

# SMOKE-FREE HOUSING



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## GUIDE FOR HOUSING AGENCY DIRECTORS & PROPERTY MANAGERS



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# Introduction

Across the country there are a growing number of housing agencies deciding to adopt smoke-free policies.<sup>1</sup> Not only does creating smoke-free environments benefit your property in costs associated with rehabilitating a unit, it also decreases the chances of smoking-related fires and improves resident health.

## Cost Benefit And Reduced Fire Risk

Has your property ever experienced a smoking-related fire? Smoking in apartment units can not only cause serious property damage but also increase the chances of igniting a smoking-related fire. Heavy and moderate smoking can cause damage to most surfaces and fixtures in the apartments, prolonging the time it takes to rehabilitate a unit.

### Housing Unit Rehabilitation Costs: Non-Smoking vs. Smoking<sup>1</sup>

	NON-SMOKING	HEAVY SMOKING
General Cleaning	\$270	\$720
Paint	\$170	\$480
Flooring	\$50	\$1,425
Appliances	\$60	\$490
Bathroom	\$40	\$400
<b>Total</b>	<b>\$560</b>	<b>\$3,515</b>

## Resident Health

There is no safe level of secondhand smoke exposure.<sup>2,3</sup> Children, pregnant women, the elderly and anyone with a chronic disease are especially vulnerable to the consequences of secondhand smoke.<sup>3</sup> Because there are higher rates of smoking among low income populations,<sup>4</sup> research suggests individuals living in subsidized housing have a greater chance of being exposed to secondhand smoke.<sup>5</sup> The only way to truly reduce the health risk from secondhand smoke exposure is to create smoke-free indoor air environments. Although the main focus of going smoke-free is to take the smoke outside the buildings, some smokers may also use these changes as an opportunity to quit.

## Legality

Smoke-free policies do not prohibit anyone from renting an apartment unit. They merely set rules as to what activities are permissible on the property. Smokers are not a legally protected class and smoking is not a protected activity.<sup>6,7</sup> Smoke-free policies in multi-unit housing do not violate civil rights laws.<sup>7</sup> Housing providers can create smoke-free policies in any area under their ownership. If anything, housing providers may be expected to make accommodations for people whose disability is made worse by smoke.<sup>8</sup>



Smoke-free environments decrease the costs of rehabilitating a unit, the chances of smoke-related fires, and improve resident health.



There is no safe level of secondhand smoke exposure.<sup>2,3</sup>



## Smoke-Free Housing Guide

Use this guide to begin implementing your smoke-free policy process. Visit our smoke-free housing web page at [www.wellaheadla.com](http://www.wellaheadla.com) to download sample policy documents or to view online resources.

### The Smoke-Free Policy Implementation Process Includes Four Major Steps:

#### 1. Check the Climate

Involving residents throughout the entire process of becoming smoke-free can help with the implementation of the smoke-free policy. Surveying your residents could be a great way to see their support.

#### 2. Make A Plan

We can guide your staff as they think through the policy options that can lead to an effective policy and minimize resident pushback. Adopt a policy that best fits your property. We, at Well-Ahead LA, are here to help! Remember, you know your residents best!

