

Living Smokefree In Oklahoma

BREATHE EASY LANDLORD MANUAL





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NOTICE

The information included in this manual is not intended to be legal advice.
For legal counsel, contact your attorney.

INTRODUCTION

Clearing the Air About Smokefree Multiunit Housing

Across the United States, thousands of property managers have implemented smokefree policies. More are jumping on board every month. Studies prove this is not only an economical choice for landlords and property owners, but also a healthy, well sought-after feature by tenants.

This manual provides information and resources to help you establish and maintain a smokefree property. Included are basic facts about the health effects of secondhand and thirdhand smoke, testimonials from stakeholders who have experience implementing smokefree policies in multi-unit settings, and information about the economic impact of these changes. You'll find information to support your decision to go smokefree as well as useful tools to aid in the implementation such as sample policies and letters, and enforcement resources.

"I am a property manager that has moved three properties to a smoke free community. We do not allow it anywhere on the premises. All three of these moves were simple to do provided you do it in a timely manner, have empathy and patience. I gave all of my residents a 90-day notice. That gave them time to decide if they wanted to stay or go. Out of all three properties I only had four move out and a very small handful of complaints. I had several compliments on the change and less damage to repair. Once it happened it was fairly smooth sailing. Be sure to educate your residents on the damage it causes to the property as well as their health."

- Tulsa Property Manager, 2023

SECTION 1

Smokefree Policies



Oklahoma acknowledges the traditional and sacred use of tobacco among American Indian people living in Oklahoma. In this manual, tobacco refers to the use of commercial tobacco unless otherwise stated.

Smokefree Living

As a manager of multiunit housing, your concerns may include the business aspects of operating your business, maintenance of your property, keeping costs down, keeping your units occupied and your tenant relations positive. This landlord manual can help you in all these areas and more.

A survey conducted in 2017 found that **87% of Oklahomans agree that apartment and condominium complexes should provide the option of smoke-free buildings.**¹ That is consistent with changing beliefs across the country as multiunit housing owners and managers recognize the benefits of smokefree buildings, including lower costs and potential appeal to the majority of multiunit housing residents who are nonsmokers.

Oklahomans increasingly understand the adverse health effects of secondhand smoke, which include respiratory diseases and lung cancer, cardiovascular disease and a variety of other physical problems. Though even brief exposure to secondhand smoke is harmful, exposure in a person's residence, such as in multiunit housing, is likely to be prolonged and cause health problems.

In the U.S., there is an estimated **41,000 adult deaths** each year caused by exposure to secondhand smoke.²

It is virtually impossible to prevent smoke leakage among units when smoking is allowed anywhere inside a building. In fact, a majority of nonsmoking multiunit housing residents in Oklahoma report that secondhand smoke has infiltrated their units from other units in their buildings. Fortunately, there is a simple and cost-free solution — smokefree buildings — and it can benefit both operators and residents as explained in this manual.

There is support for smokefree policies among many smokers, some of whom already take their smoking outside rather than smoking in their apartments. In Oklahoma, five out of six adults are non-smokers. As for smokers, 51.8% say that they are trying to quit.³ Nonsmoking policies assist these smokers in their efforts to quit as well as protect nonsmokers from secondhand smoke exposure.

Multiunit housing represents 16% of the housing units in Oklahoma, accommodating 282,363 residents of our state.⁴ There are well over 1,000 apartment complexes and more than 100 public housing authorities in all sizes of communities. This is an important industry in Oklahoma that can play a key role in developing a healthier citizenry and workforce through the suggestions and recommendations in this manual.

Myths About Smokefree Living



A few common myths need to be dispelled and this manual will shed new light and provides solid information on important topics including the following:

MYTHS

VS

TRUTHS

Landlords cannot legally prevent tenants from smoking inside their units.

Smokefree policies are legal.

See page 8

Most renters and potential renters in my market are smokers.

Less than 17% of Oklahomans smoke³, and many smokers would support a smokefree policy.

Read the statistics on page 7

Secondhand smoke really isn't very harmful.

Secondhand smoke kills.

Read more about the harmful effects on page 15

Most smoke can be easily contained in a smoker's unit, and the part that may infiltrate other units doesn't matter.

Secondhand smoke spreads into nonsmoking apartments in many ways.

Learn more on page 15

Most renters don't care about smoking policies or will willingly share a building.

Actually, 87% of Oklahomans agree that apartment and condominium complexes should provide the option of smoke-free buildings.¹

See page 5

CONTINUED ON NEXT PAGE

MYTHS

VS

TRUTHS

A nonsmoking policy would be difficult to implement and enforce.

A nonsmoking policy is just as easy to implement as any other.

See page 23

Smokers will not support a new policy, and I may lose tenants.

Smokers support smokefree policies too.

Survey data is available on page 5

Smokefree Policies

The overwhelming majority of housing tenants prefer nonsmoking apartments; a fact that can be seen in countless studies and surveys. A significant percentage would even pay more to live in smokefree housing. **If all public housing in Oklahoma was made smokefree, this is what would be saved:**

\$2.25 MILLION EACH YEAR⁵

INCLUDING

\$1 MILLION

in costs from cleaning apartments where people have smoked⁵

\$200 THOUSAND

in costs from fires caused by smoking⁵

Happy tenants are good for business. What makes even more business sense is the money you'll save. With a smokefree property, you won't have to waste hundreds of hours and thousands of dollars on maintenance. You'll also reduce health and fire risks that could leave you legally and financially vulnerable. When you implement a smokefree policy, you'll not only be taking care of business, but you will be protecting the health of others and saving money.

