

# Smoke-Free Multi-Unit Housing

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2015

## Chronic Disease and Risk Reduction Summit

January 22-23, 2015

Warren Ortland  
Staff Attorney  
Tobacco Control Legal Consortium



Tobacco Control  
Legal Consortium

# The Tobacco Control Legal Consortium

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A national legal network supporting tobacco control policy change.

# Tobacco Law Centers

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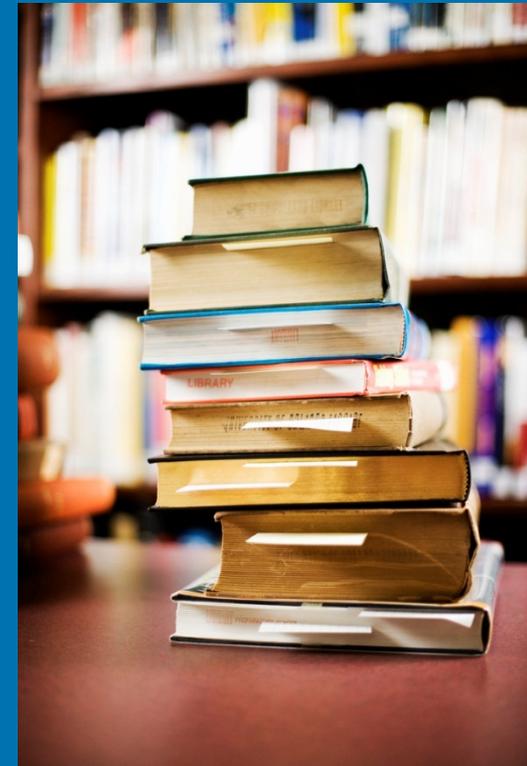
# Who We Serve:

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- Public health advocacy organizations and community coalitions
- Public health officials
- Elected officials
- City and county attorneys
- Private attorneys and individual citizens

# What We Do:

- Policy development
- Litigation support
- Legal research, analysis, and interpretation
- Education and training



~~Representation~~

~~Lobbying~~



Tobacco Control  
Legal Consortium

# Secondhand Smoke and Multi-Unit Housing

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## Topics

- Justification
- Federal and state laws
- Legal considerations
- Implementation and enforcement
- Public policy options
- Special topics

# Justification – Health



The Surgeon General's Report on  
**The Health Consequences of Involuntary  
Exposure to Tobacco Smoke**

**There is No Risk-Free Level of Exposure to Secondhand Smoke**

**Secondhand Smoke is toxic**

**Using Chemicals**

- Formaldehyde: Used to preserve dead bodies
- Chromium: Used to make steel
- Asbestos: Used in pipe insulation
- Lead: Clear lead in paint
- Carbonium: Used in making batteries
- Toluene: Found in paint thinner
- Ammonia: Used in household cleaners
- Butane: Used in lighter fuel
- Hydrogen Cyanide: Used in chemical weapons
- Carbon Monoxide: Found in car exhaust
- Vinyl Chloride: Used in making pipes
- Polychlorinated Biphenyls (PCBs): Found in old electrical equipment
- Estrogens: Found in pesticides

**Toxic Metals**

- Can cause cancer
- Can cause death
- Can damage the brain and kidneys

**Poison Gases**

- Can cause death
- Can affect heart and respiratory functions
- Can burn your throat, lungs, and eyes
- Can cause unconsciousness

**Secondhand smoke has more than 4,000 chemicals. Many of these chemicals are toxic and cause cancer. You breathe in these chemicals when you are around someone who is smoking.**

**Secondhand smoke**  
It hurts you. It doesn't take much. It doesn't take long.

# Justification – Air movement

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## **ASHRAE Position Document on Environmental Tobacco Smoke**

At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity.

No other engineering approaches, including current and advanced dilution ventilation or air cleaning technologies, have been demonstrated or should be relied upon to control health risks from ETS exposure in spaces where smoking occurs.

# Justification - Costs

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According to Kennedy Restoration Co. (Portland, OR), the following items in a smoke-damaged apartment will need to be cleaned, restored, or replaced. Individual units may vary, but a thorough restoration of a 2-bedroom apartment could cost up to \$15,000.



# Justification – Fire Risk



## Home Fires

- In 2011, U.S. fire departments responded to 370,000 home structure fires. These fires caused 13,910 civilian injuries, 2,520 civilian deaths, \$6.9 billion in direct damage.
- On average, seven people die in U.S. home fires per day.
- Cooking is the leading cause home fires and home fire injuries, followed heating equipment. **Smoking is a leading cause of civilian home fire deaths.**
- Most fatal fires kill one or two people. In 2011, 12 home fires killed five or more people resulting in a total of 67 deaths.