#### 3. Give Notice

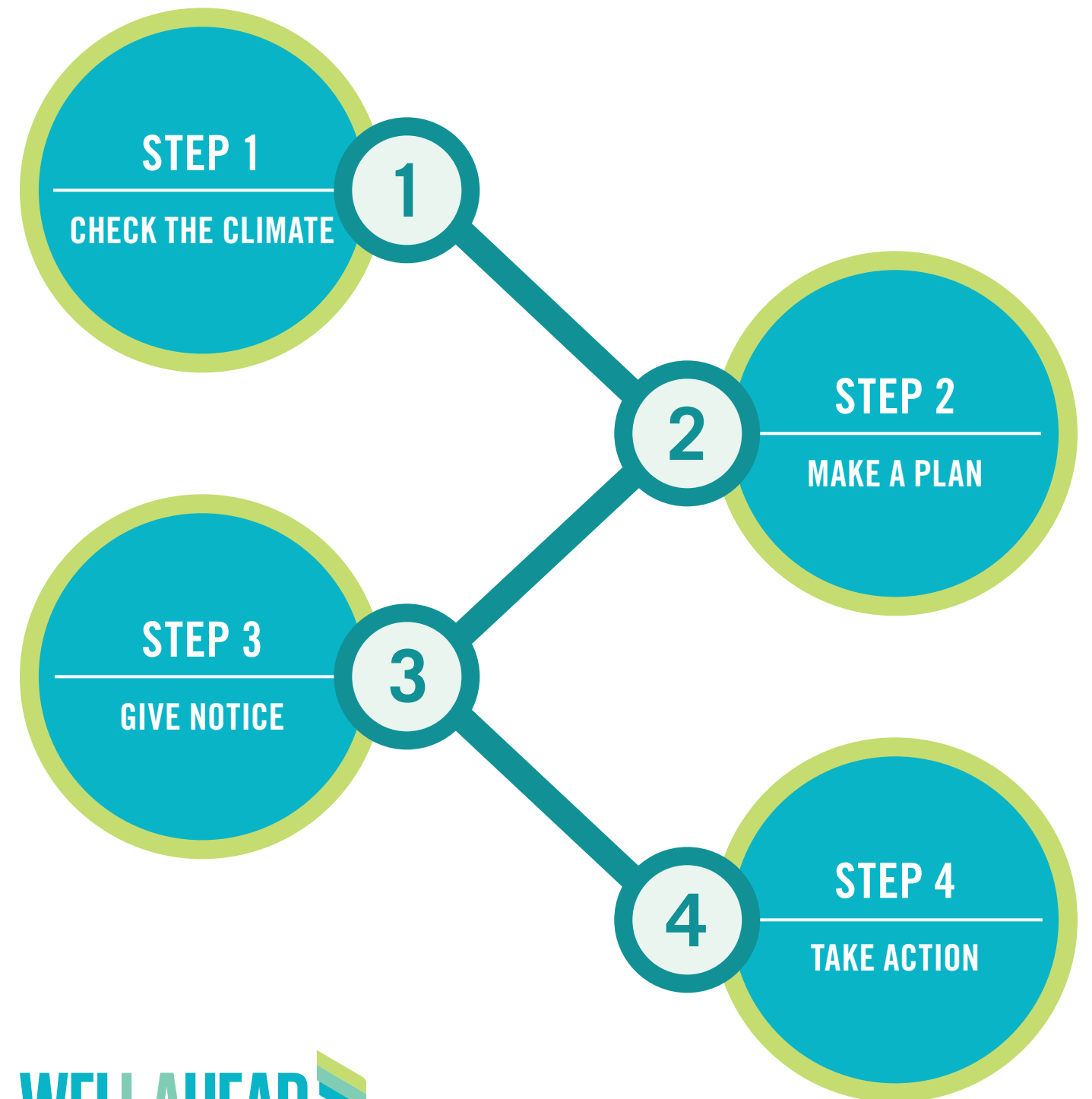
Choose your quit day! Coordinate with your Smoke-Free Housing Leader.

#### 4. Take Action

Implement your smoke-free policy! Responses from Housing Authorities across the nation that have gone smoke-free say they enforce the policy just like any other lease rule or regulation. Follow through with enforcement procedures, and enjoy your new smoke-free policy!



## Well-Ahead Geaux Smoke-Free Housing Process



# Step 1: Check The Climate

## Let's Get Started Geauxing Smoke-Free!

When thinking about your timeline for implementing a smoke-free policy, there are many components to consider. The recommended time for this implementation process is 12 months. However, this timeline could be modified as it relates to factors involved within the policy process. For example, when designing your timeline, you may need to factor in additional time for resident education based on your survey results.

Start the process of thinking about your policy options by checking the climate of your property with the Resident Survey and assess your needs based on those results.

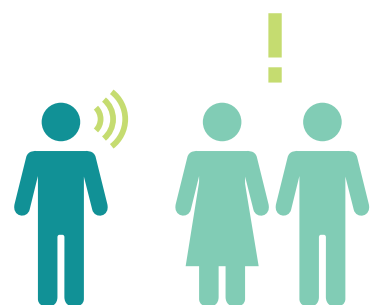
Once your property has completed the survey, please send all surveys to the **Smoke-Free Housing Leader**. Integrating the results and feedback from this survey into your implementation plans is a great way to communicate with your stakeholders and residents.