Know Your Rights



The law is on your side. **Smokefree policies are legal.** Establishing a smokefree policy is much like setting your own rules for pets or loud music: you're well within your rights to implement reasonable policies that protect your property and tenants. This includes making any and all areas of your property smokefree.

There is no such thing as a right to smoke.

Smoking is not a protected behavior under any federal, state or local laws.

Therefore, a landlord can establish a nonsmoking policy. A smokefree policy also protects you from certain liabilities. Residents have successfully sued managers for failing to stop smoke from drifting into their units. Courts in states across the country have found property managers liable when they fail to address problems caused by secondhand smoke. Past decisions have included reduced rent, payments for damages and medical bills.⁶

Nonsmokers with breathing disabilities or smoke allergies have legal protection under federal and state laws. They may request reasonable accommodations to protect them from secondhand smoke, and property managers are required to make them.

Protect Your Investment



MAKING DOLLARS AND SENSE⁷

DAMAGE CONTROL

If you have tenants who smoke, you've seen the damage it can do to your property. Every time a resident vacates a unit, it has to be cleaned in preparation for a new tenant. If that departing resident was a smoker, you can pay thousands of dollars extra for this process. This may include:

- Extra carpet cleaning and/or replacement
- Replacing blinds.
- Replacing surfaces with burns or stains.
- Painting and repainting walls and ceilings to cover stains and odors.

The damage caused by smoking goes far beyond odors and stains. **Smoking is a leading known cause of fires, causing injury, death, and millions of dollars in damages.**

An estimated

7,600

smoking-related fires occur in residential buildings each year in the US.⁸

Fires caused by smoking are the leading cause of residential fire deaths in the U.S., accounting for 14% of fire deaths in residential buildings. One study showed that Oklahoma multiunit housing could save up to \$1.64 million in renovation costs and up to \$310,000 in smoking-related fire damages if they went completely smokefree.⁹

INSURANCE SAVINGS

A nonsmoking policy may qualify your property for a lower insurance rate. Some insurance companies give a credit or premium reduction to landlords who do not allow smoking in their building. Be sure to ask your insurance agent about the credits and premium reductions associated with smokefree properties.

Attracting Renters & Buyers



People know that secondhand smoke is harmful to their health and they don't want the smell of someone else's smoke in their homes. A smoky smell and the residue left behind is very difficult for residents to eliminate on their own. Rather than risk feeling ill and having their clothing and furniture absorb the smoke smell, people are more likely to look for someplace else to live. A large number of smokers prefer smokefree housing.

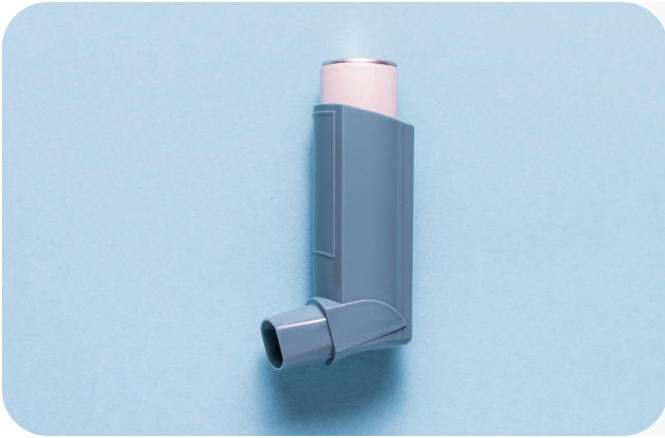
There may be financial benefits of smokefree housing for tenants as well. By telling their insurance company they live in a smokefree building, tenants may see their renters' insurance premiums reduced.

Going smokefree also protects and maintains the resale value of your property. As the number of residences and businesses with smokefree policies increases, people may expect buildings free from smoke damage and may be less likely to consider a property that allows smoking.

Property managers and owners who permit smoking in their buildings spend on average \$3,500 or more for maintenance and restoration.⁹



Americans with Disabilities Act (ADA)



Disabilities are physical or mental conditions that substantially limit major life activities like walking or breathing. They can include asthma, chronic bronchitis and chest pains that are made worse through exposure to secondhand smoke.

When notified of a tenant's disability, you are responsible for making reasonable accommodations and rule changes to address that disability. Some of those responsibilities may be:

- Moving disabled tenants to a vacant unit away from drifting smoke, though such a move may be considered punitive, especially for a disabled resident.
- Prohibiting smoking in the apartments and balconies around disabled tenants' units.
- Allowing disabled tenants' leases to be broken without financial penalties would be a reasonable accommodation if others can't be made.
- Adopting a nonsmoking policy for the entire building.

Reasonable changes do not include evicting smokers or anything that could incur excessive expenses.

Tenants with disabilities made worse by being exposed to neighbors' secondhand smoke may seek legal action under the ADA, the Fair Housing Act (FHA), or through the Oklahoma Attorney General's Office requiring a reasonable accommodation in their housing. Possible accommodations could include developing or enforcing a nonsmoking policy. If a tenant believes they have been denied a reasonable accommodation, they should file a complaint with the [U.S. Department of Housing and Urban Development \(HUD\)](#) or the [Oklahoma Attorney General's office](#).

Keep in mind, smoking is not a constitutionally protected activity or right. An individual's status as a smoker is not a protected category or recognized disability under Oklahoma housing laws.

Fair Housing Act (FHA)



The [Fair Housing Act \(FHA\)](#) prohibits discrimination against individuals with disabilities by owners and operators of most housing. To be covered by FHA, a person who is impaired by exposure to secondhand smoke must be able to show that such impairment is severe and chronic.

