

**“The groundwork of all Happiness is Health”**

**-Leigh Hunt, American Poet**

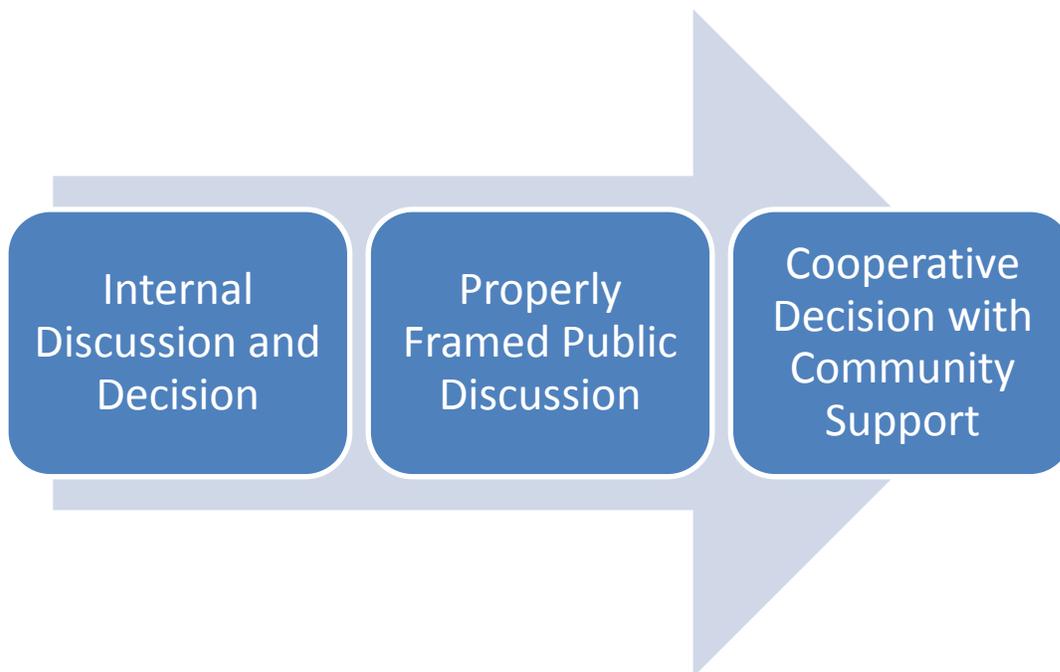
October 19, 1784-August 28, 1859



**Healthy Apartment Home**  
**Smoke-Free Systems Implementation Manual**

There are many assertions as to why smoke-free housing is the right thing to do. Tenant Rights, Fair Housing, Americans with Disability Act Claims, Quiet Enjoyment, Fire Hazzard, Insurance Claims, Complaints, Unnecessary Damage & Expense. In the end however, the early adopters of a smoke-free policy simply decided, it is the Right Thing to Do. Being motivated out of Love and not Fear is the hallmark of innovation, so let us learn from those that have done the right thing, for the right reasons and imitate their leadership.

This Manual follows a 6-month Timeline and provides the tools that owners and managers could utilize at each step of the process. When in doubt, read the quote and make your best decision.



### Internal Discussion and Decision

The easiest way for decisions and policies to be implemented, is through inspired leadership. This decision may come from the HUD mandate or an owner's desire to reduce rehabilitation expenses. If top leadership supports a smoke-free policy, the property manager is able to develop a community value of health, wellness and safety, in addition to following procedures. You will be able to utilize creative supports using the **Partnership Tips** outlined in this manual to bond your community.

If you are unsure about the perspective of your leadership, learn more about smoke-free policies using the resources at the end of this manual and decide on the selling points that you think would speak to your leadership. Many find it helpful to use the attached one-page article: Smoke-Free Housing; Legal and Easier than you thought! Having a positive and caring premise for a smoke-free housing policy is the best way to make your policy a success. Decide now that your policy will promote the following values: Health, Wellness and Safety. These are the most kind, honorable and defensible values that will ensure that your actions and policies are successful.