## Resident Engagement

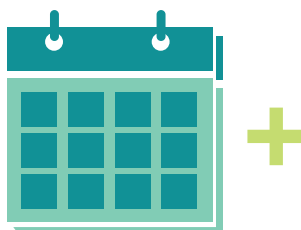
Involving residents throughout the entire process of becoming smoke-free can significantly improve the process of implementing a smoke-free policy. Surveying your residents could be a great way to see their support or to learn their concerns. In order to make a smoke-free policy effective, it is important to get buy-in from a range of stakeholders, including communities affected by the policy. Implementing a policy is still possible if resident support is low, but it is recommended to factor in more time in your timeline for resident education.



Integrating the results and feedback from this survey into your implementation plans is a great way to communicate with your stakeholders and residents.



Involving residents throughout the entire process of becoming smoke-free can significantly improve the process of implementing a smoke-free policy.



Implementing a policy is still possible if resident support is low, but it is recommended to factor in more time in your timeline for resident education.

### Checking The Climate Checklist:

- Have your property complete the Housing Authority Survey
- Send completed surveys to the Smoke-Free Housing Leader
- Ensure residents are aware that your property is considering adopting a smoke-free policy
- Create implementation timeline based on survey results



## Resident Survey

SAMPLE SURVEY



## Resident Survey

We are considering adopting smoke-free policies at our complexes and want to know what you think. Your answers will be **ANONYMOUS**; names are not collected. So, please be honest!

Completing the survey is voluntary; you do not have to participate. Thank you!

**PLEASE READ EACH QUESTION AND PLACE A CHECK ON THE RESPONSE THAT IS RIGHT FOR YOU.**

- 1) Do you smoke cigarettes, every day, some days, or not at all?  
 Not at all       Some days       Every day
- 2) If you smoke cigarettes, would you like to quit?  
 Yes       No       I do not smoke cigarettes
- 3) Some people have their own rules about smoking in their home. Is smoking allowed in your apartment?  
 Yes       No
- 4) Have you ever smelled tobacco smoke in your unit that comes from another apartment or outside?  
 Yes       No
- 5) Would you like to live in a smoke-free environment?  
 Yes, I would like our entire property to be smoke-free including individual units, all indoor and outdoor areas  
 Yes, I would like only individual apartments and indoor areas to be smoke-free  
 No, I would not like to live in a smoke-free building  
 I have no preference
- 6) Would you be in favor of a smoke-free housing policy at the **[INSERT]** Housing Authority?  
 Yes       No
- 7) Including yourself, how many adults and children live in your home?  
 0 People       1 Person       2 People       3 People       4 People       More than 5 People
- 8) Please write any additional comments below

## Step 2: Make A Plan

After you receive the survey results, begin writing the proposed policy and enforcement procedures. The **Smoke-Free Housing Leader** can guide you and your staff as you think through the most effective policy options for your property that will minimize resident pushback.

Remember you know your residents best! Ensure you involve appropriate staff as you think about policy options that best fits your property.

After you received your survey results and drafted the policy, present your findings to the housing board of commissioners. Also, present your findings and drafted policy to the resident council. Taking steps to engage these stakeholders will help you more effectively implement your new policy.

### Recommended additions to your smoke-free policy:

#### “Smoking” Definition

“**Smoking**” means inhaling, exhaling, burning, carrying or possessing any lighted or heated tobacco product, including cigarettes, cigars, pipe tobacco, hookah, and other lighted or heated combustible plant material.\* (Optional) Smoking also includes the use of “electronic smoking devices”.

*\*It should be noted that the definition above does go beyond state law L.A. RS 40:1300.251 et seq; “Louisiana Smokefree Air Act”*

“**Electronic Smoking Devices**” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.<sup>10</sup>

#### Non-Smoking Areas

Housing agencies should tailor their smoke-free policy to meet their needs. Consider what areas of the property you would want to prohibit smoking. Also, consider how close your property is to other neighboring property and the safety of the nearby neighborhood.