FHA makes it unlawful for any person to refuse “to make reasonable accommodations in rules, policies, practices or services, when such accommodations may be necessary to afford...person(s) (with disabilities) equal opportunity to use and enjoy a dwelling.”

Note: Smoking is not considered a disability by the FHA, and you are not required to make accommodations for a resident to smoke.



HUD & Other Publicly Funded Buildings



According to the [U.S. Department of Housing and Urban Development \(HUD\)](#), all public housing authorities (PHAs) are required to adopt smokefree policies for their buildings. This ruling came into effect in early 2017, requiring all PHAs to have a smokefree policy in place by mid-2019.

The notice highlights that PHAs may adopt comprehensive smokefree policies, prohibit smoking on the entire property, indoors and outside. Although going 100% smokefree is not required, PHAs are required to at least prohibit smoking in all restricted areas which includes all indoor property, administrative offices, and all outdoor areas within 25-feet of property buildings. PHAs are also allowed to have designated smoking areas outside as long as they are within the 25-foot buffer zone of a property building.



The [HUD Final Ruling](#) notes that nonsmoking policies are good for the health of residents, especially children, the elderly, and persons with respiratory or other chronic illnesses. Such policies also reduce turnover costs. The HUD rule cites the dangers of smoking-related fires in multiunit housing.

There are successful examples of smokefree housing of all kinds including public housing, rental vouchers and privately owned affordable housing. Work with the agency that administers your subsidy program when developing your policy to find out if there are any additional requirements for creating your policy.

SECTION 2

Smoking Hazards

Secondhand Smoke and How to Stop It

Exposure to secondhand smoke can lead to disease, disability and death. Once it's in the air, is difficult to stop. It can infiltrate nonsmoking areas in surprising ways, regardless of the boundaries you set or the ventilation you install. The only way to stop secondhand smoke is to ban smoking altogether.



The Inescapable Truth



No matter how you separate smoking and nonsmoking residents, nonsmoking residents are exposed to harmful secondhand smoke. After just a few minutes of exposure, a nonsmoker can begin to exhibit health problems comparable to those of smokers. The effects and consequences are profound. Exposure to more than 7,000 chemicals, hundreds of them harmful including at least 70 known to cause cancer and other health issues such as:

- Life-threatening or fatal asthma attacks
- Sudden Infant Death Syndrome (SIDS)
- Respiratory infections
- Ear infections in young children
- Emphysema, stroke and other debilitating diseases
- Exacerbate asthma symptoms
- Heart disease and heart attacks
- Lung cancer
- Respiratory infections

Secondhand smoke causes an estimated 41,000 deaths in the U.S. each year.² Just 30 minutes of exposure to secondhand smoke can cause heart damage similar to that of an everyday smoker.¹⁰

Smoke cannot be contained.

Expensive ventilation systems are no match for secondhand or thirdhand smoke. It can spread into nonsmoking apartments in several unexpected ways:

- Ventilation and forced air systems
- Neighbors' balconies and common areas
- Gaps around sinks, counter tops, cabinets or walls
- Doors and windows
- Electrical outlets
- Cable and phone jacks
- Ceiling fixtures and crawl spaces

Thirdhand Smoke



WHAT IS IT?

Thirdhand smoke is the toxic chemical residue left behind on clothing, skin, hair, carpets, walls, and other surfaces after someone has smoked. It contains over 250 chemicals that can linger for years in dust and on household surfaces. You may see this as yellow-tinted walls, stained and smoke-smelling carpets and other furnishings. Thirdhand smoke will not disappear just from changing the carpet or washing or repainting the walls. Smoke remediation takes specialized cleaners and deodorizers to help effectively eliminate smoking residue and its harmful chemicals that could cost hundreds or thousands of dollars depending on the amount of damage.¹¹

Thirdhand smoke is especially harmful to children since they have a lowered immune system and touch surfaces then place their hands in their mouth which means all of the toxic smoking residue can enter their body much quicker than in ours. Thirdhand smoke can also affect our reproductive organs including causing infertility problems and cancer. Pregnant women exposed to thirdhand smoke are also at risk for having unsafe births.¹² In fact, the American Academy of Pediatrics issued a statement called “Thirdhand Smoke: A Threat to Child Health” in 2022 that stated:

“Thirdhand smoke is a danger to children. People with breathing problems, pregnant women, the elderly, and animals are also vulnerable to thirdhand smoke. The American Academy of Pediatrics (AAP) recommends that all children be protected from tobacco smoke. Smoking in a different room using fans or smoking in front of an open window does not prevent thirdhand smoke.



Babies and children can be harmed because they breathe in toxic chemicals when they crawl on floors, sit in cars, or are held by adults. Thirdhand smoke can settle on all of these surfaces. Pets are also at risk because the chemicals from smoke stay in their fur or feathers.¹³



A Smokefree Environment is the Only Solution

The [American Society of Heating, Refrigerating & Air Conditioning Engineers \(ASHRAE\)](#) released their latest report on secondhand smoke, and their position couldn't be clearer: "At present, the only means of effectively eliminating the health risks associated with indoor exposure is to ban smoking activity."¹⁴



ASHRAE cautions that methods and devices such as air fresheners, cleaners and purifiers have not proved to be effective and should not be relied upon to control health risks.

