



# SMOKEFREE HOUSING

A Resident's Guide to  
Adopting a Smokefree Policy



**SMOKEFREE HOUSING**

**is a resident's issue**

## Your apartment is your home.

Your home is where you live. To keep it a healthy living environment for you, your family and your friends, having a smokefree home is important.

In this guide, you will learn more about the importance of having a smokefree policy in your building, the steps to get a policy and resources for you and your neighbors.



WHY GO SMOKEFREE?

## **Smokefree policies protect residents from the dangers of secondhand smoke.**

- Secondhand smoke is the smoke that comes from the lit end of a cigarette and is dangerous to breathe<sup>1</sup>.
- Secondhand smoke contains over 4,000 chemicals, 69 of which are known to cause cancer<sup>1</sup>.
- Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma<sup>1</sup>.

## **Secondhand smoke does not stay in the smoker's apartment.**

- Secondhand smoke can migrate from other units through doorways, cracks in walls, electrical lines, plumbing and ventilation systems<sup>2,3</sup>.
- In Illinois, about 1.3 million people living in multi-unit housing experience intrusion of secondhand smoke<sup>2</sup>.
- 35-65% of air in any given unit is shared air from other units and common areas<sup>4</sup>.
- A study of children living in apartments where no one in the home smoked still showed evidence of secondhand smoke exposure<sup>5</sup>.

**“There is no safe level of exposure to secondhand smoke.”**

*2006 U.S. Surgeon General's Report*

## Majority of residents are non-smokers

- In Illinois, 82% of adults are current non-smokers<sup>6</sup>.
- The Illinois Adult Tobacco Survey reports that about 82% of adults have a smokefree policy for their home<sup>7</sup>.
- Only 11.7% of adults surveyed reported that someone had smoked inside their home within the past 7 days<sup>8</sup>.

## Residents prefer smokefree housing

- Research shows that the overwhelming majority of residents support the implementation of a smokefree policy in their multi-housing unit<sup>9</sup>.

# WHY GO SMOKEFREE?



## Smokefree housing is a growing market

- Public housing authorities, including the Housing Authority of Cook County, and properties across the U.S. are adopting smokefree policies<sup>10</sup>.

## Smokefree policies are legal

- There is no constitutional right to smoke. Smokers are not a protected class, and legal judgments have concluded smokefree policies do not infringe on individual rights<sup>11</sup>.
- There is no federal, state or local law that prohibits a property from adopting a smokefree policy<sup>11</sup>.



# STEPS FOR RESIDENTS TO PURSUE A SMOKEFREE POLICY

## So you want to live in a smokefree building?

- Before you begin pursuing a smokefree building, the best thing to do is gather some basic information.
- Knowing why you're pursuing a smokefree building helps solidify your argument and gains support from neighbors and your property manager.
- If you are at this point, it means you are bothered by secondhand smoke in your unit. Follow these steps for going smoke free<sup>12-13</sup>.

## Talk with your neighbor

- Find out if your neighbor smokes, or if they are having any issues with secondhand smoke from another neighbor.
- If your neighbor smokes, find out if they need support in quitting. The American Lung Association has several quit smoking support programs. Smokers can contact the Illinois Tobacco Quitline **1-866-QUIT-YES** or **QuitYes.org** for information.
- Talk with your neighbor about how secondhand smoke impacts you. Express your concerns and discuss what is best for your building.
- Survey your neighbors to find out their opinions on smokefree housing.



## Talk with your property manager

- Contact your property manager and explain you and your neighbors' concerns.
- Be proactive by offering the elimination of secondhand smoke exposure indoors, because it is the only permanent solution.
- If appropriate, include a copy of a letter from your doctor explaining your health problems.
- Do your research. If your property manager is not persuaded, continue reaching out to him/her and provide all the information you can.
- Offer to work with him/her. Also, try recruiting neighbors to assist in the process.
- Emphasize that building owners can *legally* make their buildings smokefree.
- Keep a log of any correspondence.

## Work with an outside authority

- Contact a supporting organization, one that can provide you with information, help in writing letters or advise further steps.
- The U.S. Department of Housing and Urban Development (HUD) has a Multiunit Family Housing Complaint line at **1-800-685-8470**<sup>12</sup>.
- Share your story by contacting your local elected officials.



# DEVELOPING THE SMOKEFREE POLICY

## You've decided to go smokefree

Now it's time to develop the policy and figure out the details. The policy needs to include the following:

- Where smoking is prohibited and where smoking is allowed
- Who the policy applies to, specifying residents, guests, staff and other visitors
- The definition of smoking and what that includes, such as cigarettes, cigars, electronic cigarettes, hookahs, etc.
- When the policy will go into effect
- Enforcement and penalties

You can download sample policies, lease addendums and sample surveys from [www.LungIL.org/Housing](http://www.LungIL.org/Housing).

## How will you transition?

If you decide to adopt a policy, then determining how to transition from a smoking to smokefree building or property is essential to the planning stage. There are two main approaches used—gradually or all at once.

- **Gradual Transition** means that as residents renew their lease, they are informed of the new policy and the language on the policy is included in the new lease or as a lease addendum. This process can take up to a year or more, as the leases are renewed.
- **All At Once Transition** means that the residents are informed of the change and are required to complete either a new lease or a lease addendum to acknowledge the new policy. You must give reasonable notice of this change to allow residents to adjust, at least 30-60 days. It is also important to decide if a resident is not agreeable to the new policy, if they will be released from their existing lease agreement without penalty, which the American Lung Association recommends.

## What will be smokefree?

You need to think about the reach of the policy. The American Lung Association recommends a smokefree policy that makes all units in the building smokefree in addition to common areas, such as hallways and meeting rooms. We also recommend extending the policy to outdoor areas, such as balconies, patios and decks.