#### Policy & Lease Addendum

The policy gets incorporated into a lease addendum that is signed by residents before the policy takes effect, when their lease renews, or when they initiate a lease. Enforcement steps should be described within the policy and lease addendum to ensure residents are clear on the consequences of violations.

#### Making A Plan Checklist:

- ✓ Use your survey results to write a draft policy and enforcement procedures
- ✓ Present your survey results, draft policy and enforcement procedures to the housing board of commissioners
- ✓ Present your findings and drafted policy to the resident council
- ✓ Receive feedback and adjust the policy as needed



## Smoke-Free Policy

SAMPLE MODEL POLICY



Housing agencies may adjust this document depending on the scope of their desired smoke-free policy. After policy is approved, adjust **Lease Addendum Document** as per the scope and details of the smoke-free policy.

### Smoke-Free Policy for [INSERT HOUSING AUTHORITY]

To ensure the quality of air and safety of the residents of [INSERT HOUSING AUTHORITY],[INSERT ABBREVIATION e.g. PHA] has declared that all apartment buildings owned by [INSERT ABBREVIATION] are smoke-free buildings. Smoking is not permitted in any area of the building, common areas, or adjoining grounds of such building or other parts of the rental community. All residents, employees and guests must abide by the following rules and regulations.

Adopted: \_\_\_\_\_[INSERT DATE]\_\_\_\_\_

#### 1. Purpose of Smoke-Free Policy.

The parties desire to mitigate (i) the irritation and known health effects of secondhand smoke to residents, guests and employees; (ii) the increased maintenance, cleaning, and unit refurbishment costs from smoking for the [INSERT ABBREVIATION] ; and (iii) the increased risk of fire from smoking.

#### 2. Definitions:

“**Smoking**” means inhaling, exhaling, burning, carrying or possessing any lighted or heated tobacco product, including cigarettes, cigars, pipe tobacco, hookah, and other lighted or heated combustible plant material. (Optional) Smoking also includes the use of “electronic smoking devices”.

“**Electronic Smoking Devices**” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.<sup>1</sup>

“**Apartments**” are defined as interior spaces tied to a particular unit. This includes, but is not limited to, bedrooms, hallways, kitchens and bathrooms. Outdoor patios, balconies, and unit entryway areas shall be included as an interior space for the purpose of this definition.

“**Interior**” means all the space between a floor and ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door or other physical barrier, whether temporary or permanent and whether containing openings of any kind.

## Sample Model Smoke-Free Policy, Cont'd.

“**Common Areas**” are defined as areas within the building interior or other areas immediately adjoining the building that are open to the public, including but not limited to, entryways, community patios or balconies, roof terraces, lobbies, hallways, elevators, management offices, public restrooms, community rooms, community kitchens, laundry rooms, stairwells, parking garages and carports and any other area of the building that is accessible to employees, residents and guests.

“**Rental Complex**” is defined as areas owned and operated by the [Insert Housing Authority].

### 3. Smoke-Free Complex.

Effective on [INSERT DATE], all current tenants, all employees, all guests and all new tenants of [INSERT ABBREVIATION] after this date shall be prohibited from smoking anywhere in the buildings including apartments, common areas and throughout the rental complex.

### 4. Responsibility to Inform Others of Smoke-Free Policy and to Alert [Insert Abbreviation] of Violations.

Tenant and employees shall inform guests of the smoke-free policy. Further, tenant and employees shall promptly report to the [INSERT ABBREVIATION] any incident where smoke is migrating into the unit from sources outside the tenant's apartment. Management will seek the source of the smoke and take appropriate action.

### 5. [INSERT ABBREVIATION] to Promote Smoke-Free Policy.

In order to inform guests of smoke-free policy, the [INSERT ABBREVIATION] shall post no-smoking signs at entrances and exits, hallways, and in conspicuous places on the grounds of the rental complex. Smoking is prohibited within 25 feet of the rental complex.