# Justification – Resident Demand

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## Surveys

- Demonstrate preference for smoke-free policies (Community)
- Determine extent / severity of secondhand smoke intrusion (Community / Property)
- Alert residents to possibility of upcoming change (Property)



# Outreach

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## Property management companies

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# Outreach

## Landlord Associations

**THE LJC KEY TO BETTER HOMES**

### Landlords of Johnson County, Kansas

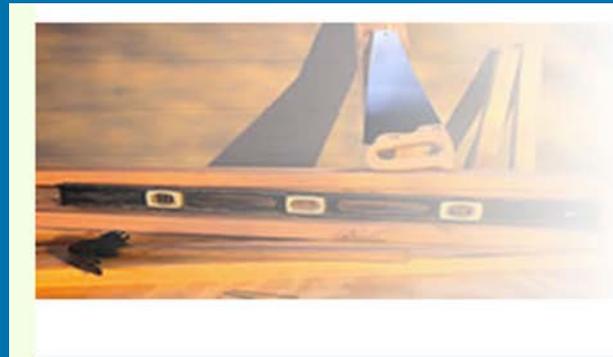
**Next Meeting - February 4, 2015 7:30 PM**

Home  
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Meeting Calendar  
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Advertise With Us  
Members Area

Landlords of Johnson County (LJC) is a professional organization of approximately 275 owners of residential rental property in Johnson County, Kansas. Our goals are to education ourselves in all aspects of property management and maintenance, to improve relations with tenants and to communicate with governments on tenant/landlord laws and issues. We continually educate our members on the Kansas Residential Landlord & Tenant Act.

LJC was incorporated in 1975. Later members of our group helped found [The Associated Landlords of Kansas](#) (TALK), the state landlord organization. TALK brings together representatives of landlord groups from all across Kansas. Membership in LJC automatically makes you a member of TALK.

As a group we strive to provide desirable rental housing for a major segment of the population.



## Shawnee County Landlords Association, Inc.

P.O. Box 2  
 *The Key to Improving Topeka* 025  
Topeka, Kansas 66601-2025  
[785-266-4818](tel:785-266-4818)

# Outreach

## National Association of Housing and Redevelopment Officials



Home

Conference & Training Information

District Meetings

Business Partner Information

Policies & Budgets

Meeting Minutes

Forms

### Kansas NAHRO

The National Association of Housing and Redevelopment Officials (NAHRO), has been in existence for well over 50 years, and is located in Washington, D.C. NAHRO's membership is comprised of over 5,500 Individuals and 1,800 Agencies nation-wide. Kansas NAHRO has been a Chapter within the National organization since 1962, and has been active in representing and addressing the needs of housing and

**Housing Authority Insurance Group supports Kansas NAHRO**

**[click here to read letter of support!](#)**

# Federal Government Position

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- Surgeon General Call to Action - 2009
- HUD Healthy Homes Strategic Plan - 2009

The Surgeon General's Call to  
Action To Promote Healthy Homes

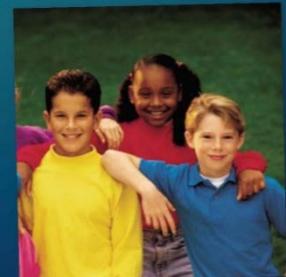
2009



U.S. Department of Health and Human Services

**Leading Our Nation to  
Healthier Homes:**

The Healthy Homes  
Strategic Plan



# Public Housing – 2009 / 2012

- Susceptible populations
- Fire risk
- Maintenance costs



**U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing  
Office of Healthy Homes and Lead Hazard Control**

**SPECIAL ATTENTION OF:**

NOTICE: PIH-2012-25

Regional Directors; State and Area Coordinators; Public Housing Hub Directors; Program Center Coordinators; Troubled Agency Recovery Center Directors; Special Applications Center Director; Administrators; Resident Management Corporations Public Housing Agencies; Healthy Homes Representatives

Issued: May 29, 2012

Expires: Effective until amended, revoked or superseded

Cross Reference:  
24 CFR 903.7 (e)(1)  
24 CFR 966.3

Subject: Non-Smoking Policies in Public Housing

1. **Purpose.** This notice is a reissuance of PIH Notice 2009-21 which strongly encourages Public Housing Authorities (PHAs) to implement smoke-free policies in some or all of their public housing units. According to the American Lung Association, cigarette smoking is the number

# Section 8 Project-Based 2010 / 2012

- Section 8
- Senior Housing
- Housing for Disabled
- Not Vouchers



## U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-  
FEDERAL HOUSING COMMISSIONER

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Special Attention of:

Multifamily Hub Directors  
Multifamily Program Center Directors  
Rural Housing Services (RHS) Directors  
Supervisory Housing Project Managers  
Housing Project Managers  
Contract Administrators  
Multifamily Owners and Management Agents

NOTICE: H 2010-21

Issued: September 15, 2010

Expires: September 30, 2011

Cross References:

**Subject: Optional Smoke-Free Housing Policy Implementation**

### I. Purpose

The purpose of this Notice is to encourage owners and management agents (O/As) participating in one of the Multifamily Housing rental assistance programs listed in Section III of this Notice to implement smoke-free housing policies in some or all of the properties they own or manage. This Notice provides instructions to O/As on the requirements for implementing smoke-free housing policies and only applies to O/As who choose to establish such policies.

# Rural Development 2008 / 2012



United States Department of Agriculture  
Rural Development

October 9, 2008

Mr. Warren Ortland, Staff Attorney  
Tobacco Law Center  
William Mitchell College of Law  
875 Summit Avenue, Room 371  
St. Paul, Minnesota 55105

Mr. Ortland;

In your letter dated October 7, 2008 you requested this Development's policy as to the establishment of smoke-free housing by this agency.

Your research upon reviewing Rural Development's 3 agency not having a regulation concerning smoke-free housing. Rural Development has financed under the 515 program. It is requested that you establish or adopt a prohibition of smoking in common areas and individual house rules.

You also mention the issue of "grandfathering of tenants. You are correct that USDA Rural Development does not have a policy. However, agency representatives are urged to caution tenants to carefully craft such a policy in order to avoid suits based on breach of contract by tenants who have leases prior to the effective date of the policy.

TO: State Directors  
Rural Development

ATTN: Program Directors and Coordinators  
Multi-Family Housing

FROM: Tammye Treviño *(Signed by Tammye Treviño)*  
Administrator  
Housing and Community Facilities Programs

SUBJECT: Multi-Family Housing - Optional Smoke-Free Housing Policy

This Unnumbered Letter (UL) is reissued to provide continued guidance for Multi-Family Housing (MFH) borrowers should they choose to implement optional smoke-free housing policies. This guidance is similar to previous guidance provided by the U.S. Department of

# CDC Healthy Homes Manual

## Smoke-Free Policies in Multi-Unit Housing

# Healthy Homes Manual

## Smoke-Free Policies in Multiunit Housing



National Center for Environmental Health  
Division of Emergency and Environmental Health Services



# HUD Toolkits

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## Smoke-Free Policies for Public and Multi-Family Housing

- Resident and Property Owners versions

# SMOKE FREE HOUSING



A Toolkit for **Residents** of Federally Assisted  
Public and Multi-family Housing



# HUD Action Guide - 2014

U.S. Department of Housing and Urban Development  
Office of Lead Hazard Control and Healthy Homes



# CHANGE IS IN THE AIR

**An Action Guide for Establishing Smoke-Free  
Public Housing and Multifamily Properties**

October 2014

# Federal Law

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- **Current federal law and smoking in rental apartment buildings**
  - No federal law prohibits smoke-free buildings
  - No indefinite “grandfathering” required
  - Disability statutes / Reasonable accommodations



# State & Local Laws

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- **Voluntary Smoke Free Policies are legal in every state**
- **State Clean Indoor Air Laws/ Smoke Free Indoor Air Acts:**
  - Indoor common areas of rental apartment buildings; sometimes condominiums
  - Prohibits smoking in indoor public places (sales offices) and places of employment (property management office and maintenance areas)
  - Generally does not control for drifting smoke

# State & Local Laws

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- **Utah**
  - Secondhand smoke is a nuisance
- **California**
  - Law reinforcing legality of smoke-free policies
- **Cities / Counties (California only)**
  - Prohibits smoking in individual units
- **Cities / Counties**
  - Set-backs from entrances and air in-takes

# Kansas Indoor Clean Air Act

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## Prohibited Smoking Areas in Multi-Unit Housing

- Common areas of multi-unit housing, including condominiums
- Places of employment (rental office, utility rooms)
- Public place (show units)

Act does not control drifting smoke.

