ ] 5. Inform your local legal aid office about the policy
- [ ] 6. Schedule lease/lease addendum signings before the start date
- [ ] 7. Install permanent signage

**4. Stay Committed to Enforcement**

- [ ] 1. What to expect once the policy starts: tips to stay on track
- [ ] 2. Collect the data you need to track policy effectiveness
- [ ] 3. Assess whether policy is being implemented as planned; identify what works so you can improve

**Communicate with Residents**

- [ ] Build understanding about the hazards of second-hand smoke
- [ ] Use consistent language: this is about smoke, not the smoker
- [ ] Give 6-18 months advance notice
- [ ] Announce and continually reintroduce quit smoking classes, relapse prevention classes or peer support groups for people who want to quit
- [ ] Regularly communicate about the policy and enforcement

**Communicate with Staff**

- [ ] Build understanding about the hazards of second-hand smoke in multifamily buildings
- [ ] Discuss opportunities and challenges of a smoke-free policy
- [ ] Train staff to be proactive about enforcement
- [ ] Provide resources they can give residents on cessation help
- [ ] Provide additional training on special situations
- [ ] Regulary talk about the policy and enforcement

*Photo credit:* If you choose to reproduce, or modify this photo, we request that you please contact Live Smoke Free.

In this section, recommended steps are described in the sequence they commonly occur. These steps are not a formal set of directions because every organization is unique and requires a slightly different pathway to implementation. You will need to tailor the steps to match your organization's interests and capacity. Most of the steps apply to all types of properties.

## Get Started

This first phase will educate you about smoke-free policies and give you confidence to move forward. Each of the tasks will help you gather information that can be used to make the case for a smoke-free policy to your board, staff, and residents.

### 1. Review HUD Notices

To get started in this effort, ground yourself in the basic information. Review HUD Notice PIH-2012-25: Non-Smoking Policies in Public Housing and HUD Notice 2012-22 Further Encouragement for O/As to Adopt Optional Smoke-Free Housing Policies (see Appendix A). Become familiar with the steps outlined in this Action Guide. For technical assistance from HUD's Office of Public and Indian Housing, you can refer to the contact information provided on the PIH Notice. For questions regarding the requirements in the Notice published by HUD's Office of Housing as they pertain to the Office of Multifamily Housing's programs, please contact the local HUD Multifamily Field Office.

"Enforcement begins with your initial consideration of a no-smoking policy and the steps taken to adopt it. How and what you do prior to adoption and implementation will set the context in which your staff must enforce the policy."

*- Bill Cook, King County Housing Authority, Tukwila, Washington*

## 2. Contact Owners/Agents with Smoke-Free Policies

Discussing the process of going smoke-free with other owners/agents of subsidized or market rate multifamily housing can be invaluable. Owners/agents are eager to talk about it, whether they're contemplating adopting one, are in the early stages of planning, or are already experienced implementers. Two-thirds of respondents to the survey issued by the National Association of Housing and Redevelopment Officials (NAHRO) on smoke-free policies indicated an interest in learning from others about smoke-free policy adoption, and the majority of respondents with a policy in place said they were willing to share their experiences with others.

"The forum information is hugely beneficial. We're even trying to set up an online-site so we can have access to each other's materials."

*- Jayna Van Den Einde, Area Manager, McCormack Baron Ragan*

- Sources to find PHAs or owners/agents:
  - National Association of Housing and Redevelopment Officials (NAHRO) has regional chapters and state associations that can recommend resources. There are PHAs in every state that are smoke-free. http://www.nahro.org
  - The National Affordable Housing Management Association (NAHMA) has regional networks. http://www.nahma.org/content/map1.html
  - National Apartment Association has online communities for property managers and affordable housing. http://www. naahq.org/public-communities
  - Americans for Nonsmokers' Rights tracks communities with market rate multiunit housing and public housing that have policies restricting or prohibiting smoking. http://www.no-smoke.org/goingsmokefree.php?id=519#venues
  - Apartment-finder websites list local smoke-free buildings and their property management companies.

- Ways to connect with other owners/agents of subsidized or market rate multifamily housing:
  - **Host a meeting or form a group with a central organizer**
    Consider asking owners/agents if they would be interested in forming a group to share and learn about smoke-free policies. The American Lung Association and tobacco-control programs in health departments actively promote this type of discussion and may be willing to help you hold meetings.

    For example, The American Lung Association in Arizona helped start a forum for owners/agents that includes representatives from market rate, subsidized, and public housing properties.

- **Talk about smoke-free policies at regional meetings**
  Take the opportunity at conferences to ask colleagues about smoke-free policies. For Faye Dodd, Executive Director of Murray Housing Authority in Kentucky, this is how she learned how to initiate a smoke-free policy. Learning that others experience similar hesitations can encourage you and provide helpful insights.

## 3. Learn about Local Smoke-Free Laws

The majority of the U.S. population is now covered by smoke-free provisions in workplaces, factories, restaurants, and bars. Most states—39 in all—have smoke-free laws that restrict where smoking is allowed. The sweeping increase in smoke-free laws began in 2002 with one state, Delaware. Since then, there has been a sizeable cultural shift in norms regarding expectations for clean indoor air and an equally sizeable shift in smokers' behavior. Smoking rates have also declined rapidly, especially among those with higher incomes, and to a less extent, among those with low incomes.

Contact your local health department to ask about local smoke-free laws.

## 4. Review Examples of Smoke-Free Policies

Smoke-free policies follow a similar structure and share common elements. Well-developed policies are publicly available to review and learn from, and they can save you the trouble of writing your own.

For example, in California, smoke-free housing policies have been adopted in 55 communities. The policies protect residents in multifamily housing. The specific policy language and enforcement plans vary and can be viewed on the website of the American Lung Association in California's Center for Tobacco Policy and Organizing: http://Center4TobaccoPolicy.org/smokefree-multi-unit-housing/.

To decide what to include in your smoke-free policy, you may also want to review what commonly appears in policies. Visit the website of the Public Health Law Center to review its publication, Regulating Smoking in Multi-Unit Housing. It includes links to many properties' smoke-free policies: http://publichealthlawcenter.org/sites/default/files/resources/tclc-fs-reg-smoking-MUH-2013 0.pdf.

"I was at an industry conference and was able to talk to other housing professionals who have implemented a smoke-free policy. We discussed how to deal with enforcement of the policy when residents continue to smoke inside their apartments. Brainstorming and sharing experiences with others in the industry was very helpful."

*- John Bower, TESCO Properties, Germantown, Tennessee*

You may also want to review additional policy-related materials on the HUD Smoke-Free Housing website, including a sample lease addendum or House Rules. These materials will be made available on HUD's website: http://portal.hud.gov/hudportal/HUD?src=/smokefreetoolkits1.

**For PHAs:** PHAs opting to implement a smoke-free policy must change their House Rules with a lease addendum and obtain board approval for the change. HUD does not need to provide approval of a smoke-free policy. PHAs should update their Annual Plans to reflect the change to the House Rules.

**For Owner/Agents:** HUD encourages owners/agents of subsidized or market rate multifamily housing to review the notice on smoke-free policies for an overview of the guidance. Owners/agents choosing to implement a smoke-free housing policy must update their House Rules and Policies and Procedures, as applicable, to incorporate the smoke-free housing requirements. The policy goes into effect as residents renew their leases. The notice outlines HUD's requirements and cautions against policy elements that are not allowed. HUD does not have to provide prior approval to owner/agents that want to implement a smoke free policy.

## Items to Include in a Smoke-Free Policy

According to the Public Health Law Center's Tobacco Control Legal Consortium, an effective smoke-free housing policy typically includes the following elements:

- An introduction that explains the policy's purpose, which can include information about the dangers of secondhand smoke.
- Clear, consistent definitions of important terms, such as "smoking," "premises," and "common area," to help ensure that the policy is interpreted, implemented, and enforced in ways that effectively protect the entire housing community.
- Information on which areas must be smoke-free, such as common areas, units (new and/or existing), outdoor areas (including patios and balconies), and setbacks from entrances.
- Description of who must comply, such as residents, guests, employees and business visitors.
- Disclaimer that the landlord is not acting as a guarantor of the policy. This provision helps protect landlords of smoke-free buildings from claims brought by residents injured as a result of policy violations unknown to the landlord.
- Information on enforcement:
    - Who will enforce the policy (local government, private citizens, landlords, condominium association).
    - How the policy will be enforced (verbal warnings, warning letters, fines, eviction).
    - Responsibility of landlords (post warning signs, consistently enforce the policy).
    - Responsibility of residents (notify guests and visitors, report violations).
    - Smoke-free leases and agreements are often signed by everyone on the lease agreement who is 18 years or older and the landlord.

# Review Sample Enforcement Plans

A smoke-free violation is a lease violation and requires an organization to react appropriately. PHAs may help residents change their smoking behavior and keep their housing. They may involve resident services staff or a case manager, provide cessation materials, or conduct a private meeting between the resident and the property manager to discover the reason for the policy violation.

Below are examples of enforcement plans.

- **Enforcement Plan for Home Forward, Portland, OR (public housing)**

| | |
|---|---|
| 1st Violation | Verbal Warning and Cessation Materials |
| 2nd Violation | Verbal Warning, Cessation Materials, Resident Service Referral |
| 3rd Violation | Written Warning, Cessation Materials, Resident Service Referral |
| 4th Violation | Notice to Vacate with Option to Remedy, Cessation Materials, Resident Service Referral |
| 5th Violation | 10-day Notice without the Option to Remedy |

*Additional history for Home Forward enforcement: Since 2009, 51 notices with option to remedy issued across 2,000 units; nine notices issued with no option to remedy. One went to court; however, it was for other, major violations so the smoking violation was not mentioned.*

The effect of any intervention may result in a simple modification. In one instance, an elderly resident with mental health and memory issues admitted she kept forgetting about the policy. Working with her social worker, the property manager put signs around her apartment that simply and clearly said, "Remember: no smoking inside."

- **Enforcement Plan for Duluth Housing Authority, Duluth, MN (public housing)**

| | |
|---|---|
| 1st violation | Verbal discussion with the property manager and a breach of no-smoking policy letter (21 violations) |
| 2nd violation | Discussion of the smoking policy with the property manager, a written notification of the violation which the resident must sign to show agreement to the terms of the lease that include termination if the policy is violated after three times (11 violations) |
| 3rd violation | Eviction letter, which results in either eviction or a probationary agreement |

*Additional history for Duluth Housing Authority from February 2012 to May 2014, in 536 units within four high-rises: two evictions for smoking and six evictions for other reasons in addition to smoking.*

- **Enforcement Plan for Landura Associates, affordable housing properties in Southeastern U.S. (includes subsidized multifamily housing)**

| | |
|---|---|
| 1st violation | Written warning |
| 2nd violation | Written warning |
| 3rd violation | Letter of eviction |

*Additional history for Landura Associates: Policy has been in effect since 2010 in 4,500 units. There have been two eviction cases since 2010, one in North Carolina and one in Virginia.*

*Note: Written notice of termination of tenancy (i.e., letter of eviction) must be in accordance with HUD, state, and local requirements.*

## 5. Look for Additional Community Partners

Involving community partners who have an interest in your effort will lead to greater support, more ideas on the table, a better understanding of the resident community context, and a more effective effort.

- **Contact your state's Office on Smoking and Health's Tobacco Control Program**

The Centers for Disease Control (CDC) Office on Smoking and Health funds tobacco control programs in all 50 states, the District of Columbia, and the Territories. Contact information for each state's program is available on the Tobacco Control Network website, http://www.ttac.org/TCN/members/state reps-toc.html. When you call, ask to speak with the program manager, and that person can direct you to the best state or local resources in your area.

Resources and services vary depending on funding. The types of services that many programs provide include:

- Technical assistance in implementing a smoke-free policy in a multifamily housing property or a PHA.
- Assistance communicating with residents and staff about the health risks of secondhand smoke in multifamily housing.
- Materials and presentations on secondhand smoke health risks.
- Information about available cessation resources.
- Information about the state Quitline, which can be accessed by calling 1-800-QuitNow. This national number directs callers to their state Quitline.

