

GOOD FOR BUSINESS. GOOD FOR HEALTH.

COLORADO GUIDE

Establishing No-Smoking Policies in Multiunit Housing

Learn about the benefits.
Discover implementation
techniques.
Find helpful resources.



For smoke-free housing resources visit MySmokeFreeHousing.org

The following groups endorse this guide as a valuable tool for property owners and managers who wish to make their communities smoke-free.



COLORADO
Department of Local Affairs





To order additional copies of this guide, please call (303) 444-9799, or visit OrderTheGuide.org.

Published by the Group to Alleviate Smoking Pollution (GASP of Colorado)—a nonprofit organization working to eliminate secondhand smoke from the air we breathe by advocating for smoke-free policies at work, in public places, and in multiunit housing.

For further information visit GaspForAir.org or call (303) 444-9799.

Second Edition, August 2014. Nothing in this booklet shall constitute legal advice. Please consult an attorney before pursuing a no-smoking policy for proper language and compliance with local and state laws.

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A woman with dark hair, wearing a blue t-shirt and white patterned pants, is sitting on a windowsill. She is holding a white coffee cup to her lips and looking out the window. The background shows a window with a view of a building.

A Quick Survey: Does a No-smoking Policy Make Sense For You?

Do you spend extra time and money turning over units where smoking has taken place?

YES NO

Have you ever had smoking-related fires on your property?

YES NO

Are you concerned about the legalities of a no-smoking policy?

YES NO

Does the odor of smoking turn off prospective residents?

YES NO

Do your residents complain that smoke drifts into their units?

YES NO

Are staff or other workers being exposed to secondhand smoke?

YES NO

YES?

If you answered YES to any of these questions, read on. It might be time to consider a no-smoking policy in your community.

Why Should I Consider a No-Smoking Policy?

It is legal and a growing trend nationwide.

No-smoking policies are legal and have been implemented in thousands of multiunit residential properties, including many housing authorities throughout Colorado and the United States.

No-smoking policies save you money, and:

- reduces the cost of cleaning, painting, repairs, and replacement.
- reduces energy consumption.
- reduces the cost of general maintenance.
- may reduce insurance costs.

There is market demand for these policies.

Most Colorado residents, including low-income populations, do not allow smoking in their homes, and prefer to live in a non-smoking building. Therefore, a no-smoking policy will likely generate a greater interest in your property.

Your residents will likely stay longer.

Coloradans are used to smoke-free workplaces, restaurants, bars, and public places and have come to expect clean air inside their dwellings for themselves and their families.



“ The decision to institute no-smoking policies in the 90 Denver apartment buildings Cornerstone manages has been one of the best decisions I have made over the last 15 years. It has significantly reduced maintenance, repair and turnover costs. Furthermore, residents and staff love it.”

— Jim Lorenzen, President,
Cornerstone Apartment Services, Inc.
Denver, CO

Growing Trend

In Colorado, there are thousands of multiunit residential buildings, including hundreds of housing authority buildings, that have a no-smoking policy for the entire building or grounds. Find the growing list of properties at MySmokeFreeHousing.com.



Is it Legal to Prohibit Smoking in my Building?

Yes! Colorado's Clean Indoor Air Act prohibits smoking in all indoor common areas and allows housing providers to prohibit tobacco or marijuana smoking in all or any part of their property, both indoors and outdoors.

There is no legal or constitutional right to smoke tobacco or marijuana.

No-smoking policies are not discriminatory and do not violate fair housing regulations. People who smoke are not a protected class according to federal or state law.

HUD allows and encourages the implementation of 100% no-smoking policies in public and federally subsidized housing (PIH notices 2012-25 and 2012-22).

CRS § 25-14-206. Optional prohibitions. (1) The owner or manager of any place not specifically listed in section 25-14-204, including a place otherwise exempted under section 25-14-205, may post signs prohibiting smoking or providing smoking and nonsmoking areas. Such posting shall have the effect of including such place, or the designated nonsmoking portion thereof, in the places where smoking is prohibited or restricted pursuant to this part 2.