# Kansas Local Laws



## Kansas Smoke-Free

INDOOR CLEAN AIR ACT

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[Business Toolkit](#)

[Help Quitting](#)

[Resources](#)

[Contact Us](#)

### Helpful Links & Downloads

[Printable PDF of The Law](#)

[No Smoking Sign](#)

[Fact Sheet](#)

[Information for Law Enforcement](#)

[Partner Links](#)

FAQs

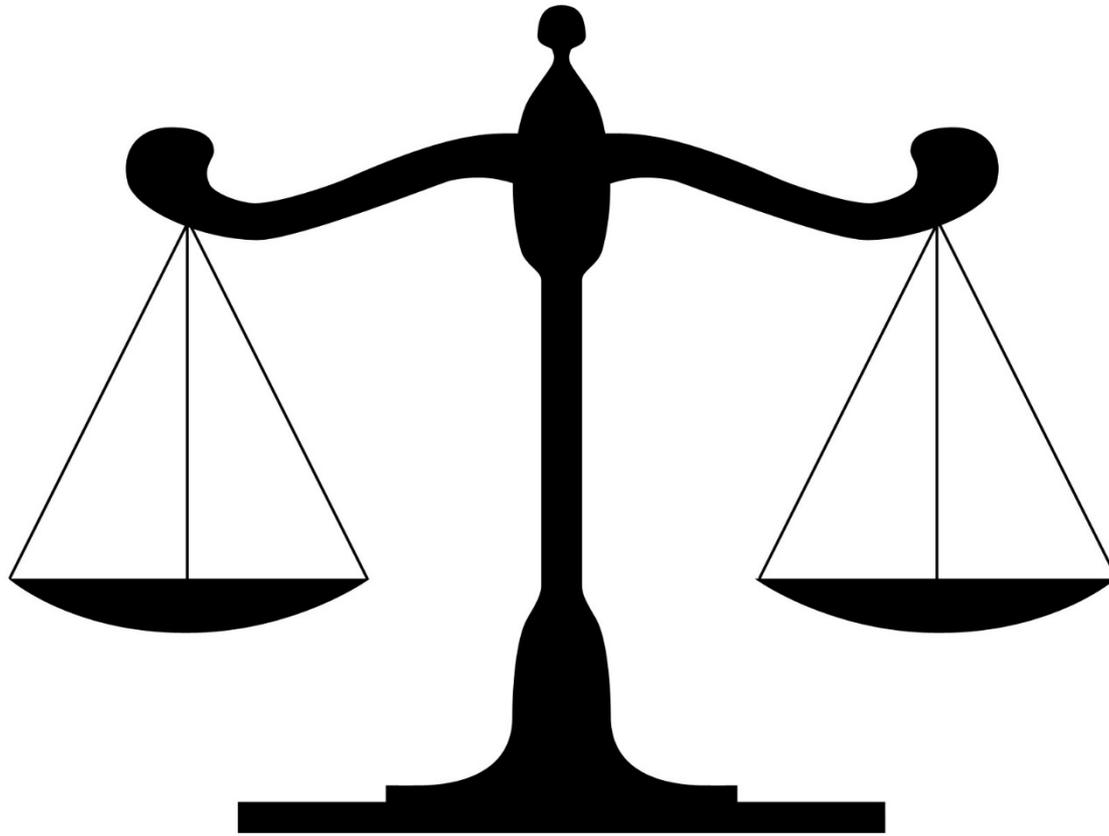
Frequently Asked Questions

### Local Smoke-Free Laws

- [Abilene](#)
- [Bel Aire](#)
- [Concordia](#)
- [Derby](#)
- [Dodge City](#)
- [Fairway](#)
- [Garden City](#)
- [Hesston](#)
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# Legal Issues

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# Accommodations

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## Mobility limited individual? Probably not

- “To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability.”

*HUD Occupancy Handbook, Civil Rights and Nondiscrimination Requirements.*

## Mental health accommodation request? Probably not

- “Nothing...requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals.”

*Fair Housing Act, 42 U.S.C. 3604(f)(9).*

# Discrimination



- Is it discriminatory to designate an entire building or campus as smoke-free or tobacco-free? **No**
  - Smoking or use of tobacco is not a protected activity or right
  - A smoker is not a protected category
  - Individual's addiction to nicotine is not a disability

**Recommendation:** implement policy based on activity (smoking) and not individual's status.

# Legal Risks of Allowing Smoking

- What are a property owner's potential risks if the property is designated as smoking-permitted?
  - Nuisance, warranty of habitability
  - Disability claims
  - Negligence, failure of duty to warn



# Legal Liabilities of Going Smoke Free



- What are a property owner's liabilities if the building is designated smoke-free?
  - No cases have found landlord liable for not ensuring smoke-free environment
  - Best effort to provide smoke-free environment
  - Some responsibility on residents



# Subsidized Housing

- Notice Requirements
- Housing Authority review of policy
- Lease versus House Rules
- Grandfathering not required



# Subsidized Housing

- Enforcement
  - Serious or repeated violations of material term of lease
  - “Good cause”
  - Availability of eviction action confirmed by HUD memos
  - Grievance process