- **Contact the American Lung Association**

The American Lung Association has local chapters across the country. The best way to contact the American Lung Association is to visit its website, http://www.lung.org/. Click the *Get Involved* link and select the *In Your Community* page to find your local chapter.

- **Contact community-based programs for support**

  Community-based programs can provide implementation assistance and cessation resources. Some local programs may even be able to offer mini-grants or "adopt" a property that is going smoke-free. The resources available in each community will vary, but most communities have some, if not all, of the following:

  - **Health clinics** may be able to arrange a referral mechanism with resident services to provide direct referrals for smokers to use cessation services. Nashville's Metropolitan Development and Housing Agency partnered with Parthenon Clinic to distribute cessation resources, including nicotine-containing lozenges, gum, patches, and additional cessation medications. The Clinic also provided medical care to those who received smoking cessation assistance.

"The American Lung Association has been so critical to this process, so supportive, so very thoughtful. Really, they are just such a super partner. That would be my strongest piece of advice: connect with the American Lung Association."

*- Rick Ball, Executive Director, Housing and Redevelopment Authority of Duluth, Minnesota*

- **Asthma management programs** may be interested in talking with residents about managing asthma triggers in the home, especially secondhand smoke. Some programs are funded to assist low-income populations that experience a disproportionate asthma burden (see sidebar story on Sinai Urban Health in Chicago Public Housing). Many asthma programs train and employ community health workers (CHWs), residents within a community who speak the dominant language. CHWs are ideal messengers to carry forward the health reasons for a smoke-free policy to residents in low-income or non-English speaking resident communities. To find a local asthma program in your area, visit http://www.AsthmaCommunityNetwork.org. Click 'Find a Program,' type in your zip code, and click on the program's hyperlinked name to visit its website and find contact information.

- **Healthy Housing organizations** and programs work on a range of issues, including: indoor air quality, asthma triggers, lead, mold, pests, and other conditions that have a negative impact on health and well-being in the home. Contact your state or local health department to reach the healthy housing program.

- **Area banks** and stores may be interested in funding signage to communicate and support the policy or providing items like t-shirts, posters, bags and refrigerator magnets to distribute the day the policy is launched.

- **Inform your local legal aid office.** Taking initiative to communicate to legal aid allows you to share your rationale and emphasize that your intent is to support your mission of providing a healthy and safe environment for residents. Some legal aid and tenants' rights groups may be concerned about resident displacement. Be prepared to share findings that this policy is effective in hundreds of PHAs and affordable housing properties nationwide, and when implemented with appropriate communication to residents, leads to very few evictions. Plan to meet with the local legal aid office again once the policy is developed to explain the multi-step enforcement process and the support residents will receive through regular communication about the policy.

"Our office is doing lots of statewide outreach and education to PHAs on the benefits of smoke-free housing. For the 'Great American Smokeout' day in 2013, we hosted Lunch and Learns for about 35 PHAs and over 700 participants. One thing we hear from residents at PHAs is their concern about secondhand smoke and its effect on their kids with asthma."

*- Kimalesha Brown, Mississippi State Department of Health, Office of Tobacco Control, Jackson, Mississippi*

## Asthma Program Partners with Chicago Public Housing

The Sinai Urban Health Institute partnered with the Chicago Housing Authority to implement an asthma intervention for 157 families, many living with someone who smoked in the home, a common asthma trigger. The goal was to improve asthma by educating families about medical asthma control and reducing asthma triggers in the home. The education was provided by residents trained to be community health workers. The program's results included a major reduction in emergency department visits for asthma and an 80 percent reduction in home asthma triggers.

- College and university schools of public health may be interested in conducting your survey and analyzing the results. Vincent Leggett, Executive Director of the City of Annapolis Housing Authority in Maryland, worked with graduate students from Morgan State University to conduct focus groups with residents. The graduate students also offered informational sessions for residents about the health risks of secondhand smoke, tobacco addiction, and cessation.

"Having resident champions lends resident support to the smoke-free initiative and offers enforcement support and encouragement after the policy has been adopted."

*- Lindsey Dixon, Cook Inlet Housing Authority*

# Move Forward

You have educated yourself and others, and you have copies of many stories and policies to share as needed. At this point you have a vision of a smoke-free property. You feel convinced it is the right thing to do, and there are others in management and key staff positions who feel as certain.

Now it's time to engage staff, the board, and resident council, to begin to build their support. Your goal is to open the conversation, provide factual information, and express your commitment to providing a safe and healthy environment for staff and residents.

## 1. Present the Idea of a Smoke-Free Policy to Staff, Board, and Resident Council

***1. Be prepared to take the necessary time to discuss concerns and answer questions about a smoke-free policy.***

It may take *months* of board meetings until members agree that a policy is needed. One smoke-free pioneer recalled listening carefully to board members' concerns and realizing that although she had provided compelling health and cost data, it was a personal story about a resident that caught their attention. In the next meeting, she came with residents who could talk about how secondhand smoke affected their quality of life. This convinced the board to move forward with the policy.

***2. Develop a presentation with information you collected in your research, including:***

- HUD's support of smoke-free policies.
- Hazards of secondhand smoke, especially among the populations served by your organization.
- The legality of smoke-free housing policies.
- Costs related to smoking: turnovers, fires, and insurance.
- Examples of other PHAs or properties that implemented smoke-free policies and their experiences.
- Community partners and their roles.

***3. Anticipate concerns and write down the main points of your argument so you can refer to them often.***

***4. Consider identifying resident champions, particularly if those residents sit on a resident council or other resident body that allows them frequent communication with neighbors.***

### Communicate with Staff

Talk about the idea of a smoke-free policy at each staff meeting, beginning as many months in advance of its implementation as possible. Take the time to educate staff on the organization's reasons for adopting the policy, which eventually will become talking points they can use in their conversations with residents. After it is clear that property managers and maintenance staff understand why the organization is adopting the policy, move into discussing how the policy will be enforced.

## 2. Survey Residents

Conducting a survey adds credibility to your process. Smoke-free pioneers pointed out that managers often assume they know their residents, but a survey may reveal unknown truth.

- **Reasons to survey residents are that it:**
  - Seeds the idea of smoke-free housing early.
  - Indicates how many residents have smoke-free home rules and how many allow smoking in their homes.
  - Reveals how often residents see or smell tobacco smoke coming into their unit from another unit, a corridor, or elsewhere on the property.
  - Shows residents' awareness of the hazards of secondhand smoke for people with asthma and other chronic diseases, young children, and pregnant women.
  - Tallies the number of residents with health problems aggravated by secondhand smoke.
  - Gauges interest in smoking cessation and cessation support.
  - Helps determine which properties' residents are more ready or more hesitant about a smoke-free policy.
  - Provides motivation to keep moving forward on the initiative.

- **Surveys do not need to ask residents if they smoke.**
  The essential question is whether people would support a rule banning smoking inside units. People who smoke still live in smoke-free properties.

- **Review sample surveys and develop your own.**
  A survey can be short and simple. A sample survey will be made available on HUD's Smoke Free Housing web page: http://portal.hud.gov/hudportal/HUD?src=/smokefreetoolkits1. Other surveys are available to review online, such as those listed in Resources & Tools for Smoke-free Multi-Family Housing, compiled by Americans for Nonsmokers' Rights (http://www.no-smoke.org/pdf/MUHresources.pdf). There are sample surveys available in Spanish and English.

"Consistent, uniform enforcement will be affected by how staff and tenants were included in the process in the beginning and if their input was valued."

*- Bill Cook, King County Housing Authority*

- **Conduct the survey.** Surveys can be given in writing, by telephone, in person, or electronically. Choose a method or combination of methods that work best for your organization. To help achieve a high response rate on resident surveys, consider taking the survey around to units, providing copies for the resident council to distribute, and having copies available centrally at an on-site property office. Make sure to translate the survey into all prominent languages spoken in the properties. If possible, offer a reward for survey completion. Rewards such as entry into a drawing to win coupons, prizes, or gift cards can help nudge your audience into action.

- **Analyze the results.** Tabulating the survey responses may be as straightforward as tallying answers and putting the information in a spreadsheet. If you received a lot of open-ended comments, you will need to review them for patterns. Afterward, write a brief report, one page may be sufficient, summarizing the results of the survey.

## 3. Develop Your Policy and Plan

Using what you learned from sample policies, community partners, staff, board, resident council, and a resident survey; it's now time to develop a policy to meet your organization's interests. In addition to what you already have learned, the following may help you as you draft your documents:

- **Outdoor smoking areas**

*The upside:* Many smoke-free pioneers say an outdoor designated space for smoking is a helpful benefit for an effective policy. They suggest trying to designate an area on the property, if space and funds allow. They point out that it takes effort to get residents to commit to using these spaces. Designated smoking areas are often appreciated and can reduce the incidence of smoking violations in the building. Designated smoking areas should be far enough from the building (generally 25 ft. or more) to prevent secondhand smoke from entering open windows or doors.

**Are you considering a national rollout of a smoke-free policy across your portfolio?**
For management firms that have properties across the country, a recommended first step is to survey property managers through regional offices. This helps develop a tailored implementation plan that responds to their specific interests.

*The downside:* Experience with smoking areas has been mixed. At some sites, the designated areas have created new maintenance concerns. Additionally, it may be difficult to find a location that works for everyone. If you plan to establish a designated outdoor smoking area, you will have to determine what amenities will be provided and what will be the budget implications. Consider whether to provide shelter, receptacles, benches, lighting, and how to ensure accessibility for all residents.

*The bottom line:* If you can afford a designated area and have a place to properly locate it, it may make compliance easier.[26] There are also plenty of examples of effective policies at properties that do not have an outdoor designated smoking space.

- **Grandfathering residents**

Open-ended grandfathering is usually defined as not applying the policy to a current resident or property.

In rare circumstances, a PHA that enacts a smoke-free policy across their portfolio recognizes that a limited number of their properties' residents are not ready for it, and residents in these properties are grandfathered. If an organization decides grandfathering certain residents is an important compromise with the new policy, it is still embracing the goal of secondhand smoke reduction. However, grandfathered smoking residents can continue to live at the property for many years, thus delaying the realization of complete smoke-free housing. For this reason, grandfathering is not a recommended approach.

Grandfathering between lease renewals, also called a *phase-in approach*, allows current residents to smoke in their units until their leases renew. In this case, the transition to a smoke-free building may take 12-15 months, or the standard lease term.
**Owners/agents of project-based Section 8 properties must use this phase-in approach; the policy goes into effect as residents renew their leases.**

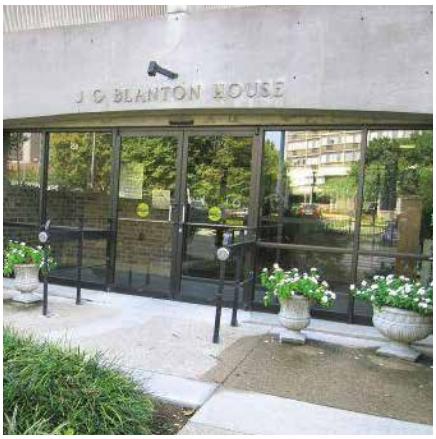
Using lease renewals to implement a smoke-free policy in PHAs instead of a single start date for all residents may lead to enforcement inconsistency. It is an extra burden for the property manager to keep track of the residents who have or have not signed the lease renewal. When complaints come in about the smell of smoke, they have to figure out if it is allowable, and if so, to communicate that to those making the complaint.

"The Housing Authority of the City of Santa Barbara (HACSB) implemented the smoke-free housing policy for all owned and managed properties with the exception of (a) El Carrillo, a permanent supportive housing property for the homeless; and (b) residents grandfathered in at SHIFCO, a senior property. HACSB grandfathered in residents that smoke in these two properties due to resident feedback. Residents that were grandfathered in were not given a specific period of time they could continue smoking in the unit."