Save Time. Save Money.

A no-smoking policy helps lower your operating costs.

Reduces general maintenance costs such as:

- Cleaning and repairing carpets, fixtures and window treatments.
- Priming and painting walls.
- Replacing furniture.

Decreases ground maintenance: when the policy covers the entire property.

Decreases air-treatment system usage:

- Lowers utility bills by about 30% (according to estimates by Marriott Hotels).
-

Lowers fire risk and damage:

- Cigarette fires in Colorado cause roughly 5% of all residential fires in Colorado, 36% of all residential fire fatalities, 14% of all residential fire injuries, and 7% of all residential property loss.
 - May lower insurance premiums. Ask your insurance provider about a comprehensive fire-safe policy discount.
-

Improves property values:

- Less damage caused by tobacco smoke and discarded cigarettes.
 - Easier to rent or sell smoke-free homes.
-

Saves management and staff time:

- Spend less time dealing with smoking-related complaints and issues.
-

Protects the health of:

- Residents, staff, and maintenance personnel.
-

Reduces the risk of:

- Lawsuits by people affected by exposure to secondhand smoke.
- Fair-housing and disability complaints.
- Constructive eviction claims.



Average costs* to rehab a two-bedroom unit:

Smoking: \$4,000–\$15,000

No-Smoking: \$500 or less

* Based on estimates from two Colorado restoration companies.

In Colorado



83%

Percent of adults
DO NOT
smoke.



87%

Percent of households
reported having
no-smoking rules.

Source: 2012 Colorado Department of Public Health and Environment.

Happy and Healthy Residents Stay Longer

Most multiunit residents in Colorado prefer living in a nonsmoking building.

Coloradans are used to being protected from exposure to secondhand tobacco smoke in workplaces, restaurants and bars, and public places due to state and local laws. They also expect clean indoor air in their dwellings, and are entitled to live in a safe and healthy environment. Most residents, especially people with chronic health conditions, do not want to suffer the health consequences of breathing in secondhand smoke when it drifts into their residences.



“ More than 30 housing authorities in Colorado have found that implementing smoke-free policies in affordable housing makes good health sense for the residents and staff. In addition, they are finding smoke-free policies make good business sense by helping retain residents, and reducing the maintenance and other operational costs.”

— David Martens, Service Officer,
Colorado NAHRO (National Association of Housing & Redevelopment Officials)

Effective and Proven Steps to Implementing a No-Smoking Policy

A no-smoking policy should cover all types of smoking, including tobacco, marijuana, electronic cigarettes, and other forms of “vaporizing.”

Determine resident preferences with a short survey or make a management decision to pursue a no-smoking policy.

Talk to other housing providers who have implemented no-smoking policies.

Educate residents about the dangers of secondhand smoke and that smoking increases fire risk.

Provide stop-smoking resources like the Colorado Quitline at 800-QUIT-NOW or MyQuitPath.com.

Communicate the policy terms, violation consequences, and effective date through meetings, in writing and in person. Residents should sign all lease documents. Consult an attorney to draft a policy that works for you.

Set up an enforcement protocol with management, staff, and contractors.

Limit the phase-in time to no more than one year. Avoid grandfather clauses that allow continued smoking as these cause resident frustration and distrust of management, and these limit how you may advertise and enforce the policy.



For the best policies, smoking should be prohibited:

- in all indoor areas and units.
- on balconies, patios, and porches.
- at all outdoor common areas.
- at least 25 feet away from any part of a building.

Find a list of state and local resources that are available to assist you with implementing many of these steps on the back cover.



Talking Points for Residents and Ways to Obtain Compliance

Engage your residents and provide clear communication.

Talking Points

Indoor air quality:

will be healthier and protect everyone from secondhand smoke exposure.

Safety:

lower fire risk for residents and families.

Everybody is welcome:

people who smoke are welcome but will have to step outside and away from the building to smoke.