### 6. [INSERT ABBREVIATION] Not a Guarantor of Smoke-Free Environment.

The [INSERT ABBREVIATION] adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, including apartments and common areas, does not make the [INSERT ABBREVIATION], or any of its managing agents the guarantor of tenant's health or of the smoke-free condition of the tenant's apartment and the common areas. However, the [INSERT ABBREVIATION] shall take reasonable steps to enforce the terms of its leases and to make the rental complex smoke-free. [INSERT ABBREVIATION] is not required to take steps in response to smoking unless the [INSERT ABBREVIATION] knows of said smoking or has been given a report of said smoking.

### 7. Effect of Violation of the Policy.

*[The enforcement steps should be specified in this section. A smoke-free policy should be treated like any other lease provision at the housing agency. The steps could start with a verbal warning, followed by written warning(s) and/or fines, leading to eviction for continued noncompliance.]*

<sup>1</sup> Americans for Nonsmokers' Rights, Model Lease Addendum.



## Lease Addendum

### SAMPLE SMOKE-FREE POLICY LEASE ADDENDUM



Housing agencies may adjust this document depending on the scope and details of the smoke-free policy.

## Lease Addendum For Smoke-Free Policy

Tenant and all members of tenant's family or household are parties to a written lease with [INSERT Housing Authority]. This lease addendum states the following additional terms, conditions and rules that are hereby incorporated into the lease. A breach of this lease addendum shall give each party all the rights contained herein, as well as the rights included within the lease.

### 1. Purpose of Smoke-Free Policy.

The parties desire to mitigate (i) the irritation and known health effects of secondhand smoke to residents and guests; (ii) the increased maintenance, cleaning, and unit refurbishment costs from smoking for the [INSERT ABBREVIATION]; and (iii) the increased risk of fire from smoking.

### 2. Definitions:

“**Smoking**” means inhaling, exhaling, burning, carrying or possessing any lighted or heated tobacco product, including cigarettes, cigars, pipe tobacco, hookah, and other lighted or heated combustible plant material. (Optional) Smoking also includes the use of “electronic smoking devices”.

“**Electronic Smoking Devices**” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.<sup>2</sup>

“**Apartments**” are defined as interior spaces tied to a particular unit. This includes, but is not limited to, bedrooms, hallways, kitchens, and bathrooms. Outdoor patios, balconies, and unit entryway areas shall be included as an interior space for the purpose of this definition.

“**Interior**” means all the space between a floor and ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether containing openings of any kind.

“**Common Areas**” are defined as areas within the building interior or other areas immediately adjoining the building that are open to the public, including but not limited to, entryways, community patios or balconies, roof terraces, lobbies, hallways, elevators, management offices, public restrooms, community rooms, community kitchens, laundry rooms, stairwells, parking garages and carports, and any other area of the building that is accessible to employees, residents and guests.

“**Rental Complex**” is defined as areas owned and operated by the [Insert Housing Authority].

### 3. Smoke-Free Complex.

Tenant agrees and acknowledges that the premises to be occupied by tenant and members of tenant's household have been designated

## Sample Lease Addendum, Cont'd.

as a smoke-free living environment. A smoke-free environment means smoking and the use of vapor products are prohibited. Tenant and members of tenant's household shall not smoke anywhere in the apartment rented by tenant, or the building where the tenant's dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental complex, nor shall tenant permit any guests or visitors on the property through the right of the tenant to do so.

#### 4. Tenant Responsibility to Inform Others of Smoke-Free Policy and to Alert (ABBREVIATION e.g. PHA) [INSERT ABBREVIATION] of Violations.

Tenant shall inform tenant's guests of the smoke-free policy. Further, tenant shall promptly report to the [INSERT ABBREVIATION] any incident where smoke is migrating into the unit from sources outside the tenant's apartment. Management will seek the source of the smoke and take appropriate action.

#### 5. [INSERT ABBREVIATION] to Promote Smoke-Free Policy.

In order to inform guests of smoke-free policy the [INSERT ABBREVIATION] shall post no-smoking signs at entrances and exits, common areas, hallways, and in conspicuous places on the grounds of the rental complex. Signs indicating where smoking and the use of tobacco products are forbidden shall be posted in designated tobacco-free areas. Smoking is prohibited within 25 feet of the rental complex.