*- Alexander Szymanski, Housing Authority of the City of Santa Barbara, California*

- **Disclaimer that the landlord is not acting as a guarantor of the policy**

Property managers and maintenance staff will not be able to identify policy violators 100 percent of the time, such as during off hours when staff are not on site. Including a disclaimer in your policy with this acknowledgment, sets realistic expectations for the board, staff, residents, and if necessary, a court. The policy should state that failure to enforce any part of a smoke-free policy does not negate the right to enforce it in the future.




TESCO Properties, J.O. Blanton House, Louisville, Kentucky

- **Identifying a smoking violation**

Before presenting the smoke-free policy to the board, staff, or residents, identify how violations will be determined, the evidence that will be required to validate a violation, and how that evidence will be obtained. Observable evidence of violations is important to obtain when possible. Written documentation from maintenance staff or the property manager is helpful, as is having more than one resident complaining about a smoking violation.

- **Staff inside residents' units**

Train maintenance staff to do a visual scan for a policy violation when they routinely inspect units, and to report evidence such as full ashtrays, smoke, or tobacco odors. Usually their role is to document it, report it to the manager, and let the manager address the violation.

- **Photographs**

If maintenance staff or property managers see evidence of a violation, they should take a picture of it with a time/date stamp, along with another picture that identifies the unit where the evidence was seen. One smoke-free pioneer indicated it was helpful to have visual evidence and not just witness testimony in eviction court.

- **No Fees for Lease Violations**

*PHAs and owners/agents of subsidized multifamily properties cannot establish fees for smoke-free policy violations when no damage has occurred.* A resident can be charged for property damage or cleaning due to smoke damage at the end of their tenancy.

- **Smoke-free policies must NOT:**
  - Deny occupancy to any individual who smokes.
  - Allow the owner/manager to ask at the time of application or move-in whether the applicant or any members of the applicant's household smokes.
  - Allow the owner/manager to maintain smoking or nonsmoking specific waiting lists for the property.
  - Allow the owner/manager to ask at the time of recertification or lease renewal whether the resident or any members of the resident's household smoke.
  - Require existing residents to transfer out of the property when it becomes smoke-free.

## 4. Introduce the Policy and Set an Implementation Timeline

Decide where to introduce the policy and when to begin communication and implementation.

- **Consider starting with a pilot site.** It is common to identify a small number of properties to pilot the policy. Survey results often reveal one location where residents have the greatest readiness for the policy.

- **Consider a newly rehabilitated building as an easier place to start.** While converting existing properties to smoke-free is strongly encouraged, PHAs or owners/agents that are reluctant to convert existing buildings may find it more appealing to begin by introducing the policy in a new or newly rehabilitated building.

- **Choose a date the policy will take effect, building in 6 to 12 months.** Smoke-free housing pioneers favor providing at least six months to prepare residents for the policy's start date. Many residents sign the lease addendum or new House Rules early if offered the opportunity. There is a minimum period of 60 days for written notice prior to the end of the lease agreement to implement a new requirement for residents in Project-Based Section 8 Housing properties. This policy is found in HUD Handbook 4350.3, Chapter 6, Section 6-12, D.

    - Some PHAs choose a "quit date" in which the policy goes into effect for all residents on the same day. With a "quit date," all residents must sign the lease addendum before the effective date.
    - Other PHAs and owners/managers of subsidized or market rate multifamily housing choose a "phase-in method" in which the policy goes into effect on a certain date and affects residents when their leases renew.

- **Set a timetable for implementation.** Working backwards from the effective date, create a schedule of activities and communications. A sample timetable will be made available in the resources section of HUD's Smoke-Free Housing website: http://portal.hud.gov/hudportal/HUD?src=/smokefreetoolkits1.

**Examples of items to include in the schedule:**

- Special staff discussions about the policy
- Board meeting about the proposed policy and request to begin comment period
- Written notification to residents about policy; begin 45-60 day comment period
- Resident meetings
- Board meeting to approve policy and the implementation plan
- Notice to residents 6 to 12 months before the effective date
- Appointments for lease signings
- Cessation classes or local cessation resources
- Creation of a resource packet for property managers with talking points on the policy, instructions on enforcement, health information on secondhand smoke, and available cessation resources for residents
- Policy start date
- Signage
- Policy reminders for residents, including newsletter articles
- Policy enforcement discussions at every staff meeting

## 5. Obtain Board Approval to Begin Comment Period

Update your board on the forward momentum of this effort by sharing new information that you've gathered and the next steps you plan to take. Common questions of concern that you can prepare for include:

- How will the policy be consistently enforced?
- How will staff handle residents' raised expectations that the property should always be smoke-free?
- How will violations be determined?
- What do we do if residents don't change their behavior and continue to smoke indoors?
- What do we do about guests smoking indoors?
- What do we do about helping our mentally disabled population address this addiction?

Smoke-free pioneers admit these are challenging questions even after years of experience with a policy. Like other lease violations, every instance of noncompliance is not identifiable. Will there still be some smoking in the building? Yes, for a while there may be, but overall, there will be a lot less secondhand smoke.

Present to the board the following new information:

- Resident survey results
- Proposed policy and multistep enforcement process
- Proposed property or properties to begin with
- Date policy will go into effect
- Resident communication plan
- Staff training plan

"We sent our senior management staff out to talk with our residents. We didn't want our frontline staff to have to be the face of this. It was such a personal issue that they were really emotional resident meetings. We held resident meetings at every one of the places that we own and manage. We sat there for hours and allowed people to express their feelings over this and gave them a voice. But we understood that this is really a private thing to you and we did not take it lightly. It did take a little emotion out of it once we implemented it."

*- Rodger Moore, Home Forward, Portland, Oregon*

## 6. Notify Residents and Begin Comment Period

The success of your smoke-free policy will be largely determined by how well you communicate with the residents and staff about the policy. This does not have to be complicated or overly time consuming, but it does require committing to it as a guiding principle.

- **Issue a formal written notice.** Send this to all residents with information about the policy, including your organization's reasons for recommending it, the date it will go into effect, the lease addendum or House Rules, and a calendar of public comment meetings.

- **Hold resident meetings.** Approach these meetings with care and intention, remembering that early messages have a lasting impression. Sometimes the most important message is nonverbal; for this reason, smoke-free pioneers in PHAs recommend that senior leaders, not property managers, participate in these meetings. This sends a clear message to residents of the significance of the policy to the organization and the value the organization places in hearing residents' concerns. Additionally, these meetings can be challenging, and it is appropriate for senior leaders to hear and respond when the conversation is difficult. It should be emphasized that enforcement is the responsibility of the owner and management agent to avoid confrontations between residents.

- **Meeting topics to address.** There is a lot to cover in one resident meeting while also ensuring ample time for resident discussion. Consider formally recording residents' questions and comments for a report to the board. Many PHAs and owners/agents of subsidized or market rate multifamily housing hold more than one resident meeting, with one focused on the policy details and another on the dangers of tobacco smoke and cessation assistance. In Virginia, the Alexandria Redevelopment and Housing Authority made the meetings mandatory for residents.

Heartland Christian Tower, Nashville, Tennessee (*Photo Credit*: Staci Bergeron)

Below are topics commonly presented in the resident meetings:

- Present the decision to adopt a smoke-free policy and the primary reasons.
- Share information on secondhand smoke health effects.
- Provide the survey results.
- Introduce and explain each item in the smoke-free policy.
- Inform residents of the implementation plan and anticipated timeline.
- Explain the cessation resources that will be available.
- Open the meeting up for comments and questions.

### 7. Obtain Board Approval

Carefully review the proposed policy and lease addendum or House Rules in light of residents' concerns and make changes to the policy as necessary. Document each change to show board members the concerns that residents expressed and how the policy revisions address those concerns.

At the board meeting, present and discuss a summary of residents' comments, including the number of comments received, the percentage for and against the policy, and the issues that were raised. Remind the board that smoke-free multifamily housing is happening across the country, and there are plenty of owners/agents with similar populations and properties that have successfully implemented smoke-free policies.

**Update Annual Plan**
PHAs that adopt a smoke-free policy must update their PHA Annual Plan to reflect the smoke-free policy language. Some PHAs recommend coordinating the planning and implementation of the smoke-free policy with the annual plan process.

## Be Ready to Implement

Once the smoke-free policy is approved, the months leading up to its start date offer time to get everyone ready. In Nashville, the housing authority published a quarterly newsletter, *Up in Smoke,* that promoted the policy's start date, offered encouraging stories of residents who quit smoking and gave information about the dangers of secondhand smoke. They kept the policy and its start date on everyone's minds.

### 1. Train Staff

Ensure staff understand the policy, how to address residents who violate it, and the process for reporting violations. PHAs that do not have dedicated resident services staff should form partnerships with local organizations and train property managers on how to make referrals.

Smoke-free pioneers point out that it is also important to communicate to vendors and contract workers in maintenance and construction that the workplace is smoke-free.

Below are examples that reflect different approaches to staff preparation:

"The type of training that I had was during staff meetings, I talked with the maintenance crew about what they need to do. We have observation forms that they can write up on anything they see as a lease violation and turn it into the property manager and the housing specialist so it can be followed up on. They were told what to look for."

*- Diane Martin, Housing and Redevelopment Authority of Duluth, Minnesota*

"Our enforcement strategy is probably more aggressive than what most people would be used to in an outside agency. We asked our field staff to do a lot more than just send a letter, for instance, when there's a complaint of smoking. We basically want them to get up out of their office and go visit that unit that's being complained about and really talk to the resident and find out what's going on, not so much in an accusatory way, but really just to get to the root of the problem and find out why this person is not able to go outside and smoke, or why they don't want to go outside and smoke – or can they even go outside and smoke. That's been a change for some people, in that we put enforcement of non-smoking right up near the top of our list of things that we want our site staff to be proactive about."

*- Bill Cook, King County Housing Authority, Tukwila, Washington*

## 2. Focus on Vulnerable Residents

The needs of smokers with fragile physical and mental health merit thoughtful attention in smoke-free policies. People that smoke who are mentally ill, elderly, disabled, have addictions, or were homeless, will require extra attention. They are able to adjust to the policy, but they will need time and a supportive approach.

Deborah Thrope, Staff Attorney with the National Housing Law Project, recommends property managers be aware that written notification and resident meetings are not sufficient for communicating the new policy to all residents. She advises that property managers know it is their obligation to help all residents be informed about the new policy. It may be necessary (a) to discuss the new policy with individuals with mental illness; and (b) to share written information about the policy with visiting family or social service staff. Some residents with mental illness may not understand the written notices; others may not read them or participate in meetings. Home Forward in Portland, OR, works with their high-risk populations in a caring way:

> Like others who smoke, those with mental illness are interested in quitting, are able to quit, and have a better chance of quitting successfully when they have access to proven stop-smoking treatments.[18] A smoke-free housing policy is a recommended approach to help reduce tobacco use among people with mental illness.

"The mindset of the enforcement isn't: 'I'm going to catch you smoking, I'm going to evict you.' It is: 'I'm going to work with you to give you as many resources and as many chances as we possibly can, without waiving our right for eviction.' We hold the resident's hand as long as we possibly can."

*- Rodger Moore, Home Forward, Portland, Oregon*

## 3. Help Residents Set Appropriate Expectations

A smoke-free building is exciting and promising to many residents. The new policy raises expectations and causes many residents to think there will not be any smoking in the building, or that management will be able to issue a violation in every instance when a complaint has been made. Communicate that property management does the best it can and will not ignore complaints of violations.

Smoke-free pioneers recommend focusing on the most problematic violations first, realizing that evidence of violations eventually encourages the resident to modify their smoking behavior. Issuing letters of violation demonstrates management is serious and sends a message through the community.

## 4. Schedule Lease or House Rules Signings

Beginning three months before the start date, install permanent signage. If signs are removed or defaced, replace them promptly to show management's commitment to the policy. Many owners/agents require all adult residents to sign the revised lease addendum or House Rules and to insert their initials next to the explanation of the smoke-free policy.