The U.S. Surgeon General agreed, concluding that separating smokers from nonsmokers, air cleaning technologies and ventilation cannot eliminate secondhand smoke exposure and its harmful particles. Additionally, he found that ventilation systems such as heating and air-conditioning can actually distribute secondhand smoke throughout a building. The Surgeon General has also concluded that there is no safe level of exposure to secondhand smoke.¹⁵

SECTION 3

Smoking Hazards

Developing and Implementing Your Smokefree Policy

WINDS OF CHANGE

When you're ready to take steps, finding the right path can be difficult. Everything, from the type of policy to how to promote it requires careful consideration. Following these suggestions or ideas will point you in the right direction.



Choosing Your Policy



As the landlord or property owner, you have the freedom and flexibility to create the type of smokefree policy that best suits your situation. The following tiers were provided by the American Lung Association and outline the various ways you may wish to structure your policy. You should consider whether the policy will cover all areas on your property or will allow for designated smoking areas. Keep in mind that partial smokefree policies have fewer benefits than prohibiting smoking or tobacco use altogether.

GOLD

100% of resident lease agreements include smokefree policy, making all units and common areas smokefree AND 100% of property grounds are smokefree.

SILVER

100% of resident lease agreements include smokefree policy, making all units and common areas smokefree AND smoking prohibited on property grounds within 25 feet of buildings.

BRONZE

100% of resident lease agreements includes smokefree policy, making all units and common areas smokefree and smoking is allowed in designated areas OR at least one building is smokefree and smoking is prohibited on property grounds within 25 feet of that building (this may be an easy first step if your whole property is not ready to become smokefree).

Recognition Program

The Oklahoma Smokefree Housing Directory & Recognition Program is a comprehensive listing of all multiunit properties in the state of Oklahoma that have adopted a smokefree policy. The directory and recognition program was established in 2020 to acknowledge properties that have adopted smokefree policies, encourage additional property owners/managers to adopt a smokefree policy and to assist tenants in locating a smokefree property. Properties listed in the directory receive a certificate of recognition from the American Lung Association in Oklahoma. Their name is also listed in the Smokefree Housing Directory online. The recognition level is based on the type of smokefree policy the property has adopted. The three levels of recognition correspond to the levels listed above.

How Does My Property Receive a Certificate of Recognition?

To be considered for a Certificate of Recognition, the property manager/owner must submit a completed [Oklahoma Smokefree Housing Directory Recognition Consideration Form](#) and a copy of lease agreement or addendum that demonstrates the smokefree policy to Alexis.Burris@lung.org.

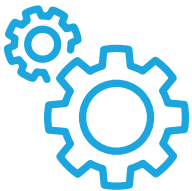
Steps for Implementing

A Smoke-Free Housing Policy

FOR MULTI-UNIT HOUSING LANDLORDS

1

MAKE A PLAN



- Develop a detailed strategy for going smoke-free.
- Should all of your property be non-smoking, or only certain buildings?
- What is your time table?
- Think about important aspects of your new policy and get them on paper.
- Reach out to find various sample policies.
 - Include a comprehensive policy and a designated smoking area policy for consideration. Samples can be obtained by contacting OnlyAir@health.ok.gov.

2

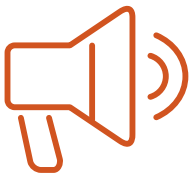
HOLD A MEETING



- Clear, open communication will make the transition smoother. Get everyone together – employees, tenants and management.
- Explain your new policies, your reasons for making the change and how the new policy will benefit everyone.

3

COMMUNICATE WITH TENANTS



- Formally notify your tenants in writing.
- Tell them about the change, when it will take effect, and what the policy covers.
- Make sure you follow your state's guidelines for the amount of notice required to give tenants before the change.
 - In Oklahoma, you must give a 30 day notice before making a policy change that affects tenants.
- Offer cessation information from the Oklahoma Tobacco Helpline at 1-800-QUIT-NOW.

4

AMEND YOUR LEASES



- Update your leases to include language about the new smoke-free policy
- All new leases should include anti-smoking language.
- Month-to-month leases can be modified with appropriate notice.
- Existing leases can be changed with tenant consent.
- If existing tenants do not consent to the change, their leases can be modified as the lease term expires.

5

POST SIGNS



- Display signage throughout your property informing residents of the rules and your expectations.
- You can reach out to OnlyAir@health.ok.gov to request free indoor decals and obtain information on how to purchase metal outdoor signage.

6

PROMOTE YOUR SMOKE-FREE PROPERTY



- Advertise in local media to attract tenants who appreciate smoke-free housing.
- Consider reaching out to the American Lung Association to be featured in the Oklahoma Smoke-free Housing Directory. This is a free resource for you!

Sample Lease Language



To help ease your transition to smokefree properties, sample lease language is available for you to discuss with your legal counsel for possible inclusion in your new or renewal leases.

Include the following in a “Definitions” section:

- Smoking: The term “smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any manner or in any form. This includes e-cigarettes regardless of nicotine content.
- Include a description of your restrictions, such as the following for a Level 4 policy as described on [pg. 20](#)
- Due to the increased risk of fire, increased maintenance costs, and the known adverse health effects of secondhand smoke, smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors, within 25 feet of the building(s).
- This policy applies to all owners, tenants, guests, employees, and service persons. Tenants are responsible for ensuring that family members, roommates and guests comply with this rule.
- Depending on the language and standards of your lease, you can adopt a smokefree policy in as little as 30 days.
- If you have a standard lease that provides that changes can be made only at the time of renewal, you must follow this contract stipulation. If you have included in your lease a provision allowing you to amend the lease with as little as 30 days’ notice, you may do so. Remember, smokefree policies are like any other policy change and should be treated the same as if you were amending requirements for policies such as trash disposal, pets or rent payment.
- Residents on month-to-month leases require a 30-day notice before a policy change. The nonsmoking policy can go into effect on the first day of the lease term (the day rent is due), 30 days after the resident has received notice.