#### 6. [INSERT ABBREVIATION] Not a Guarantor of Smoke-Free Environment.

Tenant acknowledges that [INSERT ABBREVIATION] adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, does not make the [INSERT ABBREVIATION], or any of its managing agents the guarantor of tenant's health or of the smoke-free condition of the tenant's apartment and the common areas. However, [INSERT ABBREVIATION] shall take reasonable steps to enforce the smoke-free terms of its leases and to make the rental complex smoke-free, including apartment units and common areas. [INSERT ABBREVIATION] is not required to take steps in response to smoking unless the [INSERT ABBREVIATION] knows of said smoking or has been given a report of said smoking.

#### 7. Effect of Violation of the Policy.

*[The enforcement steps should be specified in this section. A smoke-free policy should be treated like any other lease provision at the housing agency. The steps could start with a verbal warning, followed by written warning(s) and/or fines, leading to eviction for continued noncompliance.]*

TENANT(S) _____	_____ Housing Authority _____
Lease Holder (please print) _____	Manager (please print) _____
Lease Holder (Signature)      Date _____	Manager (Signature)      Date _____
Spouse or Other Adult (1)      Date _____	
Unit No. _____	
Street Address      Zip Code _____	
Phone: _____	

<sup>2</sup> Americans for Nonsmokers' Rights, Model Lease Addendum.

## Step 3: Give Notice

After the decision has been made to move forward with the proposed smoke-free policy, give notice to your residents 3 to 6 months prior to the enforcement date. Also, give notice to outside vendors and guests by posting memos about the upcoming policy. Allowing for adequate time before policy implementation ensures residents, staff and vendors are aware and prepared for the new policy to be in effect.

### Tobacco Cessation

Providing your residents with access to information on tobacco cessation resources can assist with the transition to a smoke-free environment. Tobacco cessation resources, also known as quit resources, are treatments to help people quit tobacco use. These treatments can involve the combination of a nicotine patch, gum, lozenge, medications, and/or group and individual counseling.

Free quit resources are available to every Louisiana resident age 13 and older through the Louisiana Tobacco Quitline (1-800-QUIT-NOW). For more information on these resources or to obtain printable handouts on additional quit resources available in Louisiana, visit our smoke-free housing webpage at [www.wellaheadla.com](http://www.wellaheadla.com) or [www.quitwithusla.org](http://www.quitwithusla.org).



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



1-800-QUIT-NOW



[www.wellaheadla.com](http://www.wellaheadla.com)

### Prepare Your Staff

Start educating and preparing your staff about the policy change so that they may understand the policy, and review how this policy will be implemented and enforced on your grounds. This is also an opportune time to provide staff with information about any quitting resources available to them. Some insurance providers may already provide tobacco cessation benefits for employees. Check with your insurance providers to evaluate the tobacco cessation benefit for employees. If unavailable, refer staff to the free Louisiana state quitline service, 1-800-Quit-Now or [quitwithusla.org](http://quitwithusla.org).

### Educate Your Residents

Just as you prepared your staff, educate your residents about the policy before it goes into effect. Provide residents with information about Louisiana tobacco cessation resources that are available. Contact your Smoke-Free Housing Leader to discuss your next steps in resident education.

### Making A Plan Checklist:

- ✔ **Get the Word Out!**
  - Ensure residents, staff and guests are educated about the smoke-free policy and cessation resources. Make sure they know where smoking is allowed and where it is not. Also, make sure you communicate that the policy will also apply to guests.
  - Ensure you have a generous phase-in period which provides quitting tobacco resources and locating assistance.
- ✔ **Set Your Quit Date**
  - Decide the date you would like buildings to go smoke-free
  - Announce the housing agency is going smoke-free to new and current residents.
  - Give residents proper notification of the policy change.
  - Have them sign the smoke-free lease addendum at the time of their lease renewal.
- ✔ **Post Signage**
  - It is important that the housing agency places adequate signage to remind others about the policy. This helps ensure that residents, staff, and guests do not smoke in prohibited places and spaces.
  - Clean up tobacco litter and ashtrays.





## Notice To Residents

SAMPLE LETTER



[Replace Logo]

To: All Residents of [Property Name]  
From: \_\_\_\_\_ Housing Authority  
Date: [Date]  
Subject: Revision to Your Lease

Dear Resident,

This letter is to inform you of a change in policy at [Property Name].