**Advertise Smoke-Free as an *Amenity***

Since many residents actually prefer to live in smoke-free buildings, sell this new policy as an amenity, not a rule. Many private owners/agents of expensive, luxury apartment buildings in the private market use smoke-free as an amenity to promote their rentals. This may increase the value of the rental unit if the demand is strong in that area. The same can happen for the affordable-market arena where the policy can also promote health equity.

# Stay Committed to Enforcement

Tobacco use and dependence are chronic issues that will need to be addressed on an ongoing basis. When you implement a policy, it is unrealistic to expect that all of your residents will immediately stop smoking in their units.

In the three sections below, final recommendations from smoke-free pioneers are offered to help ensure an effective implementation of your policy.

## 1. Tips to Stay on Track

Owners/agents of subsidized or market rate multifamily housing often observe similar patterns in resident behavior, attitude, and response after a smoke-free policy goes into effect. Below are common observations during the first year and the actions that successful smoke-free pioneers recommend to help you stay on track.

**In the Beginning**

*What you may experience*

- Smokers complain.
- Resident champions offer enthusiastic support.

*Recommended actions*

- Announce smoking cessation classes or other ways to support people who want to quit.
- Follow up on all complaints and don't ignore violations.

**After 3-6 Months**

*What you may experience*

- Smokers no longer complain.
- Nonsmokers' vocal support and enthusiasm begins to wane.
- Things quiet down; there are regular violators; nonsmokers are quiet except when they complain about the smokers.
- Reasonable accommodation requests may be received from smokers interested in continuing to smoke in their units. Gail Livingston, from Boston Housing Authority, discusses this in her profile in Part III of this Action Guide.

*Recommended actions*

- Continue to communicate about the policy. Celebrate small successes in newsletter stories or other communications. Highlight stories of residents who changed their smoking behavior or quit.
- Meet with residents who resist complying with the policy.
- Enforce the policy fairly, uniformly, and with compassion.
- Announce smoking cessation classes or other ways to support people who want to quit.
- Address every request for reasonable accommodation according to your policies. Smoking is not a protected behavior.

**After 6-12 Months**

*What you may experience*

- Resident complaints make enforcement feel challenging.
- Enforcement process is put to the test. Although housing providers do not like the idea of pursuing an eviction, at this point there may be a resident with multiple violations. Remember that presenting a solid eviction case depends on evidence that a fair and consistent multi-step enforcement process was followed.

*Recommended actions*

- Management and staff need to talk about staying focused, and to be diligent and consistent in enforcement. Remind staff that this is a culture change that takes adaptation; there is no quick solution.
- Continue to schedule and attend resident meetings to build support for the policy. Ask residents for help with peer-to-peer encouragement.
- Announce smoking cessation classes or other ways to support people who want to quit.

**First-Year Anniversary**

*What you may experience*

- A subculture of healthier living led by staff and resident champions encourages compliance.
- News about issued violations gets around; residents realize the consequences are real and seek help with behavior modification if they are worried about being able to comply.

*Recommended actions*

- Host a celebration event to mark each anniversary of being a smoke-free building.
- Announce smoking cessation classes or other ways to support people who want to quit.
- Conduct a survey about the smoke-free policy to determine:
  - Are residents happy with the policy?
  - Is the policy being followed?
  - For smoking residents, have they quit smoking or decreased the number of cigarettes they smoke since implementation of the policy?
  - For non-smoking residents, has unwanted exposure to secondhand smoke decreased since implementation of the policy?
  - Have residents detected any health improvements as a result of the policy?

- Try to calculate the cost savings from unit turnovers and consider using a percentage of the savings in a visible manner that will directly benefit residents, such as making improvements to common areas based on resident suggestions.

**Continue to Promote Cessation Assistance**

Smoking rates are high and the quit rate is low among low-income individuals. There is no evidence that these individuals have less interest in quitting. A smoke-free housing policy creates conditions that encourage many smokers to want to quit. To help, promote cessation services regularly, not just when the policy is first introduced. Look for cessation help that is easy to access, flexible, and cost-free.

## 2. Collect Data to Track Policy Effectiveness

Collecting and tracking resident successes, complaints, and policy violations is often overlooked. Here is why it is a good idea to document and organize what occurs:

- Makes clear to staff, board, and residents how you measure the impact of the policy.
- Gives everyone something to celebrate and goals to work toward.
- Engages residents and staff and allows them to see and understand how they might be able to assist with your work.
- Encourages a continuous improvement mentality.
- Gives everyone an opportunity to ask tough questions *to see if particular activities are worthwhile or if certain approaches should be replicated.*
- Helps ensure continuity when personnel changes occur.

Another benefit of data collection is that it helps to ensure the policy is consistently enforced across different properties. Theresa Mims of Paterson Housing Authority in New Jersey noted that at one of her buildings she dealt with a lot of smoking violations when she took over property management, even though the policy went into effect a few years before. "Whether that's because the previous manager didn't enforce it, I don't know." Without a data record, she has no way to assess what the frequency of violations was in the past.

Take time before the policy starts to set up a formal way to track what occurs. At each property, create a monthly log to record information such as:

- Number of verbal warnings given
- Number of warning letters sent
- Number of final notices sent
- Number of private conferences held
- Number of resident complaints made
- Number of residents who requested reasonable accommodation in regard to smoke-free policy
- Number of residents who attended on-site support groups or cessation counseling
- Costs for unit turnovers (i.e., salary and benefits, materials/supplies and contractor costs)

*Photo credit:* Metropolitan Development and Housing Agency – Nashville, TN

## 3. Assess the Implementation

On a quarterly basis, inquire how the policy is going. Meet with staff and identify what's working and how you can improve communication and enforcement. Review what's happened in the previous months and assess if there is a connection between the number of violations and current efforts. If possible, identify the activities that have the biggest effect on reducing complaints and violations.

### Conclusion

After researching and talking with dozens of property managers and PHAs that successfully implemented a smoke-free policy, it was evident they all followed a similar path to policy implementation. Most started out uncertain and skeptical about how the policy could work, but they were curious to explore it further. Now they support a smoke-free policy for various reasons, whether cost, health and safety, social justice, or marketability. Everyone agreed smoke-free multifamily housing is where we are now as a society. Smoking is and should remain a personal choice among adults, but nonsmokers have the right not to be affected by the choices of others. Smoke-free multifamily housing is the new reality.

"I know there are people out there who say it reduces maintenance costs, it reduces unit turnover costs, and it reduces insurance costs. And it may do all of those kinds of things. But I will say that was not the motivation here. This is simply the right thing to do."

*- Gail Livingston, Boston Housing Authority*

# Part V

## Frequently Asked Questions

You will probably have numerous questions as you embark on your journey to adopt a smoke-free policy. This section provides responses to questions that are typically asked by housing providers who are considering a smoke-free policy, including questions related to implementation and enforcement. Some of these include:

- **Does a smoke-free policy infringe upon the personal right to smoke in the privacy of a home?**
- **Why should we expand our restrictions on smoking in common areas in the building to include all units?**
- **Will the cost of extra staff time to implement a smoke-free policy outweigh any cost savings? Will a smoke-free policy have a negative effect on occupancy?**
- **Should I invest in an air detector to determine if a resident has been smoking?**

The references following this section may also be useful to you at different phases of implementation.

# 1. Common Implementation Concerns

**Does a smoke-free policy infringe on the personal right to smoke in the privacy of a home?**
This is a common concern among providers of subsidized or market rate multifamily housing who are hesitant about implementing a smoke-free policy. The key point is to reflect on the idea that the rights of smokers *and* nonsmokers should be considered. There is clear evidence that smoke infiltration occurs in multifamily buildings. It is impossible to contain smoke within a unit, and smoke can stay for years on surfaces. This residue remains toxic and exposes the next person who moves in to an avoidable health hazard, referred to as third-hand smoke. Indoor smoking puts all residents at risk. While smoking is and should remain a personal choice among adults, the nonsmokers who live around them have the right not to be exposed to the hazards of tobacco smoke.

Owners/agents have the legal right to set limits on how a resident may use rental property, such as restricting guests, noise, and pets. A no-smoking rule is another way for a landlord to protect his or her property from damage and to minimize disruptions to other residents' enjoyment of the building. In apartment buildings where resources are shared, residents cannot expect freedom to conduct whatever behavior they please, such as playing loud music late into the night.

**Do smoke-free policies discriminate against people with disabilities?**
One type of disability discrimination prohibited by the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and state and local civil rights laws, is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling.[28] Accommodations are considered reasonable when they do not fundamentally alter the nature of a policy, program or service, or present an undue financial and administrative burden for the housing provider.

Housing providers must consider all requests for reasonable accommodations, including requests from residents with, for example, mobility-impairments or mental disability, regarding compliance with smoke-free policies. Such smoking-related accommodation requests are expected to be rare, but must be evaluated on a case-by-case basis. For example, in implementing its smoke-free policy, one PHA accommodated requests from several residents with mobility issues who asked to be transferred to units closer to an elevator or door to facilitate their ability to go outside to smoke and comply with the smoke-free policy. In another example, a PHA helped a resident with a mental disability comply with its smoke-free policy by having a social worker place signs in the home reminding the resident about the policy's requirement to go outside to smoke. In considering reasonable accommodation requests, housing providers should keep in mind that a primary reason for adopting a smoke-free policy is to protect non-smokers from exposure to secondhand smoke.

**Does a smoke-free policy lead to many evictions?**
Housing providers do not report a rise in evictions due to a smoke-free policy. When it comes to a resident having received numerous violations, many will ultimately agree to comply with the policy or they move. In the cases of evictions that were identified for this publication, smoking was often one of many other types of lease violations that led to eviction.

**We have implemented smoke-free in common areas only. Why should we change it?**
Having a policy that restricts smoking within common areas of a building is a great first step in implementing a complete smoke-free policy further down the road. Because secondhand smoke cannot be contained within a unit, allowing smoking in apartments creates a health risk for all residents and staff. People who live in public or subsidized housing are less able to relocate to another residence, even if their health or the health of their children is compromised by secondhand smoke from another unit in the property.

By having only a partially smoke-free building, you miss out on the benefits of a completely smoke-free building, including reduced cost of unit turnovers, cleaner air for residents and staff, and decreased risk of fire caused by cigarettes.

**I am worried that the amount of staff time needed to implement and monitor a smoke-free policy far outweighs the limited savings that would be realized.**
Developing and implementing a smoke-free policy requires significant effort, but the benefits for staff, residents and your property assets are clear. According to PHAs and owners/agents of subsidized or market rate multifamily housing, the effort is worth the outcome. Smoking is the number one cause of residential fire deaths, and the cost of repairing a building after a fire can be enormous. Having a smoke-free policy can protect your properties from significant and costly damage and reduce ongoing maintenance costs.

**Will a smoke-free policy have a negative effect on occupancy?**
Nationwide, surveys of landlords show that many of their concerns about the negative effects of a smoke-free policy turn out to be unwarranted. This includes worries about the difficulties of renting, enforcement, resident complaints, concerns of legality of the policy, resistance from the board, and maintenance staff resistance. In a 2013 survey conducted by the North Carolina Tobacco Prevention and Control Branch of all of the affordable housing properties in North Carolina, there was no difference in occupancy rates between smoke-free and smoking-allowed properties.[29] This observation was also made by several of the individuals interviewed for this *Action Guide.*

**What if many of our residents smoke and won't be able to quit smoking?**
Implementing a smoke-free policy does not mean residents must quit smoking to live there. Residents may continue to smoke as long as it is in smoking-approved areas and the smoke-free policy is adhered to. Smoke-free policies should focus on eliminating smoke from inside the building and reducing staff and resident exposure to secondhand smoke. A smoke-free policy may motivate some smokers to quit, thus underscoring the value of helping residents obtain access to cessation resources.

**We did a survey of our residents. Is there a suggested minimum percentage of support needed to implement a smoke-free policy?**
There is no minimum percentage of support required on survey results to indicate that a policy will be effective. Give residents plenty of time to understand the policy and prepare themselves for its implementation (6-12 months is recommended). Regular and consistent communication between staff and residents about the policy can help to re-enforce your expectations.