### **Designing Your Policy**

**Who** – A smoke-free policy is intended to protect the health of employees, visitors and residents. In 2006, the Surgeon General found that there is no safe level of passive smoke exposure. The focus of a smoke-free policy is actually protection of non-smokers and to keep dangerous smoke away from all people. It feels scary and threatening for people that are addicted to nicotine to hear that they are the problem. Keep your message focused on the dangers of the smoke that comes off the end of cigarettes and electronic smoking devices. If you identify quit-tobacco support, keep it until you get a request.

**What** - It is always best to write a smoke-free property policy that prohibits all smoking and includes electronic smoking devices and other combustibles from being consumed inside or on the property.

**Where** - As an agency that controls a large piece of property, the values of Health, Wellness and Safety are best defended with a smoke-free property policy. Passive smoke is a carcinogen, tobacco trash is dangerous and time-consuming for staff to dispose of, and the property is better utilized as a place for gardens, picnic tables, birds and nature. How can you support a shift in time and energy towards health, wellness and safety? A smoke-free property policy is the best policy.

**Why** – Health, Wellness and Safety

**When** – Once your leadership is united, make a kind, firm and clear public announcement that the facility will become a smoke-free property. Allowing a 6-month timeline is best. Allow residents to have input on the type of signs, sign placement, language and where smokers and non-smokers can congregate to socialize outside. Provide for 2-3 "feedback sessions." These are open meetings to discuss various aspects of the policy. Ask for input on making the property a place for Health, Wellness and Safety. A sample agenda is provided.

**How** – Read On!



### Properly Framed Public Discussion

In a healthy relationship, anything can be talked about. It is essential that leadership are up front about big changes that affect all tenants. Prepare yourself and your staff for the meeting. Have an agenda, start and stop on time. Explain the process for getting questions answered. Practice, talk to friends and family about your work to get your words to come out fair and firm. It is helpful to follow a basic outline and keep your introduction to the policy simple. It is not advisable to provide copies of a policy or lease amendment initially, unless the document is a few sentences. Have a clear outline of what you want your policy to achieve. Include all smoked and vaporized products, include electronic smoking devices. Allow for some flexibility on minor issues so that decision-making feels shared.

#### **Answer these questions at the initial meeting:**

Policy Effective Date.

Where will smokers be directed to smoke? Even if you adopt a smoke-free property policy it is your obligation to identify the most convenient off site outdoor smoking location.

Enforcement: usually through written complaints that are submitted to the office.

After-hours complaints: usually using complaint forms and sometimes random staff walk-throughs.

Enforcement will be complaint driven and staff will be trained by local public health on documentation of violations, inspections and findings.

Policy enforcement will follow other facility policy violations. Ex: a tenant puts trash in the hall

Explain how your policy violations are enforced: verbal warning, letter, meeting with Manager, meeting with Regional Manager, establishing a plan for remediation, meeting with legal, process of eviction

#### **Lessons Learned:**

Those that violate are often those that have difficulty following other rules.

It is common for apartment communities to pass a smoke-free property policy, but carve-out a designated outdoor smoking area. Here are some ideas: picnic table under a designated carport, picnic table at the end of a sidewalk, outdoor chairs with receptacle near the dumpster, allowing smoking in personal vehicles, and negotiating with neighboring worksites for one shared outdoor smoking area.

Request training on enforcement from local public health staff. They will have a protocol that they follow in enforcing smoke-free air laws. Usually unannounced visits looking for ashtrays, tobacco trash or verification by two staff of the smell of tobacco smoke.

Once the policy goes into effect it is common for one or two individuals to violate when staff is not on-site. As soon as you hear this is happening, provide an individualized verbal warning and schedule an unannounced visit at the following day and time of the initial complaint. Routines make violators predictable. Staff may have to work flexed hours the first month of the policy.

Embrace tenants that are outspoken, especially ex-smokers and non-smokers. These are your thought-leaders and they will amplify your message once they also believe that you want to improve the health, wellness and safety of their home. A rabble-rouser is a person that stands up for the rights of victims and is the valuable ally that works to sell your message, after your staff has gone home.

Announce the efforts you are making and invite a few tenants to join in. When you train staff, invite others to join you. Making the process open and welcoming will reduce fear and anxiety.



