

Providing Smoke-Free Rental Units: A Guide for Building Owners and Managers

There are several ways to implement a smoke-free policy for your multi-unit housing complex. You will need to decide if you will be providing smoke-free units, a smoke-free wing, a smoke-free building or if you want the entire complex, including the outside property, designated as smoke-free.

Planning for New Construction

If you are building a new apartment complex, you have a relatively easy road ahead of you. Depending on the size of your complex, you may want to designate whole buildings, wings of a building, or one or more of the lower floors as nonsmoking. You may want to consult with the architects and builders and explain what your plan is.

Making Major Renovations or Other Changes

Most apartment buildings have a mix of units in which smoking does and does not occur. The kinds of changes necessary to accommodate truly smoke-free and smoking-permitted units in an older building may be cost prohibitive. They may require making structural changes. This means that it may make more sense to designate the whole building smoke-free.

If you purchase a building, you are in a good position to provide smoke-free units. A change in owners usually signals to tenants that other kinds of changes may be in the offing. You may be making changes so extensive that you must ask tenants to vacate the building. If so, you are in a particularly good position to make renovations and repairs and reopen it with smoke-free units.

Moving Ahead Without Major Changes.

If you do not plan major renovations, you should consider the following steps.

Survey your tenants. Find out how many smoke in their apartments. Not all households with smokers allow smoking in their units. You may want to conduct a survey, which will serve two purposes--gathering information and alerting tenants that change may be in the air. As you do this, you may want to find out how your tenants would view establishing a smoke-free policy. Would they move? Once you have the information about smoking habits, plot it on a diagram and see if any patterns emerge. Are the no-smoking apartments clustered in buildings, wings, or floors? Use these patterns to decide which areas you will make smoke free.

Determine a budget for incentives. You can speed up the move toward smoke-free buildings. One way is to offer incentives to tenants to move to other floors, wings, or buildings. You must decide what up-front expenses you are willing to take on. These expenses could include moving expenses or other incentives (like breaks on the rent) for tenants willing to relocate to another apartment. For example, if you find that you have only two smoking tenants in Building A, you may want to provide an incentive--a month's or half a month's free rent, for example--for those tenants to move to Building B so you can declare Building A smoke-free.

Set a time frame for the change. One of the things you should do is check the date all your leases are due for renewal. Providing smoke-free apartments is harder if you and your tenants are bound by long-term leases. If all your tenants are on month-to-month leases, you can make changes relatively quickly. All you have to do is give one month's notice of changes in policy. Some landlords decide that they will grandfather in any existing tenants. If you pursue this route, it may take several years before you can declare a building or other area smoke-free. You may want to move more rapidly. It is possible to do this within a year if you have the typical one-year leases.

Notify tenants of your plans. Well ahead of your target date, notify tenants that you want to make the building or other area smoke-free by a certain date. That date is probably going to be one year from the date the most recent lease expires. Provide them with your reasons so they know that you are not being capricious. These typically include a combination of health and safety and business concerns such as:

- reducing the danger of fires,
- protecting your tenants from secondhand smoke,
- reducing maintenance, cleaning, and redecorating costs,
- saving on fire insurance, and
- capitalizing on consumer demand for smoke-free units.

You probably want to let your current tenants know that you would be glad to have them remain in the building as long as they agree not to smoke. Make the smoke-free unit policy apply to any new tenants, but let them know that the building or other area will not be truly smoke-free for a while.

Introduce new leases. You should include some wording in your leases that makes tenants aware of the policy of their obligations not to smoke and of the consequences if they do not meet these obligations. The key elements of a smoke-free lease are that::

The rental unit, **including the balcony**, should be defined as a smoke-free residence; a certain amount of outdoor space should also be described as smoke-free. (You don't want tenants smoking right outside someone's window or the front door. The smoke can waft back or be drawn into the building.)

Responsibilities of the tenant include informing guests of the no-smoking portion of this lease and prohibiting smoking on the premises by household members or guests. Smoking on the premises by the tenant, members of the tenant's household, or guests is a violation of the lease.

Adapted from the Secondhand Smoke Resource Center / Association for Nonsmokers - Minnesota