If the majority of surveyed residents indicate they do not want a smoke-free policy, you can stay committed to your intent to go smoke-free, but be prepared to build in more time before implementing the policy. Allow up to 18 months to actively communicate about the health effects of secondhand smoke and the reasons to create smoke-free housing. During this time, promote cessation services and invite local speakers to meetings who can support the policy by sharing information about secondhand smoke and the health benefits for quitting or reducing smoking. (Note: National surveys show that smoking rates are highest among the lowest income segment of the population, with an average smoking prevalence of about 30% in 2012.[30] This means that about 70% of this group are nonsmokers, a fact which would be expected to translate into majority support for smoke-free policies.)

**Should I invest in an air detector to know for certain if a resident has been smoking?**

Nicotine or cigarette smoke detectors offer great appeal to owners/agents eager to find an easy way to prove a violation occurred. It is important to realize they often cost several thousand dollars and require specialized expertise to use properly, with results that may be unreliable unless continuous monitoring takes place in a unit.

**Should e-cigarettes be included in our smoke-free policy?**

What is known about e-cigarettes and their health impact is rapidly evolving. Currently, these products are not regulated, but the Food and Drug Administration (FDA) has announced its intent to regulate e-cigarettes. HUD does not have a position on e-cigarettes at this time. Each PHA and owner/agent should decide for themselves how they plan to handle e-cigarettes on their property.

The information below is pulled from a summary of the scientific evidence regarding e-cigarettes from the Centers for Disease Control and Prevention. The full letter may be found at http://www.tobaccopreventionandcontrol.ncdhhs.gov/Documents/CDC-LetterOfEvidence-E-cigsMay15-2014.pdf.

> E-cigarettes are part of a class of products often referred to as electronic nicotine delivery systems (ENDS), which are battery-powered devices that provide doses of nicotine and other additives to the user in an aerosol (CDC 2013). Studies have demonstrated wide variability in design, operation, and contents and emissions of carcinogens, other toxicants, and nicotine from ENDS (DHHS 2014). ENDS aerosol is not "water vapor." It contains nicotine and can contain additional toxins (Goniewicz, Kuma et al. 2013), and thus, it is not as safe as clean air. Although some ENDS have been shown to emit volatile organic compounds and dangerous toxins such as acetaldehydes, including acrolein, these are generally emitted at much lower levels than by cigarettes (Goniewicz, Knysak et al. 2014). However, because there are hundreds of manufacturers and no manufacturing standards, there is no way to ensure that all ENDS have acceptably low levels of toxicants. While FDA regulation may eventually establish product standards to limit dangerous chemicals currently found in some ENDS, all ENDS have the potential to involuntarily expose children and adolescents, pregnant women, and nonusers to aerosolized nicotine. ENDS use can also result in accidents and other potential health hazards. CDC recently reported that the number of calls to poison centers in the 50 states, the District of Columbia, and U.S. territories involving e-cigarettes rose from one per month in September 2010 to 215 per month in February 2014, and 51.1% of e-cigarette-related poisonings were among young children ages 0-5 (CDC 2014).

Some owners/agents will choose to eliminate indoor use of e-cigarettes and other electronic nicotine delivery systems as a means to provide clean indoor air and a safer environment. Some may also eliminate e-cigarette use in outdoor smoke-free areas to avoid confusion with cigarettes and make enforcement of smoke-free policies easier. Others may see e-cigarettes as less harmful than traditional cigarettes and allow their use inside units and/or in common areas. HUD does not have a position on e-cigarettes at this time. Each PHA and owner/agent should decide for themselves how to handle e-cigarettes at a property.

# 2. Common Enforcement Questions – with Answers from Real Stories

**If you go to court, what kind of evidence is needed?**
In the cases that went before a judge, we followed our policy and state eviction law showing the two notices, each providing 20 days to cure, and a third notice. Each "countable" violation occurred after the 20 days to cure period had passed. The cases were supported by written complaints from other residents and/or staff. During the proceedings, judges questioned me about the procedure we used for notifying residents, which they were satisfied with. In two situations, the defendants didn't come to court, and we won those cases. In other cases, we entered into stipulations that the judges signed. For those, we won the eviction judgments but will not execute as long as there are no further violations. The judges prefer to see us reach some kind of stipulation. They prefer not to evict people, but we have been successful in court.

*– Marcia Sullivan, Executive Director, East Greenwich Housing Authority, Rhode Island*

**How do we enforce this in buildings that are not high-rise?**
We are a small housing authority with duplex, 8-plex, and standalone properties. I cannot say that no one's ever smoked in their apartment in the last four-and-a-half years, but we don't have the smoke police. Enforcement is not going to take up a lot of effort. You are in and out of the apartments. You are doing a work order. Someone's doing an inspection. You see the ash tray. You can smell it in the apartment. We do have pest control, so we are in the apartments quarterly. We do housekeeping inspections. We now use a stark bright white interior paint, so we know if someone is smoking in that apartment because the walls will be stained with nicotine. You just have to be reasonable, and use some common sense.

*– Faye Dodd, Executive Director, Murray Housing Authority, Murray, Kentucky*

"We do not provide a 'smoking area' at our sites. I was concerned about how to make a smoking area accessible, how to maintain the area and what liability would attach to the area. Our policy states that you may not smoke within 50 feet of a window or door in the building. Where someone smokes is left to the individual as long as it is outside our property boundary."

*– Larry Sisson, President, TESCO Properties, Section-8 multifamily housing, Germantown, Tennessee*

**We don't have outdoor space on our property that is 25 feet from the building. Where can smokers go to smoke?**
The only negative outcome thus far has been that smokers who choose to reside at Lincoln must walk over to the adjacent park or across the street to smoke in order to adhere to this policy. During the day this isn't an issue, but Lincoln Tower's residents are all senior citizens, and we are located in a city. Safety concerns have been expressed by those residents as well as by our local city council member. To address this, Lincoln Tower's management has put in a request for the city to put up additional lighting in the park, and it has offered safety tips that include encouraging smokers to pair up when they are going out to smoke during the evening.

*– Sandy Cipollone, Senior Vice President, Interstate Realty Management Co., Team Member of The Michaels Organization, Marlton, New Jersey, market rate and subsidized property, owner/management firm*

# References


American Academy of Pediatrics and the American Lung Association. January 7, 2013. Comment on U.S. Department of Housing and Urban Development. "FR-5597-N-01; Request for Information on Adopting Smoke-Free Policies in Public Housing Authorities and Multifamily Housing: Reopening of Public Comment Period," Regulations.gov (website), date of access March 12, 2014, http://www.regulations.gov/#!documentDetail;D=HUD-2012-0103-0063

American Lung Association. (2011). "Smokefree Multi-Unit Housing: Bringing Healthy Air Home." *Smokefree Policies in Multi-Unit Housing.* http://www.lung.org/assets/documents/healthy-air/smoking-in-multi-unit-housing.pdf

American Nonsmokers' Rights Foundation. "Overview List – How many Smokefree Laws?" April 2014. Retrieved from: http://www.no-smoke.org/pdf/mediaordlist.pdf

American Society of Home Inspectors, Enterprise Community Partners and the National Center for Healthy Housing. January 22, 2013. Comment on U.S. Department of Housing and Urban Development. "FR-5597-N-01; Request for Information on Adopting Smoke-Free Policies in Public Housing Authorities and Multifamily Housing: Reopening of Public Comment Period," Regulations.gov (website), date of access April 2, 2014, http://www.regulations.gov/#!documentDetail;D=HUD-2012-0103-0100

Anania, T. (2013). Executive Director, Island County Housing Authority. *The Case for Uniform, Effective Enforcement of a No Smoking Policy.* Comprehensive Health Education Foundation and Pacific Northwest Regional Council of NAHRO.

Austin, L. T. (2012, April 12). *Tobacco Free Housing for Owners.* Retrieved from Tobacco Free Austin: http://www.livetobaccofreeaustin.org/docs/Smoke%20Free%20Housing%20Guide.pdf

Been, J., Nurmatov, U., Cox, B., Nawrot, T., von Schayck, C., Sheikh, A. (2014). Effect of smoke-free legislation on perinatal and child health: a systematic review and meta-analysis. *The Lancet.*

Befus, B. F. (2008). No Smoking Policies in Apartments. *National Multi-Housing Council: Property Management Update.*

ChangeLab Solutions. (2012). *How Landlords Can Prohibit Smoking in Rental Housing.* Retrieved from http://changelabsolutions.org/sites/default/files/CLS_LandlordsProhibitSmoking FINAL 20130205.pdf

Cramer, M., Roberts, S., Stevens, E. (2011). Landlords attitudes and behaviors regarding smoke-free policies: implications for policy change. *Public Health Nursing,* 28(1), 3-12.

Dwyer-Lindgren, L., Mokdad, A., Srebotnjak, T., Flaxman, A., Hansen, G., Murray, C. (2014). Cigarette smoking prevalence in US counties: 1996-2012. *Population Health Metrics,* 12:5.

Garcia, L. (2008, July 17). *It's Legal to Enforce a Smoke-free Workplace.* Retrieved from: The Washington Post: http://www.washingtonpost.com/wp-dyn/content/article/2008/07/16/AR2008071602285.html

King, B., Peck, R., Babb, S. (2013). Cost Savings Associated with Prohibiting Smoking in U.S. Subsidized Housing. American Journal of Preventive Medicine, 44(6): 631-4.

King, K. (2011, July 11). *SAHA to ban smoking in public housing*. Re-trieved from MySA San Antonio's Home Page: http://www.mysanantonio.com/news/local_news/article/SAHA-to-ban-smoking-in-public-housing-1561214.php

Moore, R. (2013). No Smoking Policy: Planning, Enforcement, and Outcomes. *National Convention on Tobacco and Health* (PPT). Kansas City: Home Forward.

President's Task Force on Environmental Health Risks and Safety Risks to Children: Federal Asthma Disparities Workgroup. (2010). *Coordinated Federal Action Plan to Reduce Racial and Ethnic Asthma Disparities.* U.S. Environmental Protection Agency.

President's Task Force on Environmental Health Risks and Safety Risks to Children: Federal Healthy Homes Workgroup. (2013). *Advancing Healthy Housing: A Strategy for Action*. U.S. Department of Housing and Urban Development.

Ruel, E., Oakley, D. Wilson G., Elton & Maddox, R. (2010, September) Is Public Housing the Cause of Poor Health or a Safety Net for the Unhealthy Poor? *Journal of Urban Health,* 87(5): 827-838.

Tobacco Control Legal Consortium. (2013, December). *Regulating Smoking in Multi-unit Housing.* Retrieved April 8, 2014, from Tobacco Control Legal Consortium: http://publichealthlawcenter.org/sites/default/files/resources/tclc-guide-regulatingsmoking-multiunits-2011_0.pdf

U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke:* A Report of the Surgeon General. 2006.

U.S. Department of Homeland Security. "Smoking-Related Fires in Residential Buildings (2008-2012)."*Topical Fire Report Series.* 13, no. 6 (June 2012). Retrieved from: http://www.usfa.fema.gov/downloads/pdf/statistics/v13i6.pdf

U.S. Department of Housing and Urban Development. "Smoke-Free Housing: A Toolkit for Public Housing Authorities and Owners/Management Agents." 2012. Retrieved from: http://portal.hud.gov/hudportal/documents/huddoc?id=pdfowners.pdf

U.S. National Institutes of Health, National Cancer Institute, Tobacco Control Research Branch. http://www.smokefree.gov

# Endnotes


1. Centers for Disease Control and Prevention *Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion.* Retrieved May 30, 2014, from http://www.cdc.gov/tobacco/data_statistics/sgr/2010/consumer_booklet/chemicals_smoke/

2. U. S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. 2014. http://www.surgeongeneral.gov/library/reports/50-years-of-progress/

3. U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General.* Atlanta: Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

4. U.S. Department of Health and Human Services. How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010. http://www.cdc.gov/tobacco/data_statistics/sgr/2010/index.htm

5. U.S. Department of Housing and Urban Development. "Smoke-Free Policies in Public Housing" NOTICE: PIH-2012-25, 2012.

6. U.S. Department of Housing and Urban Development. "Further Encouragement for O/As to Adopt Optional Smoke-Free Housing Policies." NOTICE: H 2012-22, 2012.