### Cooperative Decision with Community Support

After your first feedback session, consider all of the feedback. Focus on the quote and the values of Health, Wellness and Safety. If you implemented your policy today, are there serious risks involved? What points resonated with you? Talk to staff after the first Feedback Meeting and review the comments. Responses will fall into three categories; Good Point, Take into Consideration, and Agree to Disagree. Focus on the Good Point messages. You are in relationship with the current tenants, if it did not come up, you don't need to deal with it.

If there were Good Point ideas that were raised that do not relate to a smoke-free policy, but do improve the values of Health, Wellness and Safety, consider following that thread. The most successful Feedback Meetings have been those that have moved from a smoke-free policy and into free on-site services that benefit all tenants. Here are some free programs that were brought into apartment communities in the Capital Area, Lansing Michigan: A Matter of Balance, versions of the Stanford Chronic Disease Self-Management Program, Community Art, Community Gardens, Cooperative Extension Cooking Classes, Food Bank Cooking with Food from the Commodities program, Parents as Teachers, and The Capacity Inventory from Asset-Based Community Development.

#### **Lessons Learned:**

In creating a designated smoking area, do not convert or take away a pleasant smoke-free space.

Most tenants will not be impacted by the policy, so keep it that way. Avoid smoking areas as they enter the building, wait for the bus, relax in the gazebo, play basketball, or open their windows or sliders.

Smoking is a behavior and not a condition or a protected right. If someone is addicted to nicotine and is not able to leave the building; then that person is not able to buy tobacco either. In this situation, the individual can be encouraged to transition to using nicotine-replacement therapy or getting help to quit.

One tenant asked to grandfather in another smoking tenant. Assess any request based on the values of Health, Wellness and Safety. The request would threaten all three values, so there needs to be another approach. Maybe speak to the tenant in question. Do they want to continue smoking? Are they able to go outside? Are they willing to use NRT to get nicotine into their body without putting poison in the air?

Much of the tension surrounding a smoke-free policy is based in issues of power and control. How can the policy improve the community or serve as a vehicle for community improvement? Could the money saved from tobacco damage be spent on a few new chairs in the common areas or other items of value to the tenants? Allowing for a few wins from the Good Point list goes a long way towards building a supportive relationship.

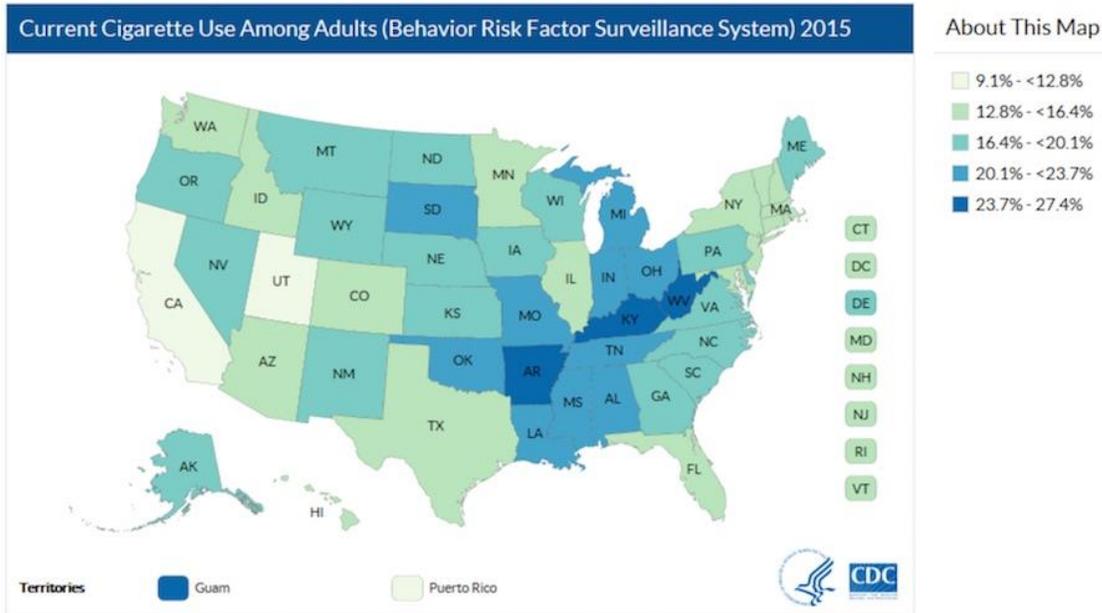
Hold back on the impulse to offer quit-tobacco groups or services during a smoke-free property roll-out. Have the resources available, but do not link a smoke-free policy with a forced quit-attempt. Let them come to you.