As of [Date], smoking will be prohibited in common areas, apartment units, and within 25 feet of any apartment building, including porches and balconies. This new policy applies to all residents, guests, staff and anyone entering the property. A copy of the Smoke-Free Lease Addendum is enclosed. We have additional copies of the Smoke-Free Lease Addendum in the rental office, if you need an extra copy.

We have decided to implement this policy to protect the health of our residents, our staff, and guests. Because there is no safe level of smoke exposure, and because air inside the building can travel between units through doorways, windows, wall joints, plumbing spaces, and light fixtures, a smoke-free policy is the only way to ensure the health of everyone. Smoking is also the #1 cause of apartment fire deaths and this policy will reduce the risk of fires.

All new residents will be required to sign the smoke-free policy agreement when they sign their leases. Current tenants will be required to sign the Smoke-Free Lease Addendum within [TIME FRAME] of the date of this notice.

Please read the attached Smoke-Free Policy Lease Addendum thoroughly.

If you are interested in more information on smoke-free living, please visit <http://wellaheadla.com>. If you have been thinking about quitting smoking, there are excellent resources available at the website, such as the Louisiana Quitline at 1-800-QUIT-NOW (1-800-7848-669).

Please contact [Insert Name and Phone Number] if you have any questions regarding this policy.

Sincerely,

Management

[Date]

\_\_\_\_\_ Housing Authority

[Address]

## Step 4: Take Action

Before implementing your smoke-free policy, send a final notification to residents one week prior to the policy's implementation. This notice should include the policy's effective start date and enforcement procedures.

### Enforcement

Housing agencies across the nation that have gone smoke-free enforce the policy just like any other lease rule or regulation.<sup>1</sup>

#### Enforcement Strategies<sup>1, 11</sup>

Many housing agencies have said smoke-free policies are self-enforcing. Consider the enforcement steps you would like at your property. Enforcement steps can include a verbal warning, followed by written warnings, and ultimately, leading to eviction for continued noncompliance. You may already have enforcement methods that can also be used for smoking violations. Remember that a lack of enforcement with one resident can create issues of enforcement with other residents. Make sure to be consistent to send a clear message that smoking is not allowed on your property.



### Celebrate & Keep It Up

There are many ways you can celebrate going smoke-free! Contact your **Smoke-Free Housing Leader** before the effective start date of your policy to discuss what you can do to share your achievement.

Keep us updated on your policy implementation process and whether there are any adoption problems you face. Remember, your enforcement of the policy starts by showing that you believe in the policy and the benefits, including but not limited to improving the quality of life by reducing your residents' exposure to secondhand smoke.

### Take Action Checklist

- Develop your enforcement policy. Use your past experience of policy enforcement to guide you to how you will enforce this policy.
- Contact your Smoke-Free Housing Leader to discuss how to share your achievement.
- Be sure you document the incidents of noncompliance and violations of the smoke-free policy. Remember, you may already have a mechanism of documenting the enforcement of lease provisions.
- After each allowable time of a violation, send a letter to the resident about the complaint issued. Don't forget to record your actions and the number of violations. Follow-up any verbal warning with a warning letter acknowledging your conversation with the resident and the outcomes associated with smoking on the property.
- After the allowable times of a violation is met, send out a final violation letter.
- If the violation persists issue a Termination of Tenancy Notice. Follow steps for eviction as specified by your organization.
- Provide resources for residents who want to quit smoking or tobacco use. Find them on [www.wellaheadla.com](http://www.wellaheadla.com).



## Compliance Notice

SAMPLE LETTER



The agency may already have a mechanism of documenting the enforcement of lease provisions. An option may be to add the smoke-free policy to a standard lease violation notification form.

Date: **[Date]**  
To: **[Resident Name]**  
From: \_\_\_\_\_ Housing Authority  
Subject: Compliance Letter

Dear **[INSERT Resident Name]**,  
We are writing to inform you a smoking complaint made against you. As stated in your lease with **[INSERT]** Housing Authority, our Smoke-Free Policy is **restate policy e.g. Smoking is prohibited in common areas, apartment units etc.**

On **[INSERT Date and Time of Violation]**, you were **[INSERT "Reported" or "Observed"]** to be smoking, which is in violation of the lease.