Sample lease addendum and policies are included in Appendix C



A 2009 survey of owners with policies found the overwhelming majority reported time spent to manage the building did not increase after adopting a smokefree policy.¹⁶ And 99% of landlords who have implemented a smokefree policy report that it was a good decision.

The first step to compliance is education. Post signs in and around the building (front door, hallways, common and outdoor areas) to alert current and prospective tenants and any guests or outside visitors to your nonsmoking policy. Here's some suggested language:

“Welcome to our smokefree building. To protect the health and safety of residents, smoking or carrying lighted smoking materials is prohibited. This policy applies to all tenants and their guests.”

See Appendix F for sample signage.

It is reasonable to expect that someone will test the rules. If you do not enforce the no smoking policy, you will not have smokefree units and you will have unhappy tenants. You may even face a lawsuit for breach of contract. Inform tenants that if they smoke in their units, they will be financially responsible for bringing the unit back to rentable condition, which could cost thousands of dollars. Use approximately the same policy you would for other rule violations, like throwing loud parties or parking in restricted areas. You may decide to issue a warning or two before you evict someone for violating lease terms. Eviction should be the absolute last resort when dealing with violators. You may want to include smoking cessation resources to violators, to help them quit smoking and discourage them from further violations.



You will have no legal ground for an eviction if you do not have the non-smoking rules spelled out in the lease. Once tenants know you are serious about your new policy, most will follow it. One option you may want to consider is providing an outdoor smoking area away from windows and doors of your facility (25 feet is a good minimum distance). However, you are under no obligation to provide an outdoor smoking area.

See Appendix E for a Sample Warning Letter.

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16. Public Health Advocacy Institute. (2009). Market demand for smoke-free rules in multi-unit residential properties & landlords' experiences with smoke-free rules. Retrieved from: <http://www.phaionline.org/wp-content/uploads/2009/04/phaihousingurvey.pdf>

SECTION 4

Marketing Your Smokefree Policy

Advertise the units as non-smoking to attract tenants who either don't smoke or don't wish to live in smoky conditions. Increasingly, many people who smoke often smoke outside voluntarily, perhaps as a result of the increased awareness and changing social norms around secondhand smoke.

Despite increasing demands, few apartment buildings are completely smokefree. Capitalize on this market gap by highlighting your smokefree status as an amenity when you market your property. An easy way to do this is to connect with the American Lung Association and add your property to the Smokefree Housing Directory. Contact information for the American Lung Association can be found on page X of this manual.





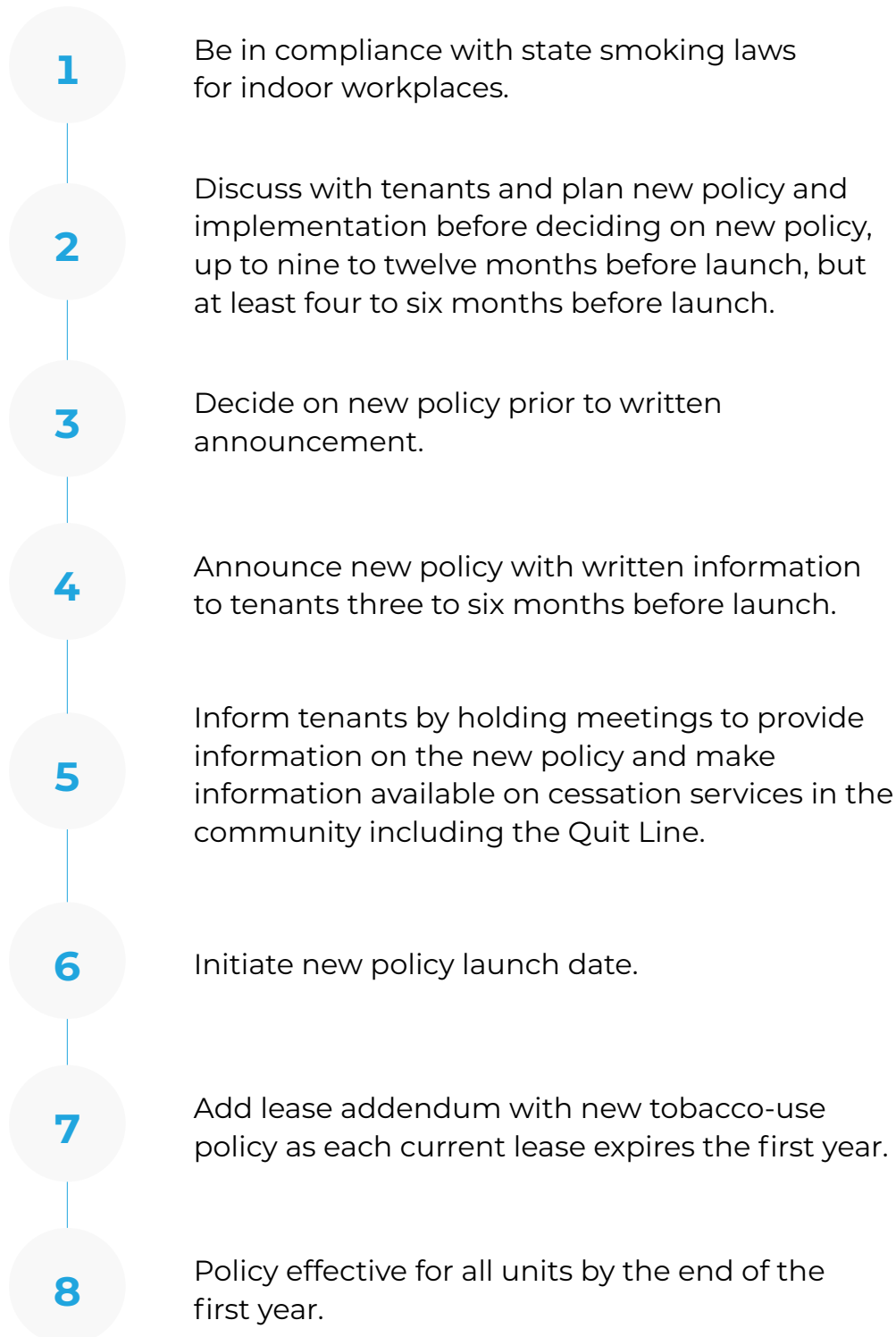
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Sample Implementation Timeline