Be grateful and thankful. Thank the tenants for attending, thank them for their ideas, praise their ideas, thank them for speaking up and thank them for being part of your community.



### Current Smoking in the US: 2015

In 2015, current smoking ranged from about 9 of every 100 adults in Utah (9.1%) to nearly 26 of every 100 adults in Kentucky (25.9%).



Map of Current Cigarette Use Among Adults (Behavior Risk Factor Surveillance System) 2014 The figure presents the percentage of adults in each state who were current smokers in 2015. Centers for Disease Control and Prevention . State Tobacco Activities Tracking & Evaluation (STATE) System. Map of Current Cigarette Use Among Adults (Behavioral Risk Factor Surveillance System) 2015. [accessed 2016 Nov 14]

### Cigarette smoking and adverse health outcomes among adults receiving federal housing assistance

Finding: Adults who receive housing assistance represent an at-risk population for adverse health outcomes associated with smoking and secondhand smoke. Housing assistance programs provide a valuable platform for the implementation of evidence-based tobacco prevention and control measures, including smokefree policies. <http://dx.doi.org/10.1016/j.upmed.2017.02.001> [accessed 2017 March 20]

### Regulation of smoking in public housing

“No-smoking rules in homes have been associated with substantially reduced levels of biochemical markers of tobacco exposure and lower health risks among nonsmokers. Such policies can also encourage smoking cessation among household members, discourage the initiation of smoking by adolescents, and decrease the incidence of house fires.”

<http://www.nejm.org/doi/full/10.1056/nejmh100941> [accessed 2016 May 31]



### **Smoke-Free Housing; Legal and Easier than you thought!**

Michigan has become a national leader in the adoption of smoke-free multi-tenant housing policies. Landlord experience, legal documents, assistance and free promotion are all available to you by visiting, the website, the only resource you will need: <http://www.mismokefreeapartment.org/>.

When we promote smoke-free housing, we are saying that it is legal and advisable for apartment owners to establish smoke-free policies for the buildings that they own, which includes individual apartments and common areas. Many smoke-free apartment owners have also implemented smoke-free property policies which can include pool areas, green-space and private sidewalks. The term smoke-free is interpreted to include all smoked products including marihuana, medical marihuana, E-Cigarettes, and vaping.

Most landlords wish they could have smoke-free multi-tenant properties. Landlords often ask these top three questions: *is it legal, will I lose tenants, and how is it enforced?* The Project Director is James Bergman, JD of the Smoke-Free Environments Law Project in Ann Arbor. Mr. Bergman has analyzed the legal aspects of Michigan Housing Law and found that *your business can incur legal risks by allowing smoking* in rental housing; and no legal risks by providing smoke-free housing. Your tenants actually have a right to live in a healthy environment; free of passive smoke exposure. Based on Michigan Law and the provisions of the Americans with Disabilities Act, those with breathing and health problems could hold you liable for exacerbation of illness. Landlords own and control the property and there is a liability if the landlord has created an environment that makes tenants more ill by allowing passive smoke to circulate in the building. ADA protection can be invoked to protect those with breathing problems, asthma, those with heart disease and even people with circulation problems. There is no legally protected right to smoke. Smoking is not a physical condition, it is a behavior.

The second question, *Will I lose tenants?* Here are the facts and you can make this determination yourself. Using 2003 data for Eaton, Ingham and Clinton County we find that non-smokers maintain a smoke-free home 93% of the time. Surprisingly, 55% of smokers maintain a smoke-free home. Since smoking rates for adults is under 20%, we can calculate that the total percentage of tri-county residents that maintained a smoke-free home in 2003 was 83%. This data comes from the Behavioral Risk Factor Survey (BRFS), a population health assessment tool providing health data nationwide by the Centers for Disease Control (CDC). Most of your tenants do not smoke and probably maintain a smoke-free home policy. Only 17% of our local population allows smoking in their home or apartment. We know from research that this 17% are making the other residents sick, costing you money and damaging your property.

