

For landlords: An intro to smoke-free housing

What is smoke-free housing?

A home or residential building(s) where smoking is not allowed anywhere inside, including in individual apartments.

- Smoke-free housing includes areas around doors, entrances, porches, balconies, and windows, to keep smoke from getting inside
- A smoke-free “unit” is not the same as smoke-free “housing.” All units in a building need to be smoke free to prevent smoke from drifting into other units.

Is smoke-free housing legal?

Yes, completely legal. There is no legally protected “right to smoke” in multi-unit residential buildings and properties in Boston, the state of Massachusetts, or anywhere in the U.S.

Not discriminatory toward smokers

A no-smoking rule does not mean “no smokers.” Smokers are welcome to live, visit, and work in smoke-free residential buildings, as long as they follow the rules to not smoke in or near the building(s).

This is no different than requiring tenants or visitors to abide by a no pet rule* or a rule concerning quiet hours in the building (**does not apply to service animals for disabled tenants*).

What smoking products does a smoke-free policy include?

Anything that burns and is inhaled—tobacco, hookahs, and marijuana, and many landlords include e-cigarettes, e-pipes, and other vaped products

- **What about medical marijuana?** Landlords can prohibit the smoking of marijuana, including medical marijuana, under their smoke-free policy, based on Massachusetts law (105 CMR 725.650). Medical marijuana can be consumed in ways other than by smoking.
- **What about e-cigarettes?** Research about the health effects of e-cigarettes is ongoing. Many landlords are prohibiting the use of e-cigarettes in units and in common areas to avoid confusion and to make enforcement of their no-smoking policies easier. Currently, landlords do not need to accommodate e-cigarettes for any medical reasons, since e-cigarettes are not recognized as a medical device to help smokers quit.

Why make my building smoke-free?

It benefits everyone with clean air and is a good investment for owners and communities.

- **Save time, money, and effort:** Making residential buildings smoke-free is profitable and has many benefits, including saving time, money, and effort on maintenance and management, while providing a safer and healthier environment for tenants and staff.
- **Increase demand for your property:** Smoke-free housing is popular and in high demand among renters. More and more landlords and owners, both small and large, are making their buildings and homes smoke-free in Boston and across the country.

Free resources and help

If you are thinking about or planning to make your property smoke-free, the Boston Public Health Commission (BPHC) can help. BPHC offers free help and support with smoke-free housing, including:

- Answering questions and troubleshooting by phone any issues related to smoke-free housing
- Conducting trainings for building staff
- Attending resident meetings and speaking about health consequences of secondhand smoke exposure and resources for quitting smoking
- Providing sample materials like smoke-free lease addendums, resident notices and surveys, smoke-free building signs, and resources for quitting smoking

More information and help making your property smoke-free

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Or contact us at:

- HealthyHomes@bphc.org
- 617-534-4718

For landlords: Why go smoke-free

Cost savings

Management and maintenance expenses, like cleaning and repair, are much higher when a tenant has been smoking inside an apartment.

- Turnover costs for units that have been smoked in can be several thousand dollars higher, on average, than turnover for non-smoking units
- Compared to non-smoking units, units that were smoked in can cost 2-7 times more to repair and maintain

Some insurance companies even offer discounts on insurance for 100% smoke-free buildings. Ask your insurance carrier for more information.

Protecting a property investment

A smoke-free property means units don't have damage from smoke. Avoiding damage protects your building and makes it easier to maintain.

Lower risk of legal liability

Massachusetts law recognizes tenants' rights to safe and livable housing. Courts have ruled that this includes tenants' right to be protected from secondhand smoke in their housing.

Making a residential building smoke-free reduces requests for reasonable accommodation due to secondhand smoke exposure. It also lowers the risk of lawsuits from tenants and staff who have had problems because of secondhand smoke.

Attracting and keeping tenants

Studies show high demand for smoke-free housing in Massachusetts. Smoke-free housing can reduce tenant turnover and increase tenant satisfaction. A survey of Massachusetts tenants found that 92.4% thought a smoke-free policy was a good decision once the policy was in effect.

Market trends

The housing market in Boston and across the country has increasingly been shifting to smoke-free, from small landlords to large multi-state management companies. Ninety-nine percent of property owners who made their buildings smoke-free thought they made a good decision, one survey of Massachusetts landlords found.