APPENDIX A



Sample Letter to Tenants



APPENDIX B

Dear **[Resident]**,

[Date]

This property will soon become a smokefree housing complex. This will include all apartments.

The only way to effectively prevent smoke from seeping into common areas and the apartments of other residents is to prohibit smoking entirely in and around the building. The adverse health effects of secondhand smoke are well documented. A smoke-free property will help protect the health of residents and their families. To the residents who smoke, you are welcome to continue living in the building, as long as you refrain from smoking while on the property (or in designated areas if this will be allowed).

The rule change will occur when leases are renewed. As new residents move in and current residents renew their leases, the nonsmoking rule will become effective for their apartments. This means that during the next year, some residents might not be prohibited from smoking inside their apartments until their leases are renewed. We ask for your cooperation as we phase in the new rule. (Please note that we will reserve the right to prohibit smoking immediately.)

[Include the following paragraph to incorporate rule on a set date after leases renew]

The rule change will occur on **[insert date]** after all of our residents' leases are renewed. We ask for your cooperation as we implement this new rule. In addition, effective immediately, smoking is prohibited in all common areas of the building, including but not limited to, hallways, stairways, foyers, common rooms and facilities, fire escapes, common area decks and patios, exterior landings, front steps, entrance ways, basements, storage areas and other building facilities. Smoking means the inhaling, exhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, other product containing any amount of tobacco, or other similar lighted product.

Please inform your guests that smoking is prohibited. You will be held responsible if your guest violates the nonsmoking rule. We sincerely hope that all residents, even those who smoke, will continue to enjoy living in the building. We are implementing this small change as an opportunity to ensure that the building is a healthier and cleaner place for all residents and guests.

Sincerely,
[Landlord]

[Apartment Name]
[Address]
[City, State Zip Code]

Sample Lease Addendum



APPENDIX C

Note: You may adjust the portions of this addendum that have been included in brackets depending upon the scope of your smokefree policy.

Resident and all members of resident's family or household are parties to a written lease with Property Owner/Manager (the Lease). This addendum states the following additional terms, conditions, and rules that are incorporated into the Lease.

A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights provided for in the Lease.

- 1. Purpose of Smokefree Housing:** The parties desire to mitigate (i) the irritation and known health effects caused by secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the high cost of fire insurance for a non-smokefree building.
- 2. Definition of Smoking:** "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant. This includes e-cigarettes, regardless of their nicotine content.
- 3. Smokefree Complex:** Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident's household have been designated as a smokefree living environment. Resident and members of Resident's household shall not smoke anywhere in the unit rented by Resident, in the building where the Resident's dwelling is located or in any of the common areas (or adjoining grounds of such building or other parts of the rental community), nor shall Resident permit any guests or visitors under the control of Resident to do so. (Include information about designated smoking areas if applicable)
- 4. Resident to Promote No Smoking Policy and to Alert Landlord of Violations:** Resident shall inform Resident's guests of the smokefree policy. Further, Resident shall promptly give Property Manager/Owner a written statement of any incident where secondhand smoke is migrating into the Resident's unit from sources outside of the Resident's apartment unit.
- 5. Property Manager/Owner to Promote No Smoking Policy:** Property Manager/Owner shall post no smoking signs at entrances and exits, common areas, and hallways (and in conspicuous places on the grounds adjoining the apartment complex).

Sample Lease Addendum



APPENDIX C (CONTINUED)

- 6. Property Manager/Owner Not a Guarantor of Smokefree Environment:** Resident acknowledges that Property Manager/Owner's adoption of a smokefree living environment, and the efforts to designate the rental complex as smokefree, do not make the Property Manager/Owner or any of its managing agents the guarantor of Resident's health or of the smokefree condition of the Resident's unit and the common areas. However, Property Manager/Owner shall take reasonable steps to enforce the smokefree terms of its leases and to make the [designated areas of the] complex smokefree. Property Manager/Owner is not required to take steps in response to smoking unless Property Manager/Owner knows of said smoking or has been given written notice of said smoking.
- 7. Other Residents are Third-Party Beneficiaries of Resident's Agreement:** Resident agrees that the other Residents at the complex are the third-party beneficiaries of Resident's smokefree addendum agreement with Property Manager/Owner. A Resident may sue another Resident for an injunction to prohibit smoking or for damages, but does not have the right to evict another Resident. Any suit between Residents herein shall not create a presumption that the Property Manager/Owner breached this Addendum.
- 8. Effect of Breach and Right to Terminate Lease:** A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights provided for in the Lease. A material breach of this Addendum by the Resident shall be a material breach of the Lease and grounds for immediate termination of the Lease by the Property Manager/Owner. Property Manager/Owner acknowledges that in declaring this building (or portion of the building) to be smokefree, the failure to respond by Property Manager/Owner to a complaint filed by the Resident shall be treated as equivalent to failure to respond to a request for maintenance. Oklahoma law governing repair and deduct, the implied warranty of habitability, and the covenant of quiet enjoyment shall be understood to include the right to be smokefree contingent upon cooperation of both Resident and Property Manager/Owner. These provisions shall also be construed to result in a constructive eviction if Property Manager/Owner fails to timely respond to Resident's complaints regarding secondhand smoke.
- 9. Disclaimer by Property Manager/Owner:** Resident acknowledges that Property Manager/Owner's adoption of a smokefree living environment, and the efforts to designate the rental complex as smokefree, does not in any way change the standard of care that the Property Manager/Owner would have to a Resident household to render buildings and premises designated as smokefree any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Property Manager/Owner specifically disclaims any implied or express warranties that the building, common areas, or Resident's premises will have any higher or improved air quality standards than any other rental property. Property Manager/Owner cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Resident acknowledges that Property Manager/Owner's ability to police, monitor, or enforce the agreements of the Addendum is