The final question is: *How is a smoke-free policy enforced?* Smoke-free signs are most important, available and free because *it is our experience that smokers will agree to smoke restrictions if they understand the policy and know where they CAN smoke*. The free smoke-free signs, tenant signed lease amendment and an ash can near a bench should make your policy clear and will encourage compliance. Landlords often underestimate the problems that drifting smoke is currently causing for residents. You won't believe the number of positive comments that you will receive when you implement a smoke-free policy.

Visit the website for more information: <http://www.mismokefreeapartment.org/>



### Meeting Agenda - Tenant Feedback Session

Welcome (introductions of speakers, hospitality, agenda review, thank you for attending)

- |            |     |   |
|------------|-----|---|
| 10-minutes | I   | Introduction of the Smoke-Free Policy<br>a. Why the change is taking place at this time<br>b. There is No Safe Level of Exposure (SG 2006)<br>c. Smoke must be taken out of our living and work space<br>d. Success = Improved: health, wellness and safety |
| 15-minutes | II  | A Smoke-Free Policy Achieves our Goal<br>a. When the policy will go into effect<br>b. Map of smoke-free policy area<br>c. Where guests and tenants can go outside to smoke<br>d. Policy focus is on smoke, not smokers<br>e. Complaint and Enforcement      |
| 20-minutes | III | Open Questions from Group   |
| 5-minutes  | IV  | Thank you for Attending and Next Meeting Announced  |

#### **Lessons Learned:**

Select a meeting day and time that coordinates with other on-site activities, maybe 1-hour before food bank opens or after the mail is delivered.

Once you have your first meeting, keep the day, time and location consistent. That will naturally improve those that attend. If your first meeting goes well, others will hear about it and more will learn that it went well and they will also want to attend.

Think of the Tenant Feedback Meetings as building a support group among your tenants. Eventually, you will use this day and time for productive activities that invest in Health, Wellness and Safety.

If there are less than 20 people at the meeting, invite participants to say their name and what they hope to learn from attending the meeting today. Take notes and answer most questions during your time.

If there are over 20 people at the meeting, welcome them and assure them that there will be time for questions and that the staff will stay after the meeting has ended to meet with anyone with personalized questions that are outside of the scheduled agenda.

Intervene if there is cross-talk. Respond right away if there are loud side conversations. Offer to hold private discussions with individuals after the public portion of the scheduled meeting. Focus on the respect that you are showing to those that came and your obligation to follow the agenda. You will receive more respect in return. Follow up on all commitments you make during and after the meeting.

Reinforce comments from those that support your policy: Great idea & I appreciate what you are saying.



### Partnership Tips

Surgeon General's Report 2006:

[https://www.cdc.gov/tobacco/data\\_statistics/sgr/2006/consumer\\_summary/index.htm](https://www.cdc.gov/tobacco/data_statistics/sgr/2006/consumer_summary/index.htm)

American's for Non-Smokers Rights: Toolkit:

<http://www.no-smoke.org/goingsmokefree.php?id=594>

Michigan Smoke-Free Apartment:

<http://www.mismokefreeapartment.org/>

National Quit-Tobacco Line: 800-QUIT-NOW

Asset Based Community Development: The Capacity Inventory

<https://resources.depaul.edu/abcd-institute/resources/Pages/tool-kit.aspx>

Search for free local programs such as:

- A Matter of Balance
- Stanford Chronic Disease Self-Management Program
- Community Art
- Community Gardens
- Cooperative Extension Cooking Classes
- Food Bank Cooking with Food from the Commodities
- Parents as Teachers

Local Public Health Department: Request Smoke-Free Enforcement Training of Staff and Tenants

Search for other ideas such as:

- resident surveys
- community presentations to tenant group
- smoke-free help (after your policy goes into effect)