Less building damage and maintenance:

may help keep rental rates stable.

Respect for your neighbors:

smoke has no boundaries.



Obtaining Compliance

Communicate the policy to prospective residents, employees and visitors. Use posters and newsletters as well as advertisements. Be clear that guests and staff need to follow the policy.

Visit the property frequently to observe compliance, and establish a protocol for dealing with violations.

Document and investigate complaints promptly and take action to ensure compliance.

Offer residents a safe and anonymous way to report violations.

Maintain good sign placement throughout the property and include signs in different languages as necessary.

Thank your staff, managers and residents for their help and cooperation.



For additional tips, model surveys, policies and more visit MySmokeFreeHousing.org.

Protecting Everyone's Health



Each year in the U.S. secondhand smoke causes disease and nearly 50,000 deaths from heart disease, lung cancer, and sudden infant death syndrome (SIDS), among others.

The 2014 U.S. Surgeon General's Report states that there is no safe level of exposure to secondhand smoke.

More than 54% of Colorado adults who live in multiunit housing reported smoke drifting into their apartment.

Secondhand smoke cannot be controlled using ventilation or air-cleaning systems, and up to 50% of the air in multiunit housing may be re-circulated throughout an entire building.

Electronic (or e-cigarettes) emit secondhand aerosols with chemicals that are harmful to the health like benzene, formaldehyde, isoprene, nicotine, n-Nitrosornicotine, and toluene.

Secondhand smoke from marijuana can cause lung irritation, asthma attacks, and a higher risk for respiratory infections. Exposure to the chemicals in secondhand marijuana smoke have been linked to lung cancer.



" The scientific evidence is now indisputable: secondhand smoke is not a mere annoyance, it is a serious health hazard that can lead to disease and premature death in children and nonsmoking adults."

— Richard Carmona,
Former U.S. Surgeon General 2006

Summing It All Up

Reasons to Implement a No-smoking Policy

Cost Savings

Reduce cleaning, repair, painting, furniture replacement and other maintenance and administrative costs.

Fire Safety

Cigarette fires cause roughly 5% of all residential fires in Colorado, 36% of all residential fire fatalities, 14% of all residential fire injuries, and 7% of all residential property loss.

Energy Savings

Decrease air-filtration and labor costs by up to 30%.

Free Advertising

Get a free listing at MySmokeFreeHousing.com.

Allowed by Law

No-smoking policies are allowed by the Colorado Clean Indoor Air Act and encouraged by HUD.

Preferred by Colorado Residents

83% of adults in Colorado do not smoke and most multiunit residents, including low-income residents, would prefer living in a smoke-free building.

Residents Expect Smoke-Free Air

Colorado residents are accustomed to smoke-free policies at work, bars and public places, and they expect to be protected at home too.

Healthier Environment

There is no safe level of exposure to secondhand smoke. No-smoking policies help people who are trying to quit smoking succeed.

Non-Discriminatory

There is no constitutional right to smoke, and no-smoking policies do not violate the Fair Housing Act.

Trends

Thousands of multiunit residential buildings have adopted no-smoking policies.



“ While our research often reveals market opportunities, it is rare to see such an obvious one. The advantages of implementing a smoke-free policy are so significant that, if a private property-management firm had conducted the research, it might be tempted to keep the findings confidential to gain an initial competitive advantage.”

*– Campbell DeLong Resources, Inc.,
Portland, Oregon*

Web Resources: Colorado

MySmokeFreeHousing.org

All Your Smoke-Free Housing Resources Under One Roof

Tips on how to implement a policy

Sample leases and resident surveys

HUD toolkits and memos

Enforcement tips, free signs, other web resources

Health information about secondhand tobacco and marijuana smoke

MySmokeFreeHousing.com

Lists thousands of multiunit residential buildings in Colorado with no-smoking policies for their entire building or property

Offers a free listing to publicize your buildings

SmokeFreeColorado.com

Provides information about the Colorado Clean Indoor Air Act

Provides free signs and other materials



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