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Spokane Regional Health District
Tobacco Prevention and Control Program
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#### Introduction

Demand for smoke-free housing, both from the public and the private sector is increasing, which means smoke-free housing policies are becoming the norm in many areas, including in Washington state and Spokane County. The benefits of smoke-free housing policies are well-established and, conversely, properties that do not have these policies experience higher cleaning costs, longer turnaround time between unit rentals, are at higher risk of fire from cigarettes and may be paying increased insurance premiums. Smoke-free policies help property owners and managers avoid these risks and protect their profits. Additionally, they can reduce the health-related risks to residents associated with secondhand smoke. In this way, smoke-free policies are a win-win—protecting revenues while also protecting the health of residents.

But some property owners or managers are hesitant to make these policies, concerned what their residents will do or think. Promisingly, approximately 80 percent of the population in Spokane County does not smoke and local surveys show that even the majority of smokers would like to live in a smoke-free building. Many properties have

listened to the voices of these residents and smoke-free policies are becoming a strong trend in multi-unit housing.

For property owners or managers who have made the choice to go smoke-free, or for those who are considering implementing a policy, this toolkit is ideal. It helps them understand the steps needed to become smoke-free, decide what kind of policy best suits the property, review sample documents for a survey and lease addendum, and learn about resources to help tenants who smoke find cessation resources.

The Tobacco Prevention and Control program at Spokane Regional Health District (SRHD) is available to help property owners and managers use this toolkit. If a property chooses to conduct a survey of residents to understand their perspectives, SRHD can help. Contact the program with any questions about choosing which type of policy is best, implementing or enforcing policy. Contact the Tobacco Prevention and Control program by calling 509.324.1530 or visit srhd.org for resources to support a property go smoke-free.





#### **Smoke-Free Policy Perks**

#### **What the Market Says**

- 74 percent of Spokane County residents in multi-unit housing prefer smoke-free rentals1
- 60 percent of multi-unit housing properties in Spokane County do not allow smoking in units<sup>2</sup>
- 95 percent of Spokane Housing Authority residents reported they would renew their leases due to a no-smoking indoor policy (including smokers)<sup>3</sup>
- 75 percent of people who smoke prefer to live in smoke-free housing4

#### **Reduce Costs from Damage**

Tobacco smoke can turn walls yellow, damage carpet, leave burn marks, and leave a foul-smelling odor. Preparing a unit for re-rental that was smoked in can be a significant financial burden.

#### **Fire Prevention**

Residential fires started by smoking cause more injuries, deaths and major property damage than any other type of fire.

#### **Cost to Rehabilitate a Non-Smoking Unit verses** a Unit Where a Smoke-Free Policy Exists

	Non- Smoking	Light Smoking	Heavy Smoking
General Cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
Total	\$560	\$1810	\$3515

Source: smokefreewashington.com

#### **Lower Insurance Premiums**

Some insurance companies provide premium credits for smoke-free properties.

<sup>2011</sup> Behavioral Risk Factor Surveillance System
2013 SRHD Voluntary Smoking Policy Survey
2012 Spokane Housing Authority POST policy survey
http://www.smokefreewashington.com/apartments/landlords/benefits.php

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In 2011, there were an estimated 90,000 smoking-material fires in the United States. These fires caused 540 civilian deaths, 1,640 civilian injuries and \$621 million in direct property damage<sup>5</sup>

#### **Protect the Health of Tenants**

All residents have a right to clean, smoke-free air.

Non-smokers with breathing disabilities or smoke allergies have legal protection under state and federal laws such as the Americans with Disabilities Act and the Fair Housing Act. Landlords are required to make special accommodations to protect their tenants from secondhand smoke.

Smoking and exposure to secondhand smoke is a health risk that causes lung cancer, heart disease, exacerbation of asthma, higher incidence of respiratory illness, and other adverse effects on respiratory health.

There is no risk-free level of exposure to secondhand smoke<sup>6</sup>. Implementing a smoke-free policy, like no indoor smoking laws, is the only effective means to eliminate the health risks associated with exposure to secondhand smoke<sup>7</sup>.



<sup>5</sup> http://www.nfpa.org/safety-information/for-consumers/causes/ smoking

<sup>6</sup> http://www.cdc.gov/tobacco/data\_statistics/fact\_sheets/secondhand\_smoke/health\_ effects/index.htm

<sup>7</sup> https://www.ashrae.org/about-ashrae/position-documents

#### Steps to a Smoke-Free Policy

#### Develop the No-Smoking Policy

To get started, owners/managers will need to decide on what kind of policy they want to implement. When it comes to smoke-free housing policy, they can:

- Make the entire property 100 percent smoke-free
- Designate specific areas where smoking is permitted, such as prohibiting in individual units, private decks and patios, or designating smoking areas)

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A 100 percent smoke-free policy will have the most impact on reducing cleaning and repair costs, reducing fire risk and making the property healthier for residents.

