

Adopting a No-Smoking Policy in Apartment Buildings*

Some owners of apartment buildings and non-profit housing providers are questioning whether they should continue to allow smoking in their buildings. They are concerned about the health of many of their residents who have illnesses or disabilities that are exacerbated by exposure to second-hand smoke. Further they are tired of dealing with tenant complaints, the danger of fire caused by smoking and the increased maintenance costs associated with smoking in their rental units. They are also aware that over eighty-five percent of British Columbians do not smoke and that this constitutes a huge demand for smoke-free units. If you are interested in adopting a 'no-smoking' policy in all or part of your apartment complex(s), here are some suggestions for moving forward. Remember, adopting a smoke-free policy is legal. It is no different than adopting a "no pets" policy. All new tenancy agreements can contain a "no smoking" clause, and current tenants who smoke are grandfathered for as long as they remain in their current apartment units, but all other tenants, staff and visitors must adhere to the no-smoking policy.

How to proceed

How you will proceed to implement a smoke-free policy will depend on your situation, whether you are constructing a new building or complex, or just converting smoking units to smoke-free units in an older building.

Planning for new construction

If you are building a new apartment complex, you have a relatively easy road ahead of you. By providing smoke-free buildings from the start, you will avoid problems like cleaning walls and windows streaked with tar and replacing carpeting and counter tops with cigarette burns. As you design the complex, you also have the opportunity to place an outdoor smoking space at an appropriate site if you choose to do so.

An example of a non-profit housing building that went smoke-free from the start:

Grafton Lodge, a 39-unit development in Esquimalt, is completely smoke-free.

Sponsored by the Esquimalt Lions Seniors Housing Society, and managed by the Victoria Senior Citizens Housing Society, this building opened in April 2004. Twelve of the units are funded under the Vancouver Island Health Authority Supportive Living Program. The building contains a mix of market and rent-geared-to-income units and is one of the last projects funded under the HOMES BC program.

The building is not just smoke-free in the common areas – smoking is not allowed in the tenants' apartments, balconies or anywhere in the gardens or property surrounding the building.

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Converting to a smoke-free area or complex

If you own multiple complexes and want to convert one of the complexes to a smoke-free building, consider some of the following steps: (note: if you have one building and want to designate a specific section as smoke-free you could follow some of these steps as well)

Survey your tenants. Find out how many tenants allow smoking in their apartments or on the balconies. Also ask tenants if they wish to reside in a smoke-free building. This will serve the purpose of determining which complex or area has the fewest smokers, and will let your residents know that you are looking into this issue with a view to designating one building or area as smoke-free. So as not to alarm residents who currently smoke in their units, you can reassure them that you are only looking to designate one building or area as smoke-free and that those who wish to remain in smoking buildings will be accommodated.

Decide on a plan of action. Identify which building has the most tenants who want to live in a smoke-free building. Based on the results of the survey, if you find that there is one complex with very few people who smoke or allow smoking in their units, you may want to consider moving the few smoking tenants to other smoking buildings. If this is not an option, you can choose to grandfather in any existing tenants, but if you pursue this route, it may take several years before you can declare a building smoke-free.

Set a time frame for the change and notify tenants. Once you have determined which complex will be made smoke-free, set a target date and notify your tenants that you want to make the building smoke-free. Let them know that the building or other area will not be truly smoke-free for a while. Provide tenants with your reasons for making the change. The most important thing is to educate the residents on why the policy change is needed, noting the dangers and how smoking affects non-smoking residents. These reasons might include a combination of health, safety and business concerns:

- Increased demand from residents for smoke-free accommodations, due to health issues such as respiratory illnesses, heart disease and other medical conditions
- Protecting your tenants from the known dangers of exposure to second-hand smoke
- Reducing the danger of fires
- Reducing maintenance, cleaning, and redecorating costs

Consider offering incentives. 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 or allow guests to smoke either inside the unit or outside on balconies. You can also offer incentives to tenants who want to smoke in their apartments that encourage them to move to other buildings that you own. If you find that you have only two smoking tenants in Building A, you may want to offer them reduced rent for one or two months if they will agree to move to Building B so you can declare Building A smoke-free.

Implement the new Policy. Include a clause in all new tenancy agreements that make tenants aware of the policy and of their obligations not to smoke and to prevent guests from smoking in their units or outside on balconies and patios. Further, for those tenants who want to reside in a smoke-free building but their tenancy agreement does not include a “no-smoking’ clause, consider asking them to agree in writing to the new smoke-free policy (a clause could be added to their tenancy agreement and signed by all). If you allow smoking on a specific part of the property (outside), specify where smoking is allowed in the Agreement. (See below for sample smoke-free policy). Current tenants who smoke are grandfathered for as long as they remain in their current apartment units, but all other tenants, staff and visitors must adhere to the no-smoking policy.

Post signs. Be sure the new smoking policy is posted in common areas and send out an announcement to tenants. Then post signs at the entryways, something along these lines:

Welcome to our smoke-free building.
*To protect the health and safety of
residents, smoking or carrying lighted
smoking materials is not allowed
anywhere on the premises.*

Monitor the new smoke-free policy

In BC, there is province-wide legislation that bans smoking in all workplaces, and most municipalities have bylaws that ban smoking in many other public places, including common areas of residential buildings like elevators, laundry rooms, hallways and stairways. Many times these smoking policies are largely self-enforcing and no heavy policing is necessary. There is not enough experience with smoke-free rental housing to know if this will also hold true in this area. However, since most residents who will reside in the smoke-free building are there voluntarily because they don’t want to breathe second-hand smoke, it is unlikely that there will be much staff time spent on enforcing the policy. In any case, it is possible that someday someone will test the rules. If you do not enforce the no-smoking policy, you will not have smoke-free units and you will have unhappy tenants. Work with tenants to handle complaints as they arise and use roughly the same policy you use for other violations of rules such as making loud noise or parking in prohibited areas. You may decide to issue a couple of warnings before you evict someone for breaking the tenancy agreement. However, it will be difficult to evict a tenant who disregards the policy if you do not have the no-smoking rules spelled out in the tenancy agreement. Once tenants know you are serious about your new policy, most tenants will follow it.

Providing an outdoor smoking area (Optional)

Since you don't allow smoking in the units, you may want to provide an outdoor smoking area or structure. You are under no obligation to provide an outdoor smoking area

although this may help keep your tenants from using adjacent properties for smoking. A disadvantage of providing one is that it may be difficult to keep it clean. This prospect is reduced if you provide sturdy ash containers, heavy enough not to be stolen. On small lots with no room for a shelter, place the smoking area as far away from the building as possible so that drifting smoke will not be a problem. Particularly in the summer the smoke can waft through an open window or be drawn inside by air-conditioning units. If a tenant smokes right outside a door, you can practically guarantee that smoke will be drawn into the building. Your efforts to prevent this problem can benefit from a sign on the door that says, "No smoking within 20 feet of the door." Note, however, that you cannot regulate smoking on a public sidewalk.

Sample Smoke-free Policy**

Due to the increased risk of fire, increased maintenance costs and the known health effects of second-hand smoke, smoking is prohibited in any area of the property, both private units and common areas, whether inside or outside, extending to the property line. This policy applies to all owners, tenants, guests and service persons. Please note that tenants are responsible for the actions of their guests.

Definition Smoking: The term 'smoking' means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, marijuana, hashish or any similar product whose use generates smoke.

*****The Sample Smoke-free Policy was approved by Al Kemp, Executive Director, Rental Owners and Managers Association of BC***

This document was adapted from the Initiative for Smoke-Free Apartments, a program of the Association for Non-smokers-Minnesota.