Fire safety

Smoking in the home is a leading cause of residential fires and fatal residential fires in the U.S. The risks are even higher in buildings with large numbers of elderly or disabled residents who may have mobility issues that will not allow them to escape from a fire.

Residents who use home oxygen, which is highly flammable, are at serious risk from smoking or being near smoking because oxygen can explode, even when it is off, if a fire or spark is nearby.

Fires caused by smoking also cause more property damage than other types of residential fires. Smoking-related property damage averages \$25,820-\$27,600 nationally.

Secondhand smoke and health

Cigarette smoke inside a building travels to other apartments or units and affects other tenants.

Smoke moves through ventilation and heating systems, cracks and openings in lighting and plumbing fixtures, electrical outlets, and under doors. The toxic gases and particles from secondhand smoke can't be removed by ventilation systems or opening windows.

Secondhand smoke is dangerous to everyone's health:

- Secondhand smoke has 250 toxic gases and tiny particles, including 70 known to cause cancer
- The U.S. Surgeon General ruled there is no safe level of exposure to secondhand smoke

Repeated exposure to secondhand smoke causes greater health risks, including:

- Asthma
- Chronic obstructive pulmonary disease (COPD)
- Heart attacks
- Stroke

Most people spend more time at home than at work or school—close to 15 hours a day on average. Children, the elderly, and people with disabilities—groups with the most critical health risks—may spend even more time at home, resulting in even more exposure.

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For landlords: How to make your property smoke-free

Transitioning your home or building(s) to smoke-free is a three-step process:

- Develop a policy
- Communicate with staff, tenants, and others who visit the property about the policy, including training staff on the policy and their responsibilities for enforcement
- Implement and enforce the policy

Develop a policy

A smoke-free housing policy needs to have:

- A definition of smoking stating which burning and vaping products will not be allowed
- Exactly where smoking will not be allowed
- Who the smoke-free policy applies to
- Consequences of violating the policy
- The policy's effective date

To get a sample policy, go to www.BostonSmokeFreeHomes.org.

Communicate about the policy

Legal communication requirements

By providing at least 60 days' notice before a smoke-free policy's effective date, you will be compliant with Massachusetts law about notifying tenants about changes in leases.

Tenant communication

Start early. As you are developing your policy, begin to educate tenants about the decision to go smoke-free. Some tenants may not like the idea of going smoke-free, but they will appreciate the chance to be heard.

Use multiple methods. Using more than one form of communication to share information about the new policy will make it easier for people to keep up to date and ask questions. For example: A letter, an email (if all tenants have email addresses), a tenant survey, a building meeting (BPHC can attend and present to tenants), one-on-one conversations, and flyers, educational posters, and building notices. BPHC provides free sample materials; contact us at HealthyHomes@bphc.org or 617-534-4718.

Communicate widely. Tell tenants, employees, service and health providers, vendors, and others who regularly enter the building about the smoke-free policy.

Staff

Train staff about the policy change, including their responsibilities. BPHC provides free trainings for staff; contact us at HealthyHomes@bphc.org or 617-534-4718.

Designated smoking areas

Identify if there are any designated smoking areas and notify tenants.

Potential renters

Advertise your property listings as smoke-free. Smoke-free housing is popular and may attract even more attention to your property. When showing an available unit to a potential renter, explain the property's smoke-free policy and the commitment to enforcing it, and answer any questions.

Include information about the smoke-free policy on all housing applications. Post signs on the property letting potential tenants and other visitors know that the property is smoke-free (free signs available at www.BostonSmokeFreeHomes.org).

Implement the policy

Implementing a smoke-free policy is handled the same way as any other lease or lease modification.

Modify leases

Choose one effective date and before that date, develop a no-smoking lease addendum that includes the effective date.

Existing tenants: Provide existing tenants with a copy of the no-smoking lease addendum before their leases renew and tell them it will become part of their lease if they would like to continue living in the building.

If you are concerned about tenants who may have difficulty going outside to smoke, consider moving them to a vacant unit on the first floor or closer to an exit or elevator (if available), to help them with complying (i.e., make it easier for them to get outside).

New tenants: Provide new tenants with a new lease or the lease addendum, including information about the property's smoke-free policy.

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