7. King, B., Babb, S., Tynan, M., & Gerzoff, R. (2012, December 17). National and State Estimates of Secondhand Smoke Infiltration Among U.S. Multiunit Housing Residents. *Nicotine & Tobacco Research*, 10.1093/ntr/nts254.

8. Personal communication with Marty Nee, U.S. Department of Housing and Urban Development Office of Lead Hazard Control and Healthy Housing. Washington, D.C. 2014.

9. Pizacani, B., Maher, J., Rohde, K., & al, e. (2012). Implementation of a smoke-free policy in subsidized multiunit housing: Effects on smoking cessation and secondhand smoke exposure. *Nicotine & Tobacco Research*, doi: 10.1093/ntr/ntr334.

10. Digenis-Bury, E., Brooks, D., Chen, L., Ostrem, M., & Horsburgh, C. Use of a Population-Based Survey to Describe the Health of Boston Public Housing Residents. *American Journal of Public Health* 98, no.1 (2008): 85-91.

11. Russo, E., Hulse, T., Adamkiewicz, G., Levy, D., Bethune, L., Kane, J., Reid, M., & Shah, S. Comparison of Indoor Air Quality in Smoke-Permitted and Smoke-Free Multiunit Housing: Findings From the Boston Housing Authority. *Nicotine & Tobacco Research* (2014): 1–7.

12. President's Task Force on Environmental Health Risks and Safety Risks to Children: Federal Healthy Homes Workgroup. (2013). Advancing Healthy Housing: A Strategy for Action. U.S. Department of Housing and Urban Development.

13. Wilson, K., Klein, J., Blumkin, A., Gottlieb, M., Winickoff, J. (2010). Tobacco Smoke Exposure in Children Who Live in Multiunit Housing. Pediatrics, 85-92.

14. U.S. Fire Administration. Smoking and Home Fire Safety: http://www.usfa.fema.gov/citizens/home_fire_prev/smoking.shtm

15. U.S. Fire Administration National Fire Data Center. (2012). *Smoking-Related Fires in Residential Buildings* (2008-2010).

16. King, B., Peck, R., Babb, S. (2013). Cost-Savings Associated with Prohibiting Smoking in U.S. Subsidized Housing. *American Journal of Preventive Medicine.*

17. American Society of Heating, Refrigerating, and Air Conditioning Engineers Board of Directors. "ASHRAE Position Statement on Environmental Tobacco Smoke." 2013.

18. Kraev, T., Adamkiewicz, G., Hammond, S., Spengler, J. (2009). Indoor concentrations of nicotine in low-income, multi-unit housing: associations with smoking behaviours and housing characteristics. Tobacco Control, 18(6):438-44.

19. Ruel, E., Oakley, D., Wilson G., Elton & Maddox, R., Is Public Housing the Cause of Poor Health or a Safety Net for the Unhealthy Poor? *Journal of Urban Health* (September 2010): 87(5): 827-838.

20. U.S. Department of Housing and Urban Development. "Resident Characteristics Report." 2014. http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/systems/pic/50058/rcr

21. Akinbami, L., Moorman, J., Bailey, C., Zahran, H., King, M., Johnson, C., & Liu, X . Trends in Asthma Prevalence, Health Care Use, and Mortality in the United States, 2001-2010. NCHS Data Brief (2012): 94. http://www.cdc.gov/nchs/data/databriefs/db94.pdf

22. King, B., Babb, S., Tynan, M., & Gerzoff, R. (2012, December 17). National and State Estimates of Secondhand Smoke Infiltration Among U.S. Multiunit Housing Residents. *Nicotine & Tobacco Research,* 10.1093/ntr/nts254.

23. Hood, N., Ferketich, A., Klein, E., Wewers, M., & Pirie, P. (2013). Individual, social, and environmental factors associated with support for smoke-free housing policies among subsidized housing tenants. *Nicotine & Tobacco Research*, 15(6):1075-1083.

24. Campbell DeLong Resources, Inc. (2008). *Smoking Practices, Policies and Preferences in Oregon Rental Housing*. State of Oregon Department of Human Resources Public Health Division Oregon Tobacco Prevention & Education Program.

25. MSR Group survey of Nebraska's Douglas County residents (2005).

26. Anania, T. (2013). Executive Director, Island County Housing Authority. *The Case for Uniform, Effective Enforcement of a No Smoking Policy.* Comprehensive Health Education Foundation and Pacific Northwest Regional Council of NAHRO.

27. Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office of Smoking and Health. (2013). Vital Signs. *Adult Smoking: Focusing on People with Mental Illness.*

28. U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity. "Joint Statement of the Department of Housing and Urban Development and the Department of Justice: Reasonable Accomodations Under the Fair Housing Act." May 17, 2004.

29. Stein, A. "Smoke-Free Multi-Unit Housing: Creating Healthy Environments Where it Matters Most." Presentation at the Community Affordable Housing Equity Corporation Partners Conference, Raleigh, NC, May 20, 2014.

30. Centers for Disease Control and Prevention. Current Cigarette Smoking Among Adults—United States, 2005–2012. *Morbidity and Mortality Weekly Report* 63, no. 02 (2014): 29–34.

# Appendices

The resources in this appendix complement resources provided in HUD's two smoke-free toolkits, *Smoke-Free Housing Toolkit for Public Housing Authorities and Owners/Management Agents* and *Smoke-Free Housing Toolkit for Residents.* The materials provided and referenced are meant to be informative, not prescriptive, and are representative of many useful resources available online.

**Appendix A: HUD Notices**
Office of Housing Smoke-free Notice 2012-22
Public and Indian Housing Smoke-free Notice PIH-2012-25

**Appendix B: Resources**

**Appendix C: Summary of Federal Register Comments**

**U.S. Department of Housing and Urban Development**
**Office of Public and Indian Housing**
**Office of Healthy Homes and Lead Hazard Control**

**SPECIAL ATTENTION OF:**

Regional Directors; State and Area Coordinators; Public Housing Hub Directors; Program Center Coordinators; Troubled Agency Recovery Center Directors; Special Applications Center Director; Administrators; Resident Management Corporations Public Housing Agencies; Healthy Homes Representatives

NOTICE: PIH-2012-25

Issued: May 29, 2012

Expires: Effective until amended, revoked or superseded

Cross Reference:
24 CFR 903.7 (e)(1)
24 CFR 966.3

Subject: Smoke-Free Policies in Public Housing

1. **Purpose.** This notice is a reissuance of PIH Notice 2009-21 which strongly encourages Public Housing Authorities (PHAs) to implement smoke-free policies in some or all of their public housing units. According to the American Lung Association, cigarette smoking is the number one cause of preventable disease in the United States. The elderly and young populations, as well as people with chronic illnesses, are especially vulnerable to the adverse effects of smoking. This concern was addressed by the Family Smoking Prevention and Tobacco Control Act, P.L. 111-31, signed by the President on June 22, 2009. It is possible for Environmental Tobacco Smoke (ETS) to migrate between units in multifamily housing, causing respiratory illness, heart disease, cancer, and other adverse health effects for those living in neighboring residences. Therefore the Department is encouraging PHAs to adopt smoke-free policies. By reducing the public health risks associated with tobacco use, this notice will enhance the effectiveness of the Department's efforts to provide increased public health protection for residents of public housing. The Department is currently developing additional guidance to assist PHAs with the consideration and adoption of smoke-free policies.

2. **Applicability.** This notice applies to Public Housing.

3. **Background.** Secondhand smoke, also known as Environmental Tobacco Smoke, is the smoke that comes from the burning end of a cigarette, pipe or cigar, and the smoke exhaled from the lungs of smokers. ETS is involuntarily inhaled by non-smokers, and can cause or worsen adverse health effects, including cancer, respiratory infections and asthma. According to the U.S. Environmental Protection Agency (EPA) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke (www.epa.gov/smokefree/healtheffects.html). Also the 2006 Surgeon General's report identified hundreds of chemicals in secondhand smoke that are known to be toxic. The report

(*The Health Consequences of Involuntary Exposure to Secondhand Smoke)* can be found at http://www.surgeongeneral.gov/library/smokeexposure/report/fullreport.pdf. According to this report, secondhand smoke causes an estimated 50,000 deaths in adult non-smokers in the United States each year, including approximately 3,400 from lung cancer and approximately 46,000 from heart disease. This can have a significant impact on people who live in close proximity to smokers.

Currently there are more than 1.2 million families who reside in public housing. Residents between the ages of 0-17 represent approximately 39 percent of public housing residents, with those over the age of 62 representing approximately 15 percent of public housing residents. Residents in these age groups account for at least 54 percent of public housing residents, and represent a population that could be at increased risk to the adverse effects of ETS. Additionally, there are a considerable number of residents with chronic diseases such as asthma and cardiovascular disease who may also be particularly vulnerable to the effects of ETS as secondhand smoke lingers in the air hours after cigarettes have been extinguished and can migrate between units in multifamily buildings.

Smoking is the leading cause of fire deaths in multifamily buildings with 26 percent of these casualties reported in 2005 www.usfa.dhs.gov/downloads/pdf/publications/Residential_Structure_and_Building_Fires.pdf. Data from the U.S. Fire Administration of the Department of Homeland Security estimates that in 2006 there were 18,700 smoking-material fires in homes. These fires resulted in 700 civilian deaths (not including firefighter casualties), 1,320 civilian injuries, and $496 million in direct property damage www.nfpa.org/assets/files/PDF/OS.Smoking.pdf.

4. **Indoor Air Quality (IAQ).** According to the U.S. Green Building Council (USGBC), toxin free building materials used in green buildings help combat indoor air pollution. Achieving good IAQ involves minimizing indoor pollutants such as ETS; therefore it would be advantageous for a PHA to restrict indoor smoking as it would be easier for a property to achieve good IAQ in its buildings. During construction or renovation of projects, PHAs should consider the following actions: installing direct vent combustion equipment and fireplaces; providing for optimal, controlled, filtered ventilation and air sealing between living areas and garage or mechanical areas, and the use of paints and other materials that emit no or low levels of volatile chemicals (volatile organic compounds or VOCs). Sixty-five percent of the public housing inventory was built prior to 1970. In order for a PHA to implement retrofits that would improve IAQ significantly, it would be likely that renovation would need to take place. If a PHA performs renovations to improve IAQ without also implementing a non-smoking policy, the IAQ benefits of the renovation would not be fully realized. Therefore, a non-smoking policy is an excellent approach for those PHAs that are trying to achieve improved IAQ without additional retrofit costs.

5. **Maintenance.** It is well known that turnover costs are increased when apartments are vacated by smokers. Additional paint to cover smoke stains, cleaning of the ducts, replacing stained window blinds, or replacing carpets that have been damaged by cigarettes can increase the cost to make a unit occupant ready. Therefore, a non-smoking policy is another good approach for reducing maintenance costs. View the Sanford Maine Housing Authority case study at

http://www.smokefreeforme.org/landlord.php?page=Save+Money%2C%3Cbr%3ESave+Your+Building.

6. **Policy Discretion**. PHAs are permitted and strongly encouraged to implement a non-smoking policy at their discretion, subject to state and local law. Some PHAs have established smoke-free buildings. Some PHAs have continued to allow current residents who smoke to continue to do so, but only in designated areas and only until lease renewal or a date established by the PHA. Some PHAs are prohibiting smoking for new residents. According to a state-funded anti-smoking group, the Smoke-Free Environment Law Project of the Center for Social Gerontology, there are more than 225 PHAs and housing commissions across the country that have implemented non-smoking policies. PHAs should consult with their resident boards before adopting non-smoking policies at their properties.

7. **PHA Plans**. PHAs opting to implement a non-smoking policy should update their PHA plans. According to 24 CFR 903.7(e), their plan must include their statement of operation and management and the rules and standards that will apply to their projects when the PHA implements their non-smoking policy. PHAs are encouraged to revise their lease agreements to include the non-smoking provisions. If PHAs institute non-smoking policies, they should ensure that there is consistent application among all properties and buildings in their housing inventory in which non-smoking policies are being implemented.