Once an owner/manager is ready to write the property's policy, they can refer to the "Sample Policies" in the *templates section* of this toolkit. Be sure to include the answers to the following questions in the policy:

- Where is smoking not allowed (indoors and outdoors)?
- Who is not allowed to smoke (tenants, guests, staff and service persons)?
- When will the policy be effective for new residents and for existing ones?
- What are the consequences for violation of the policy?
- How will smoking be defined?

#### Sample "smoking" definition:

Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, or other tobacco or similar plant products (including e-cigarettes, marijuana, hookah, spice, salvia, K2, etc.) in any manner or form.

- 2013 SNAP No-Smoking Indoor Policy

If an owner/manager is not sure what type of policy is best, they can consider asking residents. If there are concerns about negative resident feedback or confusion around what type of policy would be most widely-accepted, surveying residents before policy development is recommended. See the *templates section* of this toolkit for sample surveys for management, maintenance staff and residents. Surveys are not the only option, though—consider hosting a resident information session to gain valuable insights into next steps.

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If an owner/manager chooses to survey residents, to encourage participation they should consider an incentive for residents returning the survey (i.e. enter to win a gift card or a free gift).



#### Communicate with Residents

Once an owner/manager develops their new smoke-free housing policy, it is time to communicate with residents. Communicating the policy to current residents and prospective residents is critical to a successful implementation. Some strategies for communicating a new policy are:

#### **Letter to Residents**

Washington state law requires that property owners/ managers inform residents of any rule changes at least 30 days in advance of making the change. To improve compliance, and give owners and managers more time to communicate the new policy, they may choose to announce the new policy earlier than the 30 day window. Consider including the following in a letter to residents:

- A description of what the policy covers
- Reasons for going smoke-free (this may include reducing fire risk, improving health, reducing cleaning costs, what was learned from residents in the survey, etc.)
- Dates when the policy will be effective
- How violations of the policy will be handled

- Local and online resources for cessation
- Information about residents signing a lease addendum on the effective date of the policy, or upon lease renewal

See the *templates section* of this toolkit for a sample notification letter. Also, use the *resources section* to locate a list of cessation resources to share with residents.

#### **Post Signage**

Posting signage to communicate a new policy helps remind current residents of the policy and will tell prospective residents that there is a policy. Depending on what the new policy is, owners/managers may choose signage that indicates smoking in designated areas only or that the entire property is smoke-free.

#### **Host an Event**

Consider hosting an open meeting for residents to come and ask questions. Consider making the event fun and interactive. Make sure to have information available including cessation resources for those who might want to quit using tobacco products.

Free window clings and other signage is available at SRHD. Contact the Tobacco Prevention and Control Program at 509.324.1530 or visit srhd.org.



#### Implement the Policy

How owners and managers go about implementing their new policy depends on what type of leases they have and what type of process they want to follow. Owners and managers can provide residents with a 30-day (or greater) notice and ask them to sign a lease addendum after the 30 days has passed or they can use a phase-in method. A phase-in method means that as leases are renewed (or new residents move in) that they agree to the no-smoking policy.

#### **New Leases**

For residents who move in on or after the effective date of the smoke-free housing policy, include the rule in all new leases.

#### **Current Leases**

Owners and managers can provide residents with 30-day notice and ask them to sign a lease addendum. They can also choose to add the rule when leases expire and residents sign their lease renewal documents.