Sample Lease Addendum



APPENDIX C (CONTINUED)

dependent in significant part on voluntary compliance by Resident and Resident's guests. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Property Manager/Owner does not assume any higher duty of care to enforce this Addendum than any other Property Manager/Owner obligation under the Lease.

[Optional Paragraph for Existing Rental Communities that Adopt Smokefree Policies]

Effect on Current Residents: Resident acknowledges that current residents residing in the complex under a prior Lease will not be immediately subject to the smokefree policies. As current residents move out, or enter into new Leases, the smokefree policy will become effective for their new unit or new Lease.

Resident Signature

Date

Property Manager/Owner Signature

Date

Sample Disclosure Statement



APPENDIX D

The following is the tobacco - use policy at **[Name of Apartment]** on **[Address]** in **[City, State Zip Code]**

Description of the nonsmoking policy, or no tobacco use policy.

If some buildings have different policies, specify which ones.

If there are designated smoking areas outside, describe these locations.

This information is provided to all tenants and incorporated into apartment leases through a smokefree lease addendum for all nonsmoking apartments effective **[date]**. This information is also provided to all prospective tenants who visit and tour this facility.

(Prospective) Tenant Signature

Date

Property Manager/Owner Signature

Date

Sample Warning Letter

APPENDIX E



Dear **[Resident]**,

[Date]

As stated in your lease agreement, **[Apartment Name]** has a smokefree policy that states **[smoking policy from lease]**. This decision was made to protect the health of all tenants from the adverse effects of secondhand smoke, a known health hazard associated with lung cancer and heart disease. The decision was also made to protect our buildings from damage to units and an increased risk of fire.

On **[date/time]** you were observed smoking in AREA in violation of the lease agreement. **(Add further details about the violation if appropriate.)**

Tenants who violate the terms of their lease are subject to the penalties outlined in the lease agreement. If you violate the terms of the lease again, we may take appropriate action, including terminating your lease. **(Include further details about your enforcement procedures of warnings, fines, etc. If you have a designated smoking area, provide details on where it is and ask the tenant to smoke only in the designated area(s).)**

We appreciate your attention to this matter. If you have questions or concerns, please contact us at **[contact information]**.

If you are interested in quitting smoking, free help is available at the Oklahoma Tobacco Helpline (1-800-QUITNOW). Free services may include information, counseling, a personalized quit plan, local quitting resources, nicotine replacement therapy (patches or gum) and quit kits.

Sincerely,
[Landlord]

[Apartment Name]
[Address]
[City, State Zip Code]

Sample Signage



APPENDIX F



For outdoor signage larger than decals, you may want to use the blue smokefree living logo. Please contact OSDH at OnlyAir@health.ok.gov for more information.

These decals have been designed for your use, especially at the entrances of multiunit housing buildings that have been designated as entirely nonsmoking.

These and the other variations shown below are made available free of charge on request to the Oklahoma State Department of Health (OSDH), Chronic Disease Prevention Services at OnlyAir@health.ok.gov. Please include the number of decals requested and a good mailing address when emailing OSDH.

These variations are designed to support the levels of policies you may choose as discussed on page 34.



Smokefree Policies in Multi-unit Housing

- [Smokefree Policies in Multi-Unit Housing | American Lung Association](#)

Smokefree Housing Directory Website

- [Lung.org/OklahomaSmokefreeHousing](https://lung.org/OklahomaSmokefreeHousing)
- The Oklahoma Smokefree Housing Directory & Recognition Program is a comprehensive listing of all multiunit properties in Oklahoma that have adopted a smokefree policy. The directory and recognition program was established in 2020 to acknowledge properties that have adopted smokefree policies, encourage additional property owners/managers to adopt a smokefree policy and to assist tenants in locating a smokefree property.

Freedom From Smoking

- [Join Freedom From Smoking | American Lung Association](#)
- The Oklahoma Smokefree Housing Directory & Recognition Program is a comprehensive listing of all multiunit properties in Oklahoma that have adopted a smokefree policy. The directory and recognition program was established in 2020 to acknowledge properties that have adopted smokefree policies, encourage additional property owners/managers to adopt a smokefree policy and to assist tenants in locating a smokefree property.
- The American Lung Association has been helping people quit smoking for over 40 years and has helped one million people quit for good. Freedom From Smoking® is ranked one of the most effective cessation programs in the country, as it is available in a variety of formats and includes a comprehensive variety of evidence-based, proven-effective cessation techniques. Freedom From Smoking® can help you quit all tobacco products, including e-cigarettes and vaping devices.
- We help you develop a personalized plan of action to prepare you for your quit day and offer the support you need to remain tobacco-free for life!