8. **Smoking Cessation National Support. S**moking tobacco is an addictive behavior, therefore PHAs that implement non-smoking policies should provide residents with information on local smoking cessation resources and programs. Local and state health departments are sources of information on smoking cessation. The toll-free number of the National Network of Tobacco Cessation Quitlines, 1-800-QUIT-NOW (1-800-784-8669), connects users directly to their State quitline, the National Cancer Institute's website www.smokefree.gov provides tips on quitting tobacco use, and the American Lung Association's Web page on State Tobacco Cessation Coverage www.lungusa2.org/cessation2 provides information on cessation insurance programs, both public and private, in all states and the District of Columbia. In addition, information on quitting from National Cancer Institute counselors can be accessed by calling the toll-free number 1-877-44U-QUIT (1-877-448-7848). Hearing or speech-challenged individuals may access these numbers through TTY by calling the toll-free Federal Relay Service at 1-800-877-8339. PHAs that implement non-smoking policies should be persistent in their efforts to support smoking cessation programs for residents, adapting their efforts as needed to local conditions.

9. **Further Information**. For further information related to this notice, please contact Shauna Sorrells, Director, Office of Public Housing Programs at (202) 402-2769.

/s/

Sandra B. Henriquez
Assistant Secretary for Public and Indian Housing

/s/

Jon L. Gant,
Director, Office of Healthy Homes and Lead Hazard Control

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-
FEDERAL HOUSING COMMISSIONER

| **Special Attention of:** | NOTICE: H 2012-22 |
|---|---|
| Multifamily Hub Directors<br>Multifamily Program Center Directors<br>Rural Housing Services (RHS) Directors<br>Supervisory Housing Project Managers<br>Housing Project Managers<br>Contract Administrators<br>Multifamily Owners and Management Agents | Issued: October 26, 2012<br><br>Expires: This notice remains in effect until amended, revoked, or superseded<br><br>Cross References: H 2010-21 |

**Subject: Further Encouragement for O/As to Adopt Optional Smoke-Free Housing Policies**

## I. Purpose

Many owners and management agents (O/As) participating in one of the Multifamily Housing rental assistance programs listed in Section III of this Notice have taken steps to implement smoke-free housing policies in some or all of the properties they own/manage since the issuance of Housing Notice 2010-21. The purpose of this Notice is to further encourage the adoption of smoke-free housing policies by O/As who have not yet chosen to do so. The guidance found in this Notice for O/As choosing to implement a smoke-free housing policy has not changed from Housing Notice 2010-21.

## II. Background

Exposure to smoke, whether direct or secondhand, causes adverse health outcomes such as asthma and other respiratory illnesses, cardiovascular disease, and cancer. The 2010 Surgeon General's Report – *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease* supports this statement by explaining that low levels of smoke exposure, including exposure to secondhand smoke, lead to a rapid and sharp increase in dysfunction and inflammation of the lining of blood vessels, which are implicated in heart attacks and strokes. Additionally, the report states that cigarette smoke contains more than 7,000 chemicals and compounds. Hundreds of these chemicals and compounds are toxic and at least 69 cause cancer.

In 2006, the U.S. Department of Health and Human Services published *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. This document expounds on health effects due to involuntary exposure to tobacco smoke. The report defines secondhand smoke, in the past referred to as environmental

tobacco smoke (ETS), as smoke composed of sidestream smoke (the smoke released from the burning end of a cigarette) and exhaled mainstream smoke (the smoke exhaled by the smoker). The report lists several major conclusions, all based on scientific data, including the following: 1) The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and 2) Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke.

Below are relevant statistics and conclusions from *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*.

- According to a 2005 estimate by the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, approximately 50,000 excess deaths result annually in the United States from exposure to secondhand smoke.
- Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome, acute respiratory infections, ear problems, and more severe asthma.
- Secondhand smoke has been designated as a known human carcinogen (cancer-causing agent) by the U.S. Environmental Protection Agency, National Toxicology Program and the International Agency for Research on Cancer.
- Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
- Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing heart disease by 25-30 percent.
- Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing lung cancer by 20-30 percent.

The United States Fire Administration (USFA) indicates smoking as the number one cause of preventable home fire deaths in the United States. Furthermore, about 1,000 people are killed every year in their homes by fires caused by cigarettes and other smoking materials. The USFA states 25 percent of people killed in smoking-related fires are not the actual smokers; of this percentage, more than one third of these victims were children of the smokers, and 25 percent were neighbors or friends of the smokers. In addition to the negative health effects of secondhand smoke, smoking is a proven hazard to physical structures.

## III. Applicability

This Notice applies to:

A. Project-based Section 8
   1. New Construction
   2. State Agency Financed
   3. Substantial Rehabilitation

4. Section 202/8
5. Rural Housing Services Section 515/8
6. Loan Management Set-Aside (LMSA)
7. Property Disposition Set-Aside (PDSA)

B. Rent Supplement
C. Section 202/162 Project Assistance Contract (PAC)
D. Section 202 Project Rental Assistance Contract (PRAC)
E. Section 811 PRAC
F. Section 811 Project Rental Assistance Demonstration units under a Rental Assistance Contract
G. Section 236
H. Rental Assistance Payment (RAP)
I. Section 221(d)(3) Below Market Interest Rate (BMIR)

## IV. Update to House Rules/Policies and Procedures

O/As choosing to implement a smoke-free housing policy must update their House Rules and Policies and Procedures, as applicable, to incorporate the smoke-free housing requirements. O/As are encouraged to establish smoke-free policies that pertain specifically to their buildings and grounds including any common areas, entry ways, openings to the buildings (e.g. windows), and/or playground areas.

In carrying out any smoke-free housing policy, O/As must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105, including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the American Disabilities Act; Section 109 of the Housing and Community Development Act of 1974.

## V. Requirements for Implementing Smoke-free Housing Policies

O/As who choose to establish smoke-free housing policies may establish policies that allow smoking in individual units but prohibit smoking in all common areas or policies to create a totally smoke-free property.

A. The O/A's policies must:

1. Be in accordance with state and local laws.

2. Address smoking in a tenant's unit, common areas, playground areas, areas near any exterior window or door, and areas outside a tenant's unit.

3. Designate specific smoking areas and identify these areas with clear signage unless the O/A establishes a totally smoke-free policy.

B. The O/A must not have policies that:

1. Deny occupancy to any individual who smokes or to any individual who does not smoke who is otherwise eligible for admission.

2. Allow the O/A to ask at the time of application or move-in whether the applicant or any members of the applicant's household smoke. However, if the O/A has established a smoke-free building as of a certain date, the O/A must inform applicants after that date that the property is totally smoke-free. The O/A must not maintain smoking or nonsmoking specific waiting lists for the property.

3. Allow the O/A to ask at the time of recertification, whether the tenant or any members of the tenant's household smoke.

4. Require existing tenants, as of the date of the implementation of the smoke-free housing policies, to move out of the property or to transfer from their unit to another unit.

C. Grandfathering

O/As are not required to grandfather current tenants living at their properties, however, they do have the option to do so. Such policies must be clearly defined (e.g. whether current tenants are allowed to smoke in their units).

D. Non-smoking wings, buildings, floors, or units

O/As are not restricted from establishing smoke-free wings, buildings, floors, and/or units at their property. When a unit becomes available, regardless of where this unit is located, it must be offered to the first eligible household on the waiting list. Waiting lists must be maintained (including the removal of names from the waiting list) according to existing procedures found in HUD Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, Chapter 4.

O/As who have already established smoke-free policies may continue to enforce their current policies so long as the policies do not violate state or local laws or any of the above guidance.

## VI. Implementation

O/As must implement any new smoking-related House Rules in accordance with HUD Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs,* paragraphs 6-9 and 6-12.

A. **New admissions.** O/As are required by existing HUD policies to provide the House Rules to all new tenants.

B. **Existing tenants.** O/As must notify existing tenants, who have completed their initial lease terms, of the modifications to the House Rules 30 days prior to implementation. Notification is accomplished by forwarding a copy of the revised House Rules to existing tenants. For those tenants who have not yet completed their initial lease terms, the owner must provide the tenant with 60 days notice, prior to the end of their lease terms, of the change in the House Rules.

Communications to applicants and existing tenants regarding smoke-free housing policies must be provided in a manner that is effective for persons with disabilities, see 24 CFR § 8.6, and for persons who have limited English proficiency. O/A's should refer to HUD's published *Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (LEP Guidance)(72 FR 2732) for assistance and information regarding LEP obligations.

## VII. Penalties for Violating the House Rules

Repeated violations of the non-smoking policy may be considered material noncompliance with lease requirements and may result in termination of tenancy. When pursuing eviction due to material noncompliance with lease requirements, existing HUD procedures found in HUD Handbook 4350.3, REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, Chapter 8 must be followed.

## VIII. Further Information

If you have any questions regarding the requirements in this Notice as they pertain to the Office of Housing's programs, please contact your local HUD Field Office.

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Carol J. Galante
Acting Assistant Secretary for Housing -
Federal Housing Commissioner

# Appendix B: Resources

**Americans for Nonsmokers' Rights (ANR)**
http://www.no-smoke.org/goingsmokefree.php?id=594 ANR offers materials to help landlords implement smoke-free policies, including an up-to-date list of state and local tobacco control laws.

**American Lung Association (ALA)**
http://www.lung.org/stop-smoking/about-smoking/smokefree-housing.html ALA offers an online curriculum for how to implement a smoke-free policy in multifamily properties.

**Austin Smoke-Free Housing: A Manager's Guide to Smoke-Free Housing Policies** http://www.livetobaccofreeaustin.org/docs/Smoke%20Free%20Housing%20Guide.pdf
This easy-to-read guide offers practical steps and sample materials for property managers.

**California Center for Tobacco Policy and Organizing (The Center)**
http://center4tobaccopolicy.org/tobacco-policy/smokefree-multi-unit-housing/ This site provides resources for going smoke-free in buildings; it also tracks communities in California that pass laws that limit or prohibit smoking in and around multifamily properties.

**CDC's Healthy Homes Manual: Smoke-Free Policies for Multiunit Housing** http://www.cdc.gov/healthyhomes/healthy_homes_manual_web.pdf

**ChangeLab Solutions – Smoke-Free Housing**
http://changelabsolutions.org/landing-page/healthy-housing-stable-and-smokefree ChangeLab provides leadership in smoke-free housing options in California; many of their materials are helpful for those in other states.

**Fair Housing Council of Oregon's brochure "Mediating Secondhand Smoking Disputes in Housing"**
http://www.fhco.org/pdfs/SFmedationFactSheet.pdf

**HUD's Smoke-Free Housing Toolkits**

- **For Public Housing Authorities and Owners/Managers**
  http://portal.hud.gov/hudportal/documents/huddoc?id=pdfowners.pdf
- **For Residents**
  http://portal.hud.gov/hudportal/documents/huddoc?id=pdfresidents.pdf

HUD's toolkits were developed in partnership with the American Academy of Pediatrics, the American Lung Association, and the U.S. Department of Health and Human Services. They are compilations of educational materials from other organizations.

**International Smoke-Free Housing Coalition Global Directory**
http://www.mnsmokefreehousing.org/fckfiles/Global%20Directory%20of%20Smoke-Free%20Housing%20May%202014.pdf
The purpose of this directory is to connect those working on smoke-free multi-housing with each other and each other's services.

**King County Housing Authority Non-Smoking Policy Lease Addendum**
http://www.kcha.org/Portals/0/PDF/Policies/Non_Smoking_Policy.pdf. King County Housing Authority offers an example Non-Smoking Policy Lease Addendum, which provides an explanation of the policy, terms, and conditions associated with smoke-free housing. This document can be used as a guideline to assist managers/owners who want to make their buildings smoke-free.

**Live Smoke Free Program**
www.mnsmokefreehousing.org
Live Smoke Free offers educational brochures, manuals, webinars, and promotional materials to assist managers/owners who want to make their buildings smoke free.