#### **Month-to-Month Leases**

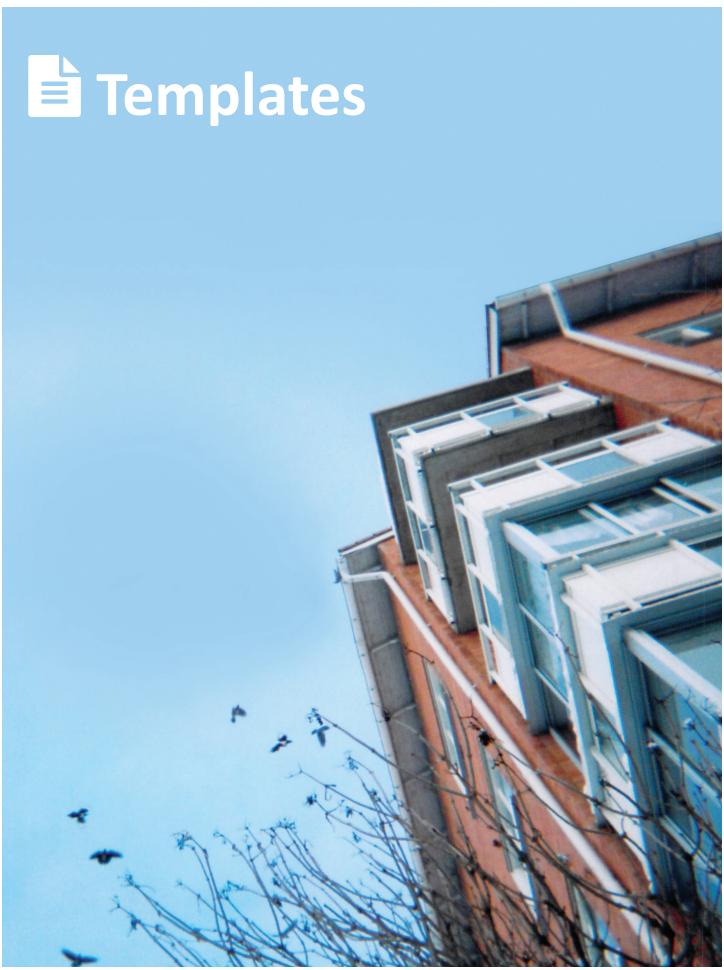
Residents on a month-to-month lease require 30-day notice before the policy change. The smoke-free housing policy can be effective on the first day of the lease term after the 30-day notice.

#### **Enforce the Policy**

The great news about enforcement of a new smoke-free housing rule is that it can be enforced just like owners and managers enforce any other rule on their property. Some tips to enforcement are:

- Be sure to include the policy in all rental agreements
- Make sure all staff know the policy and how to enforce it
- Describe the policy during application processes and again during move-in for new residents
- Utilize signage as a reminder to residents, guests and all other visitors
- Hold residents financially accountable for smokerelated damages
- Use the same warning system they do for other lease violations (i.e. pet behavior, noise, late rent payment)
- Always respond promptly to complaints about violations of the policy
- If owners and managers use vendors for painting, lawn care, or other projects, be sure to notify them of the policy





#### How to Go Smoke-free:

Tips and Sample Lease Language



When you are ready to begin your transition to a smoke-free property, you will need to update your lease language to include the new rule. You may do this by writing your no-smoking rule into the "Other rules" section of the rental agreement, or by adding a lease addendum to the lease contract itself.

When writing the policy into your lease agreement, be as specific as possible. Include the terms, definition of smoking, where smoking is not allowed and who the policy applies to (residents, staff, visitors, etc.).

Sample language for your lease:

**No Smoking:** Due to the increased risk of fire, increased maintenance costs and the known health effects of secondhand smoke, smoking is prohibited in private and common areas of the property, all indoor areas and within 25 feet of the building(s) including entryways, balconies and patios. This rule applies to [Insert who the rule applies to, such as all owners, residents, guests, and service persons]. Residents are responsible for ensuring that family members, roommates and guests comply with this rule.

**Definition of "smoking":** The term "smoking" means inhaling, exhaling, breathing or carrying any lighted cigar, cigarette or other tobacco product or similar lighted product in any manner or in any form.

**If you are "phasing in" the rule:** All new and renewed leases in the building do not allow smoking. Please be aware that, until all leases have been renewed, you may have neighbors whose current lease does not prohibit smoking.

Look to the terms of your lease to develop a timeline for going smoke-free. Follow any contract stipulations regarding lease changes. Some lease terms allow amendments with 30-days notice. In some month-to-month leases, at least 30-days notice is required.



#### Smoke-Free Lease Addendum

Tenant, on behalf of himself and persons residing with Tenant, is a party to a written Lease with Landlord (the Lease). This Addendum states the following additional terms, conditions and rules which are hereby incorporated into the Lease.