We take seriously reports of smoking violations. **[INSERT]** Housing Authority has an escalating enforcement measures to address repeated violations of lease terms. **[INSERT policy enforcement measures]** Continued violations could result in the termination of your lease.

In order to be compliant with the lease terms, smoking is only allowed in **[INSERT locations where smoking is allowed]**.

We are committed to the health of our residents and wish to inform you about cessation resources available to the community. This can be found at <http://wellaheadla.com> or the Louisiana Quitline at 1-800-QUIT-NOW (1-800-7848-669).

Please contact **[INSERT Name and Phone Number]** if you have any questions regarding this policy.

Sincerely,

Management



## Compliance Form

SAMPLE FORM



### Complaint Form

#### Violation of Smoke-Free Policy

This notice is to inform management of **[INSERT]** Complex of a smoking incident:

Description of Incident:

- Smoke coming from unit
- Smoke observed in indoor common area
- Smoke observed in outdoor area
- Other: \_\_\_\_\_

What happened (be specific as possible, note what you saw, smelled, or heard that lead you to believe that someone was smoking in violation of the policy)? Please write clearly \_\_\_\_\_

When did it happen (time & date)? \_\_\_\_\_

Where did it happen (location where you saw or smelled the smoke)? \_\_\_\_\_

Name of the person making complaint (Optional): \_\_\_\_\_

ACTION TAKEN BY PROPERTY MANAGER OR REPRESENTATIVE \_\_\_\_\_

RECEIVED DATE:

STAFF NAME



## More Information

### Well-Ahead Louisiana

Louisiana Department of Health and Hospitals

(225) 342-8938

[wellaheadla.com](http://wellaheadla.com)

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*General Disclaimer:*

*This guide is provided as an educational tool only and is not to be construed as legal opinion or as a substitute for obtaining legal advice.*



## Appendix A

### FREQUENTLY ASKED QUESTIONS



### What is secondhand smoke?

Secondhand smoke is the smoke emitted from burning a tobacco product. The smoke that is emitted is the smoke that has been exhaled, or breathed out, by the person smoking.<sup>12</sup> Tobacco smoke has been known to contain more than 7,000 chemicals, including hundreds that are toxic and about 70 that can cause cancer.<sup>12</sup>

### Why should my housing agency implement a smoke-free policy?

A smoke-free policy is a great way to protect your property from damage, fires, and excessive wear and tear. You will save money on turnover costs because apartments will cost less to clean, repair, and repaint.<sup>6</sup> An indoor smoke-free policy will also improve resident health, as there is **NO** safe level of secondhand smoke exposure.<sup>13</sup>

### How do we prepare for a smoke-free policy?

Engage your residents! Involving residents throughout the entire process of Geauxing Smoke-Free can help with the implementation of your smoke-free policy. Surveying your residents is a great way to gauge their support of a smoke-free policy. Implementing a policy is still possible even if support is low. However, you may consider factoring in more time in your policy timeline for resident education.

### How do you write a smoke-free policy?

Adopt a policy that best fits your property. Remember that you know your residents best. When writing your policy, be sure to consider resident safety. If properties are located in a high-crime area, it might not be agreeable to implement a property wide smoke-free policy.<sup>8</sup> Also, be sure to keep in mind residents with disabilities.<sup>2</sup>

### How do you enforce a smoke-free policy?

Housing Authorities across the nation that have gone smoke-free enforce the policy just like any other lease rule or regulation.<sup>1</sup> There are a variety of noted strategies to support resident compliance. Put the smoke-free policy in the lease addendum and have tenants sign it. Engage your residents beforehand and communicate that the policy is to improve the quality of air in their home and decrease the risk of fire.

### Is it legal for me to ban smoking on the property?

It is legal to adopt a smoke-free policy. Smokers are not a protected class, and there is no right to smoke, under any federal, state, or local law.<sup>6,7</sup> A smoke-free policy restricts smoking, not smokers. It does not limit who can live in your housing agency.\*

*\*This should not be construed as a legal opinion or substitute for obtaining legal advice. If you have specific questions about the legality please consult an attorney licensed in your jurisdiction.*



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