We encourage properties to make the property grounds 100% smokefree. If this is not feasible, then making all outdoor common areas, such as the playgrounds and pool area, smokefree is an important start. Additionally, the policy should specify a distance, such as 15 feet, from entrances and common areas that must also be smokefree.



DEVELOPING THE  
SMOKEFREE POLICY

## Policy resistance

Based on previous experience, there may be some residents not willing to sign the new lease, and you will need to be prepared. A resident survey is a good way to know how many residents may consider moving beforehand if the policy is adopted.

While most people will embrace the new smokefree policy, there is always the possibility of some residents not wanting to continue their lease under the new policy.

We recommend allowing residents who do not want to sign the new policy to terminate their lease early with no penalty. This is a much better option than having enforcement issues after the policy goes into effect.

## Enforcement and penalties

- How will your property manager penalize individuals who violate the policy is up to them, but it is important to determine all the details before the policy is implemented.
- When discussing the policy with your property manager, be clear and specific about the enforcement policy and protocol.
  - Clearly define how and when warnings will be issued, and what criteria will be used to determine if smoking has occurred in the unit.
  - Define the procedure for issuing citations and the appeal process.
- The American Lung Association recommends a tiered system of enforcement, similar to the Smokefree Illinois Act, in which initial offenses receive a warning and penalties or citations are not issued until repeated infractions occur.
- **Eviction should be a last resort.** In many cases, a resident violating the smokefree policy may also be violating other policies with the potential for eviction.



# IMPLEMENTING THE SMOKEFREE POLICY

## Resident education

After making the decision to go smokefree and developing the policy, your property manager will need to communicate the policy change to any and all residents that have not been involved in the process. We recommend this process begins at least 60 days before the policy goes into effect.

**Gradual Transition** If your property manager is doing a gradual transition, we recommend the initial notice is sent out for the plan to go smokefree, advising residents that the policy will go into effect for them at the time of their lease renewal. This will give them time to prepare for the change prior to receiving their lease renewal paperwork.

**All At Once Transition** If your property manager is renewing all leases at one time, he/she will need to allow enough time to have all residents resign leases or lease addendums and to allow residents to adjust to the policy. We recommend at least 60-90 days. Have your property manager set a deadline to have all the lease/lease addendums completed and returned.

Make sure your property manager follows up with any residents not completing the new lease prior to the deadline to ensure the paperwork is returned and the implementation can take place.

## Suggested activities

- Send out a resident notice with a copy of the policy to all residents
- Post flyers and signs in building common areas announcing the new policy
- Post signs in any outdoor common areas announcing the policy
- Ask your property manager to hold a meeting for all residents to explain the policy and answer any questions

As the implementation date approaches, encourage your property manager to hold another round of resident education to remind them of the policy. After this, your property manager should begin posting permanent signage in smokefree areas.

## Promote being smokefree!

Ask your property manager to add your building to the Illinois Smokefree Housing Directory. The form can be downloaded at **[www.LungIL.org/Housing](http://www.LungIL.org/Housing)**. In doing so, it will become a marketing tool for your building, as well as promote other residents in the area to make their buildings smokefree.

Share the news with your family, friends and co-workers. Getting the word out about smokefree housing can persuade others to request it for their own homes, creating healthier air for many residents in your community.





## Enforcing the policy

Smokefree policies are primarily self-enforcing, but it is critical that your property manager also enforces the policy. If there is no enforcement, politely remind your property manager to take time to enforce the policy.

A smokefree policy is no different than any other policy put in place for the residents. It should be enforced the same way as policies for pets or loud music.

There are procedures in place for enforcing policies. If your property manager is not properly enforcing the smokefree policy, contact an outside organization that may help hold your property manager accountable.





## **Additional Resources**

American Lung Association in Illinois-Greater Chicago  
**[www.LungIL.org](http://www.LungIL.org)**

Smokefree Illinois  
**[www.SmokefreeIllinois.org](http://www.SmokefreeIllinois.org)**

Americans for Nonsmokers' Rights  
**[www.No-Smoke.org](http://www.No-Smoke.org)**

Tobacco Control Legal Consortium  
**[www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)**

Illinois Department of Public Health  
**[www.idph.state.il.us/](http://www.idph.state.il.us/)**

## **Smoking Cessation Resources**

Illinois Tobacco Quitline  
**1-866-QUIT-YES | [www.QuitYes.org](http://www.QuitYes.org)**

Freedom From Smoking®  
**[www.FFSONline.org](http://www.FFSONline.org)**

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12. Association for Nonsmokers MN. Live Smoke Free Strategies for Renters. [http://www.mnsmokefreehousing.org/tenants/tenant\\_strategies.html](http://www.mnsmokefreehousing.org/tenants/tenant_strategies.html)
13. American Lung Association. Steps to Take to Protect You and Your Family from Secondhand Smoke Exposure. 2015. <http://www.lung.org/stop-smoking/about-smoking/is-secondhand-smoke-infiltrating.html>

## Help your neighbors quit smoking

A smokefree policy is an excellent opportunity for residents to quit smoking. The Illinois Tobacco Quitline, **1-866-QUIT-YES** or **www.QuitYes.org**, provides one-on-one phone counseling and support for smokers.

When a smoker calls, they are provided encouragement, a personalized plan and tools to quit smoking. Services are free of charge to all residents of Illinois and funded by the Illinois Department of Public Health. The Illinois Tobacco Quitline can also provide you with information on other smoking cessation services available in your area, or you may contact your local public health department.

Materials can be ordered, free of charge, to provide to residents. Visit **www.QuitYes.org** to complete your request today!



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**1-866-QUIT-YES** | **QuitYes.org**