# Subsidized Housing

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## Enforcement Case Summary

### **Case Summary**

**Housing Authority of Island County v. Anonymous**

**Case Number 10-2-00250-7 heard in open court**

**Superior Court of the State of Washington for Island County**

**19 April 2010**

**Teri Anania – Executive Director, Housing Authority of Island County**

This summary has been written to assist other Housing Authorities in their efforts to enforce their no-smoking provision of the lease. According to my attorney, precedence is not set in Superior Court, but hopefully, the steps we took in our efforts to enforce our policy will help you in enforcing yours. The possibility of bad press or failure is always

# Factor Comparison Chart

## Comparison of Smoke-Free Housing Policy Factors Private Market Rate versus Publicly Subsidized Multi-Unit Housing\*

Public Health  
Law Center  
AT WILLIAM MITCHELL COLLEGE OF LAW

Buildings Factors	Private Market Rate Buildings	Tenant-Based Section 8	Project-Based Section 8	Public Housing	Rural Development (RD) Properties
<b>Housing Definitions – descriptions of types of housing as used in this chart</b>	Housing that is privately owned and that does not receive federal subsidies.	Private multi-unit housing that accepts federal support vouchers that transfer with tenants from property to property.	Private multi-unit housing that accepts federal subsidies to pay portion of tenants' rent; subsidies are tied to the property.	Multi-unit housing owned by a public entity, such as a city or county agency, and which receives federal subsidies.	Multi-housing financed by the Rural Development division of the US Dept. of Agriculture.
<b>Implementation – Lease vs. House Rules</b>	Smoke-free policy can be implemented by ways of a lease addendum or house rules.	Landlord/owner should use the same lease for federally assisted tenants as is used for unassisted tenants. <sup>1</sup>	Landlord/owner must use HUD approved lease <sup>2</sup> ; lease changes must be approved by HUD. <sup>3</sup> Smoke-free policy can be implemented through house rules. <sup>4</sup>	Landlord/owner can implement the policy through a lease addendum as long as the provision is considered "reasonable." <sup>5</sup> Policy can also be implemented through house rules. <sup>6</sup>	Smoke-free policy can be implemented through individual house rules. <sup>7</sup>

# Common Interest Communities

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- Condominiums, cooperatives, planned communities
- Kansas Uniform Common Interest Owners Bill of Rights Act, K.S.A. 58-4601 et seq
- Movement behind rental properties
- Likely to take longer to implement



# Implementation & Enforcement

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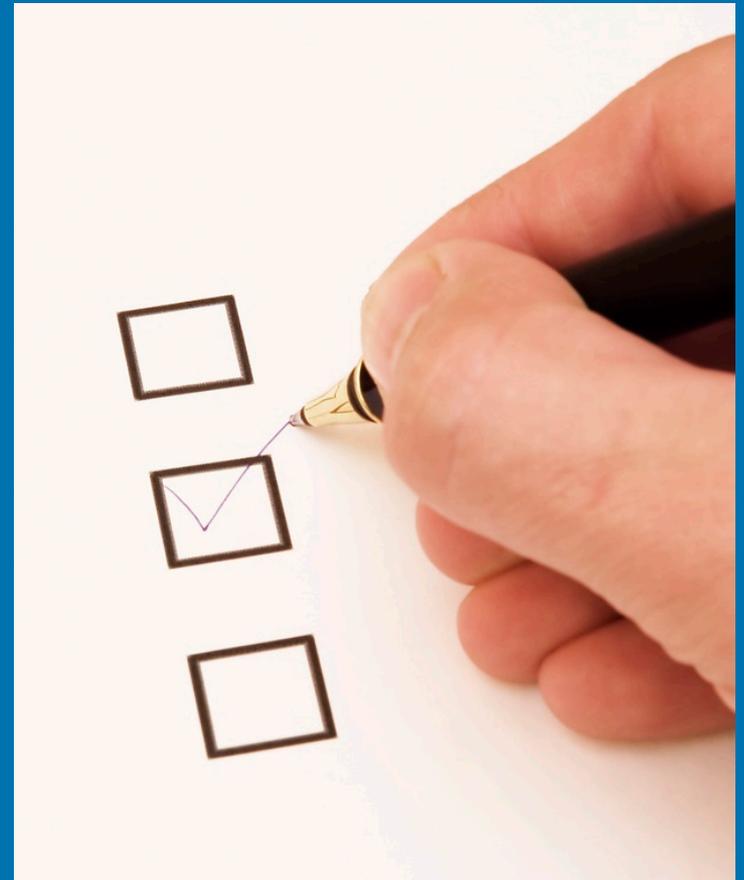
- Prepare everyone
  - Document everything
- Enforce every violation