Addressing Commercial Tobacco Use in Indigenous Communities

- [Addressing Commercial Tobacco Use in Indigenous Communities Toolkit \(lung.org\)](#)
- The American Lung Association is joining the effort to educate and build confidence among public health professionals and community-based individuals addressing commercial tobacco disparities in Indigenous communities. This information is being provided as a starting point to dismantle systemic injustices and health inequalities concerning commercial tobacco use.

Addressing Tobacco Use in Hispanic or Latino Communities

- [English | Hispanic_Latino_Communities_Toolkit_ENG.pdf \(lung.org\)](#)
- [Spanish | Herramientas-para-abordar-el-consumo-de-tabaco.pdf \(lung.org\)](#)
- The resources included in this toolkit will serve to strengthen the knowledge that individuals, public officials/lawmakers and/or organizations (e.g., community-based organizations, faith-based organizations, clinics, academic centers, recreational centers, etc.) have regarding tobacco use, prevention, and cessation to better serve Hispanic or Latino communities.

Addressing Tobacco Use in Black Communities

- [Addressing Tobacco Use in the Black Community Toolkit \(lung.org\)](#)
- The American Lung Association is joining the 20+ efforts of leading Black organizations including The Centers for Black Health and Equity and the African American Tobacco Control Leadership Council (AATCLC) to educate and build confidence among public health professionals and community-based individuals addressing tobacco disparities in the Black community.

Secondhand Smoke Resources



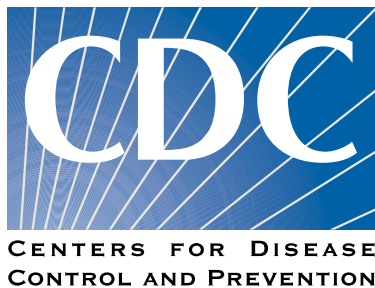
APPENDIX H



www.no-smoke.org is the website of Americans for Nonsmokers' Rights, an advocacy organization, and its educational branch, the American Nonsmokers' Rights Foundation. This site has frequently updated information on secondhand smoke and related policies, including news from across the country on smokefree policies in multiunit housing.



The Oklahoma Tobacco Settlement Endowment Trust (TSET) has two websites: www.ok.gov/tset, and www.StopsWithMe.com, that offer information on secondhand smoke and other health-related topics and TSET-funded programs.



The US Centers for Disease Control and Prevention (CDC) also provides a secondhand smoke toolkit and other resources and information at this URL: <https://www.cdc.gov/tobacco/secondhand-smoke/index.html>



The Thirdhand Smoke Resource Center is based in California, but has a wealth of knowledge and resources that can be nation-wide. Their mission includes informing the public “about the toxic legacy of tobacco smoke residue and to achieve indoor environments that are 100% free of tobacco smoke toxicants.”



Most Oklahomans who smoke or use other tobacco products want to quit, and over half make at least one serious quit attempt each year. Transitioning to a tobacco-free policy can be a strong motivator for tobacco users to quit. Those who succeed in breaking this addiction also obtain important health benefits.

Providing tobacco cessation assistance is an important part of policy change when adjusting to a smokefree or tobacco-free environment. Providing resources to tenants wanting to quit can increase their support for the new policy. Fortunately, there are more cessation resources available today in Oklahoma than ever before.

We know that successful quitting can often take numerous attempts. Encouraging the use of resources such as the Oklahoma Tobacco Helpline encourages tobacco users to seek help, prevent relapse and successfully quit. The Quit Coaches at the Oklahoma Tobacco Helpline can answer questions about available support – including free patches, gum or lozenges for eligible participants – as well as setting a quit date and helping coach each individual through the process. The Oklahoma Tobacco Helpline can be reached by calling 1-800-QUIT NOW (784-8669) or online at www.OKhelpline.com.

Tobacco cessation benefits that have been found to be the most effective utilize the following:

- Counseling and medications, together or separately.
- Coaching services, including the Oklahoma Tobacco Helpline.
- FDA approved medications, including bupropion, Varenicline and both prescription. and over-the-counter nicotine replacement medication.

Additional resources can be found online at:

Become an Ex “Relearn Life Without Cigarettes” <http://www.becomeanex.org/>

Smokefree.gov “Quit Smoking Today! We Can Help” <http://smokefree.gov/>

Smokefree.gov for Women <http://women.smokefree.gov/>



The State Chamber, the Oklahoma Academy for State Goals and the Oklahoma Turning Point Council joined with the Oklahoma State Department of Health several years ago to create a Certified Healthy Business program to assist and recognize local companies helping to create a better state of health for their employees and customers.

Certified Healthy Schools and Certified Healthy Communities programs have been launched by the same groups, authorized by state law. These programs provide healthier communities by recognizing actions taken by organizations who adopt rules like smokefree and tobacco-free policies covering entire properties, 24 hours a day, 7 days a week.

Smokefree Living for multiunit housing fits well with these related efforts to boost the quality of life throughout Oklahoma. Participants in all of these programs are likely to be very interested in your new Smokefree Living multiunit housing policies and you may want to link with them so you can help each other.

For more information on the Certified Healthy Programs, visit oklahoma.gov/certifiedhealthy.





This publication was issued by the Oklahoma State Department of Health (OSDH), an equal opportunity employer and provider. A digital file has been deposited with the Publications Clearinghouse of the Oklahoma Department of Libraries in compliance with section 3-114 of Title 65 of the Oklahoma Statutes and is available for download at www.documents.ok.gov.

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