**National Smoke-Free Multi-Unit Housing Listserv**
http://www.lsoft.com/scripts/wl.exe?SL1=SMOKEFREEHOUSING-TALK&H=COMMUNITY.LSOFT.COM
The smoke-free multi-unit housing listserv is free and open to anyone working on or interested in learning more about smoke-free multi-unit housing. More than 300 experienced advocates are on this online network.

**No Smoking Policy Plan Options and Talking Points for Housing Authorities**
www.chef.org/LinkClick.aspx?fileticket=XkZ7Lys6CJ0%3D
This site includes policy plan options, work plans, and talking points prepared under a State of Washington Department of Health Grant by Comprehensive Health Education Foundation, Pacific Northwest Regional Council of NAHRO, and the Association of Washington Housing Authorities.

**Providence Housing Authority's The Right to Breathe Clean Air Toolkit**
http://pha-providence.com/documents/PHA_Toolkit_Final.pdf (Additional video: https://www.youtube.com/watch?v=hOl2mo08_jA) The Providence Housing Authority successfully implemented a smoke-free policy in five of their senior and disabled high-rise housing developments. This toolkit and 15-minute video were developed as guides for other housing authorities.

**Public Health Law Center Tobacco Control Legal Consortium**
http://publichealthlawcenter.org/topics/tobacco-control/smoke-free-tobacco-free-places/housing
The Public Health Law Center provides publications and online classes to build awareness of legal and policy considerations for smoke-free policies.

**Sample Resident Letter and Secondhand Smoke Survey for Use by Owners and Property Managers**
http://www.cleanairkc.com/sites/cleanairkc.com/files/smokefreehousing_formslettersresources.pdf
The above Sample Resident Letter and Secondhand Smoke Survey are for owners and property managers to distribute to tenants.

**Smoke-Free Environments Law Project (SFELP)**
http://www.tcsg.org/sfelp/home.htm
The Smoke-Free Environments Law Project (SFELP) provides information about smoke-free policy adoption and the legal and liability issues related to secondhand smoke. While SFELP is a law project serving Michigan, most of the information on its site is relevant to all states.

**Smoke-Free Housing Coalition of Maine**
http://www.smokefreeforme.org/property-owners-managers
This organization was instrumental in helping Maine become the first state with smoke-free policies in all of its public housing. The website has publications and multimedia resources for landlords and property managers.

**Smoke-Free Multi-Unit Housing North Carolina**
http://www.smokefreehousingnc.com/
This comprehensive site provided by the North Carolina Department of Health and Human Resources offers case studies, videos, and checklists.

# Appendix C: Summary of Federal Register Comments

**I. Background**

On October 4, 2012, HUD published a request for information regarding how HUD could best continue to support the implementation of smoke-free policies for public housing and multifamily housing. HUD specifically requested information on best practices and practical strategies from housing providers who have implemented smoke-free policies; ideas for overcoming potential obstacles for a smoke-free policy; and methods for supporting residents to transition to smoke-free housing. HUD also requested information from housing providers that have decided not to implement a smoke-free policy.

The original public comment period on the request for information closed after 30 days, on November 5, 2012, but it was subsequently extended for 60 days, closing on January 22, 2013, with a total of 116 comments received. Comments were submitted by individual members of the public, Fair Housing interest groups, health policy organizations, state and local health departments, hospitals, senior centers, housing associations, and public housing authorities (PHAs). All comments are available and may be read at www.regulations.gov (FR-5597-N-01 and FR-5597-N-02).

## II. Highlights of Comments

The following highlights summarize submissions regarding effective practices and ideas for planning and implementing a smoke-free policy, barriers to implementation, and reasons for not administering a smoke-free policy.

### General Support for HUD's Smoke-Free Initiative

Overall, most comments were supportive of the smoke-free imitative. The comments in support of the smoke-free initiative stressed the health benefits of such policies, the importance of providing cessation assistance to residents as part of a successful program, and the cost savings to the PHA or owner/agent. Many of the same comments appear in multiple commenters' responses. Supporters noted that smoke-free multifamily policies need not be inconsistent with tenants' rights or housing security of low-income populations.

- A comment submitted jointly by 19 partners, including the American Lung Association and American Academy of Pediatrics, makes the following points, which are echoed by other commenters:
    - Secondhand smoke exposure increased children's school absenteeism, according to the third National Health and Nutrition Examination Survey (NHANES); a study of California school children showed risk of absenteeism increased as the number of smokers in the household increased;
    - When compared to children living in single-family housing, children in multifamily housing had significantly higher levels of the nicotine marker (cotinine) in their blood;
    - Residents with personal smoke-free home rules in multifamily housing are nevertheless exposed to smoke in the building;
    - The existing lack of smoke-free policies disproportionately affects low-income families who cannot move due to economic or health reasons;
    - According to the National Center for Health in Public Housing, assisted housing residents are more likely to be exposed to secondhand smoke than residents of other multifamily housing;

- A tribal housing authority (The Cook County Inlet Housing Authority; Anchorage, Alaska) reported positive findings from their implementation of a smoke-free policy, including support from the majority of residents; cost savings in turnover and maintenance; reduced risk of fire; and no drop in housing applications. The housing authority stated it obtained a lower rate of property insurance after implementing the smoke-free policy.

**Opposition to the Initiative**

- Many comments in opposition to the initiative were based on the following positions that HUD's Office of Lead Hazard Control and Healthy Homes considers to be misconceptions:
  - Tenants have a right to smoke in their apartments;
  - PHAs and owners/agents do not have the legal authority to restrict smoking in residential units;
  - Residents will be "fast tracked" to eviction for violations of smoke-free policies;
  - Most residents are opposed to smoke-free policies;
  - Residents will be unable or unwilling to go outside to smoke in inclement weather;
  - Residents will be denied access to housing if they smoke;
  - Smoke-free housing policies are effective only when initiated by the majority of residents.

**Comments from Public Housing Authorities**

- Some PHAs were concerned about an increase in vacancy rates, which may affect their HUD performance rating. There was also opposition to the voluntary nature of the HUD policy; more than one housing authority recommended that this be made a standard procedure for all PHAs to create a level playing field.

- Some PHAs with smoke-free policies commented that they are at a competitive disadvantage to units in the Housing Choice Voucher Program.

- Some PHAs commented that smoking is a legal activity and should not be restricted, and that PHAs sometimes have difficulty enforcing prohibitions on illegal activities (crime and drugs).

- Some PHAs commented that requiring residents to go outside to smoke may result in safety or mobility concerns.

- Some PHAs commented that PHAs do not have the resources needed to implement smoke-free policies, that smoke-free policies would tie up resources and reduce their ability to fulfill the core mission of the housing authority.

- Some PHAs commented that any reporting requirements to HUD should be limited to the Annual Plan process.

**Suggestions for Planning and Implementation**

- Generally, commenters recommended that a smoke-free policy should contain the following elements:
  - An adequate timeline with repeated outreach and notifications to residents; involvement of resident groups; provision of a substantial adjustment period before policy takes effect; implementation of new house rules or addendum at lease renewal; offering of smoking cessation assistance, including medications, classes, and counseling;
  - Rationale for why the policy was created and the background on increased benefits and safety of living in a smoke-free environment; reliance on the Surgeon General's 2006 report as a reliable information source;
  - Explanation of all elements of the policy such as the applicability to all residents, guests, and employees; definition of smoking, identification of areas that are smoke-free, and any outside areas where smoking will be allowed; placement of appropriate signage;
  - Consequences of violating the policy; what actions will occur by management; that residents are not required to report violations, but if they wish to do so, how they should report them
  - HUD should link HUD regional offices to local groups and encourage provision of credits or rate reductions for properties with smoke-free policies.

**Suggestions for Policy Enforcement**

- Generally, commenters recommended that a smoke-free policy should be enforced with the following considerations:
  - Smoke-free policies should be balanced, comprehensive, and respectful of all tenants.
  - Enforcement should begin after a generous phase-in period during which cessation assistance is provided and the enforcement policy is explained in detail. The average suggested phase-in period (from notice to date of implementation) was 8.5 months.

- Tenants should not be held responsible for reporting the activities of others in regards to breaches of a smoke-free policy but should be provided a confidential means of doing so if they deem necessary.
- For smokers who have extreme difficulty complying with the smoke-free policy, alternative sources of housing should be explored to avoid eviction and possible homelessness.
- Enforcement policies should not discriminate against people on account of their race, color, national origin, disabilities, or other protected class.
- Violations of the smoke-free policy should be similar to violations of other lease provisions; smoking should not put residents on a "fast track" to eviction.

**Comments on Barriers and Strategies**

- HUD could reduce misinformation and lack of information by:
  - Maintaining an easy-to-navigate website containing resources to help assisted housing properties go smoke-free; provide templates of surveys, notification letters, lease language, enforcement strategies, and signage;
  - Providing education to housing providers on legal issues, including Fair Housing issues, reasonable accommodation, and HUD program office rules and policies;
  - Funding local organizations to provide education and technical assistance to housing providers about smoke-free housing issues;
  - Funding or promoting the provision of smoking cessation assistance to assisted housing residents by local organizations;

- HUD could level the playing field for neighboring properties by requiring smoke-free policies for all properties, thereby eliminating the occurrence of residents of a smoke-free property walking to a different property to smoke;

**Suggestions and Innovative Practices**

- Housing providers with successful smoke-free policies submitted the following practices:
  - Establish early partnerships with providers of cessation assistance before the policy is announced to ensure that cessation assistance is ready when the policy is implemented;
  - Provide resident-run support groups for smokers trying to quit and one-on-one education and cessation counseling; use of resident champions;
  - Avoid situations where a smoke-free policy is implemented but not enforced;
  - Educate owners on the financial advantages of a smoke-free policy (reduced maintenance and insurance costs);
  - Avoid discrimination against those individuals suffering physical or mental disabilities by performing pre-policy research into reasonable accommodations law and medical marijuana law; make special efforts to transition persons with such disabilities away from nicotine use; estimate any resultant increased need for shelters and mental health services within the community; and, offer alternative suitable housing in another location;
  - In larger developments, pilot smoke-free policies in a limited number of buildings with expansion to other developments; create an enforcement toolkit that includes instructions for public hearings, telephone numbers, and e-mail hotlines for information; encourage multifamily housing providers to educate residents on health department toll-free information numbers for smoke-free housing information;
  - Take time to gather property-specific information that was used during implementation, such as resident survey results; availability of smoking cessation resources from organizations located near the property; availability of nearby child care options so parents can attend smoking cessation classes; costs to maintain and turn over smoking versus non-smoking units;
  - Housing providers can use nicotine detectors to objectively detect and document the presence of secondhand smoke in units

- Commenters suggested that HUD consider the following actions:
  - Develop a standard method to track cost savings and explore ways to collect cost information without burdening housing providers;
  - Consider the unintended consequences of not having adequate resident participation in policy development; provide model lease language describing how disputes will be resolved before lease terminates;
  - Recommend that all housing providers conduct a resident survey to dispel the beliefs that residents do not want smoke-free policies;
  - Create a timeline for housing providers to implement smoke-free policies and provide funding to assist with policy design, adoption, cessation, and enforcement;
  - Create and support a national network of technical assistance providers;
  - Maintain a list of federally assisted smoke-free housing providers;
  - Develop a step-by-step outline or checklist for how a property can go smoke-free;
  - Require PHAs to submit a course of action in Annual Plans that describe their intent and plans to be 100% smoke-free by a time certain;
  - Collect success stories and disseminate to housing providers; train field staff in smoke-free housing issues, including field office issuance of letters of support for smoke-free policies at time of new construction and property rehabilitation.

**Miscellaneous Comments**

- The policy of having tenants smoke at least 25 feet away from the property was supported by some commenters, but others cautioned that such a policy may create safety issues dependent upon the geographic location of residence (Proximity to roads, highways, and construction sites were concerns.). This could be problematic in jurisdictions where smoking is banned in parks and other outdoor areas. There was also concern that this aspect of the policy could contribute to an increase in unattended minors within the housing property.