# Prepare everyone

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## Prepare everyone

- Distribute information
- Have presentations and/or meetings
- Conduct a survey
- Provide generous notice



# Document Everything

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- **Use written lease addendum**
  - Regardless of size of property
- **Make it comprehensive**
  - Include all provisions
  - Make it clear and easy to understand
  - Document exceptions / grandfathering
  - Include enforcement steps



# Lease Addendum

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- **Enforcement Steps**

**1<sup>st</sup> offence:** Staff will send the resident a gentle reminder of the smoking ban, including a copy of Resolution 2010-20, and inform the resident of the smoking cessation resources the agency has available.

**2<sup>nd</sup> offence:** Staff will send the resident a second reminder of the smoking ban, including a second copy of Resolution 2010-20 and refer the resident to the Resident Services office for assistance in complying with the smoking ban.

**3<sup>rd</sup> offence:** Staff will send the resident a notice of a mandatory conference to discuss the policy and repeated violations. Property management and resident services staff will be present to assist the resident in developing strategies to help them comply with the policy in order to safeguard their housing. If the resident fails to attend the conference, they will receive a lease violation notice in conformance with existing LDCHA policy.

**4<sup>th</sup> offence:** the resident will be issued a remedial lease violation.

**5<sup>th</sup> offence:** the resident will be issued another lease violation.

**6<sup>th</sup> offence:** An eviction notice to terminate the lease will be issued.

# Lease Addendum

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- Evidence

**A resident household** will be determined to be in violation of the policies if:

- Staff witnesses a tenant, tenant's guest, or family member, service provider, or other person smoking inside an LDCHA owned house or apartment.
- Staff witnesses a lighted smoking product in an ashtray or other receptacle inside an LDCHA owned house or apartment.
- Damages to the interior of LDCHA owned property that are the result of burns caused by smoking products including burns to tenant owned property.
- Evidence of smoking in a unit such as cigarette or other smoking product smells, smoke clogged filters, smoke film including smoke damage to walls.
- Repeated reports to staff of violations of this policy by third parties.
- Clogged plumbing caused by a smoking product or products.
- Evidence of ashes on any surface in a house or apartment owned by the LDCHA.

# Enforce every violation

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## Promptly –

- Enforce in a timely manner

## Uniformly

- Impose the same penalties on everyone

## Consistently

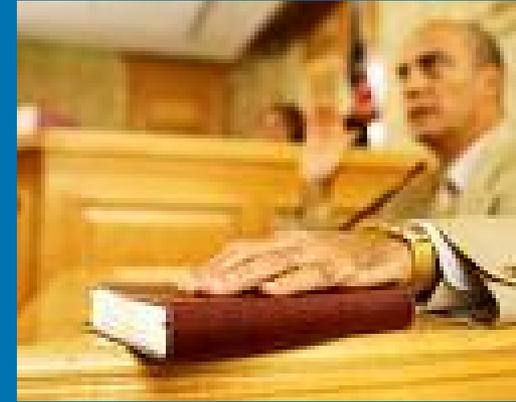
- Always enforce the penalties



# Enforcement

If a violation occurs...gather the evidence

- Identify willing witnesses
- Document violations
- Follow legal notice requirements and inspect the apartment



## NOTICE OF INFRACTION

PROPERTY: \_\_\_\_\_ DATE: \_\_\_\_\_

RESIDENT: \_\_\_\_\_ UNIT NO: \_\_\_\_\_

Please be advised that we have recorded one of the following incidents in your tenant record:

1. Infraction of property regulations described in Rules & Regulations
2. Violation of term(s) of your lease

One of the above was committed on \_\_\_\_\_ (date) \_\_\_\_\_ by:  
\_\_\_\_\_ You \_\_\_\_\_ Your children, or \_\_\_\_\_ a visitor or guest to your apartment.

Description of incident:

- \_\_\_\_\_ 1. Destruction of property
- \_\_\_\_\_ 2. Disturbing or harassing other residents
- \_\_\_\_\_ 3. Excessive noise from your unit
- \_\_\_\_\_ 4. Drunk and disorderly
- \_\_\_\_\_ 5. Illegal activities on the premises
- \_\_\_\_\_ 6. Failure to maintain unit in clean and sanitary condition
- \_\_\_\_\_ 7. Smoking in unit
- \_\_\_\_\_ 8. Smoking in common areas
- \_\_\_\_\_ 9. Leaving garbage, trash or other obstruction in public areas
- \_\_\_\_\_ 10. Allowing unauthorized persons to live in the unit
- \_\_\_\_\_ 11. Failure to allow landlord or his agent to enter the unit
- \_\_\_\_\_ 12. Alteration or addition to property not authorized by landlord or his agent in writing
- \_\_\_\_\_ 13. Installation of appliance without written consent of management
- \_\_\_\_\_ 14. Breach of building security
- \_\_\_\_\_ 15. Other:

# General Recommendations

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- Try to avoid grandfathering current smokers
- Implement policy on activity of smoking
- Document policy and enforcement steps
- Enforce smoke-free policy consistently

# Special topics

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- **Medical marijuana**
- **Electronic cigarettes**
- **Incense**
- **Insurance**



# Medical marijuana

- HUD Memos (1999, 2011)



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-0500

September 24, 1999

OFFICE OF THE GENERAL COUNSEL



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-0500

GENERAL COUNSEL

JAN 20 2011

MEMORANDUM FOR:

FROM: Gail W.

SUBJECT: Medical

MEMORANDUM FOR:



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

ASSISTANT SECRETARY FOR  
PUBLIC AND INDIAN HOUSING

February 10, 2011

MEMORANDUM FOR: All Field Offices and Public Housing Agencies (PHAs)

FROM: Sandra B. Henriquez, Assistant Secretary  
for Public and Indian Housing

FROM:

SUBJECT: Medical Marijuana Use In Public Housing  
and Housing Choice Voucher Programs

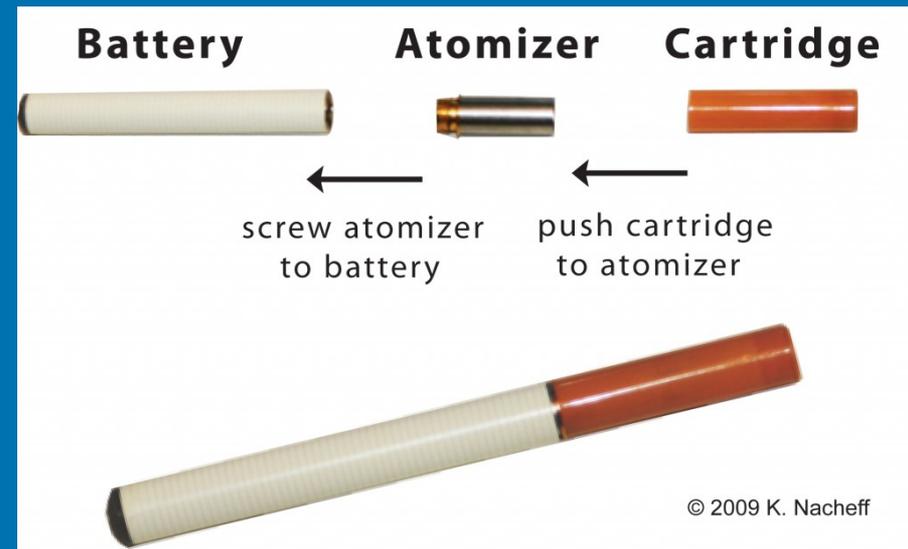
# Medical marijuana

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- Marijuana is still federally controlled substance
- Federal law preempts local law
- Housing authorities cannot admit current users of medical marijuana
- Housing authorities cannot grant reasonable accommodation requests for use of medical marijuana
- Housing authorities have discretion on treatment of existing residents using medical marijuana

# Electronic Cigarettes

- No regulated by the FDA
- Component materials are not fully known
- Can cause confusion with enforcement
- Can pose role-modeling issue
- Presents poison risk



# Incense

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- Use of incense poses health and safety risks, like smoking
- Existing smoke-free housing policy definitions of smoking may cover incense
- Restrictions on incense would likely not be discriminatory of religious practices



# Insurance

- Limited standard offering of discount
- Pollution exclusion



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## Building Owner Insurance

Insurance for  
Commercial Buildings  
Apartment Insurance  
Smoke-Free Credit  
for Apartments

Leased Building Insurance  
HOA Insurance  
Warehouse Insurance

## Smoke-Free Apartment and Condominium Premium Credit



# Public Policy Options

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- Disclosure
- Nuisance
- Low income housing tax credit
- Rental licensing incentives



# Disclosure

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- Informing renters of smoking policy prior to rental
- Prevention for tenants
- Education for landlords



Oakland, CA; Buffalo, NY; Duluth, MN; Maine and Oregon

# Disclosure

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## Benefits

- Broad-based effect
- Not a mandate
- May have housing association support
- Educational



## Challenge

- May not result in any smoke-free policies
- Hard to assess effectiveness
- Enforcement

# Nuisance

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## Establish SHS as a nuisance

- Broad-based effect
- Not a mandate
- Educational

## Challenge

- May not result in any smoke-free policies
- Solutions are one at a time
- Costly for residents to bring case



Utah example; no cases have used the statute

# Low Income Housing Tax Credit

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## Low Income Housing Tax Credit Program (Section 42)

- Can be used to provide financial incentive to adopt smoke-free policies



# Policy Options

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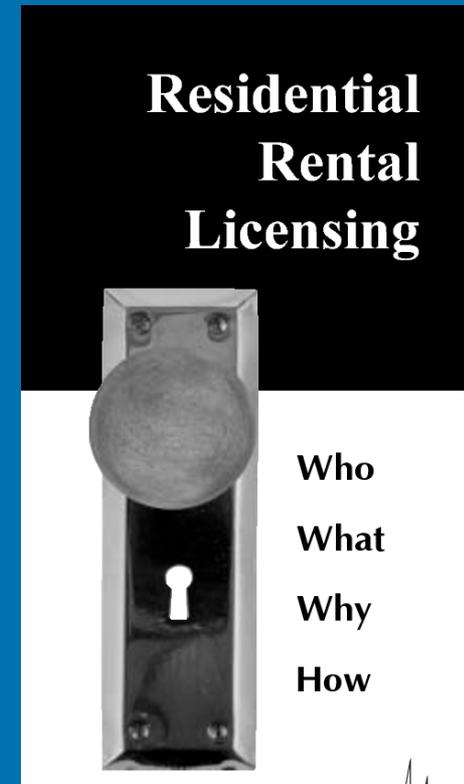
## Rental license Incentives

- **Benefits**

  - Broad-based effect
  - Long-term

- **Challenges**

  - May not result in any policies



# Resources

## Tips & Tools

## Archived Webinars

## Fact sheets

### Smoke-Free Common Interest Communities: Legal Fact Sheet

#### Overview

As the number of indoor places that prohibit smoking increases, residents of multi-unit housing are increasingly aware of the secondhand smoke that drifts into their individual units. The dangers of secondhand smoke is conclusive,<sup>1</sup> so efforts to control exposure in these places. Residents who on average spend a majority of their time will significantly contribute to public health. This fact sheet addresses some of the legal-related questions that may arise when homeowners' associations implement smoking restricted or smoke-free policies.



Tips & Tools

### Regulating Smoking in Multi-Unit Housing

The Tobacco Control Legal Consortium has created this series of legal technical assistance guides to serve as a starting point for organizations interested in implementing certain tobacco control measures. We encourage you to consult with local legal counsel before attempting to implement these measures.<sup>1</sup> For more details about these policy considerations, please contact the Consortium.

# Resources

www.publichealthlawcenter.org



*Improving health through the power of law*

SEARCH:

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    - ▶ International Tobacco Control
    - ▶ Land Use/Zoning
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    - Preemption
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        - ▶ Common Interest

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## Housing

### Overview

Recent regulation of secondhand smoke has focused primarily on reducing or eliminating exposure in places of employment or in public places. This effort has proved successful in significantly reducing the incidence of smoking-related health conditions. Since people spend more time in their homes than in any other location, policies aimed at controlling exposure to tobacco smoke in private multi-unit residences can significantly contribute to the improvement of residents' health.

Initial efforts at assessing and controlling exposure to secondhand smoke in private residences have focused on multi-unit rental apartment buildings. Problems with secondhand smoke exposure in common interest communities – condominiums, cooperatives and planned communities – have not received as much attention as rental buildings. Because of the different legal arrangements involved in a landlord and tenant transaction compared with an owner-occupant, the approaches to solutions, legal options, and legislative policy choices differ between the two situations.

A significant subset of multi-unit residences within the rental category is housing that is subsidized by the federal government or owned by state or local public entities. Receipt of public funds subjects this category of housing to additional regulations, so a separate section is included under rental apartments for issues and resources related to subsidized or public housing.

### SUBTOPICS

- [Public & Subsidized Housing](#)
- [Common Interest Communities](#)
- [Housing for Special Populations](#)
- [Resources](#)

### FEATURED PUBLICATIONS



#### [Subsidized Housing and Smoke-free Policies: Overview of Subsidized Housing \(2013\)](#)

This fact sheet provides a basic overview of two types of federally subsidized multi-unit housing and the government's approach to smoke-free subsidized housing policies.



#### [Regulating Smoking in Multi-Unit Housing - Tips & Tools \(2013\)](#)

This updated guide provides basic guidelines to communities about policies that address secondhand smoke infiltration in multi-unit housing.



Tobacco Control  
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# Contacts

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