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

- 1. Purpose of No-Smoking Policy. The parties desire to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a building in which smoking is allowed;
- **2. Definition of Smoking**. The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, pipes, bongs, hookah, electronic cigarettes and marijuana or other tobacco product or similar lighted product in any manner or in any form.
- 3. Smoke-Free Complex. Tenant agrees and acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a smoke-free living environment. Tenant and members of Tenant's household shall not smoke anywhere in the unit rented by Tenant, or the building where the Tenant'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 Tenant permit any guests or visitors under the control of Tenant to do so. [If you provide an outdoor smoking area, specify where it is here.]
- **4. Tenant to Promote No-Smoking Policy and to Alert Landlord of Violations.** Tenant shall inform Tenant's guests of the no-smoking policy. Further, Tenant shall promptly give Landlord a written statement of any incident where tobacco or marijuana smoke is migrating into the Tenant's unit from sources outside of the Tenant's apartment unit.
- **5.** Landlord to Promote No-Smoking Policy. Landlord shall post no-smoking signs at each building entrance, common areas, hallways, and in conspicuous places adjoining the grounds of the apartment complex.
- 6. Landlord Not a Guarantor of Smoke-Free Environment. Tenant acknowledges that Landlord's adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, do not make the Landlord or any of its managing agents the guarantor of Tenant's health or of the smoke-free condition of the Tenant's unit and the common areas. However, Landlord shall take reasonable steps to enforce the smoke-free terms of its leases and to make the complex smoke-free. Landlord is not required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking except to the extent otherwise required by law.
- 7. Other Tenants are Third-Party Beneficiaries of Tenant's Agreement. Tenant agrees that the other Tenants at the complex are the third-party beneficiaries of Tenant's smoke-free addendum agreements with Landlord. (In layman's terms, this means that Tenant's commitments in this Addendum are made to the other Tenants as well as to Landlord.) A Tenant may sue another Tenant for an injunction to prohibit smoking or for damages, but does not have the right to evict another Tenant. Any suit between Tenants herein shall not create a presumption that the Landlord 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 in the Lease. A material breach of this Addendum shall be a material breach of the lease and grounds for immediate termination of the Lease by the Landlord.
- 9. Disclaimer by Landlord. Tenant acknowledges that Landlord's adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, does not in any way change the standard of care that the Landlord or managing agent would have to a Tenant household to render buildings and premises designated as smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of this Addendum is dependent in significant part on voluntary compliance by Tenant and Tenant's guests. Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Addendum than any other landlord obligation under the Lease.

LANDLORD	DATE	TENANT	DATE

Optional Paragraph for Existing Rental Communities that Adopt "No-smoking Policies"

10. Effect on Current Tenants. Tenant acknowledges that current tenants residing in the complex under a prior lease will not be immediately subject to the No-smoking Policy. As current tenants move out, or enter into new leases, the smoke-free policy will become effective for their unit or new lease.





Adapted from "Model Smoke-Free Lease Addendum", Association for Nonsmokers-Minnesota Reviewed by Spokane Regional Health District's legal counsel 7/17/2013.

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# Templates section

## Spokane Regional Health District - Healthy Communities Smoke-Free Housing Survey

Р	lease take a few moments to answer the following questions. Your comments will be ke private and used to help guide rules/policies on this property.	pt
1.	How long have you lived in your current apartment?  Less than 1 year 1 to 5 years 6 to 10 years More than 10 years	
2.	How often does cigarette smoke drift into your apartment from other units, windows, or vents?  Never Sometimes Often Always	
3.	Please rank the level that you agree or disagree with the following sentences.  Strongly Agree Agree Disagree	nsure
	I am bothered by cigarette smoke drifting into my apartment.  I believe that second-hand smoke is dangerous to my health.	
	I am aware of the rules about smoking within my apartment community.  I am satisfied with the current rules about smoking in my apartment community.	
4.	Do you smoke? (i.e. cigarettes, cigar, e-cigarettes, marijuana, hookah, spice, salvia, K2, etc.)  Yes  No Skip to #6.	
5.	Do you smoke in your unit?	
6.	What is your apartment/property name?	
7.	Additional Comments?	
	Thank you!	

#### Spokane Regional Health District - Healthy Communities Smoke Free Housing Survey

Pro	perty Manager and Maintenance				
PI	Please answer the following questions. Your comments will be kept private and used to help guide rules/policies on this property.				
1.	Are you a: Manager Maintenance staff				
2.	What is your apartment/property name?				
3.	Please rank the level that you agree or disagree with the following sentences.				
•	Strongly Strongly Agree Disagree Disagree Don't know				
	I believe secondhand smoke is dangerous to my health.				
	Residents approach me with complaints about smoking / second hand smoke issues.				
	I feel comfortable addressing smoking issues with residents.				
4. 5.	How many complaints do you get in a month regarding a smoking issue?  On average, how much time each day do you spend picking up cigarette butts?  (minutes)				
•					
6.	How comfortable are you with reporting smoking violations?  Very comfortable  Comfortable  Uncomfortable  Very uncomfortable				
7.	How much time (hrs) monthly is spent on unit turns of tenants living in the unit for 5 or LESS years for: (Refer to Unit Turn Expense Report)  Smokers				
	Non-smokers				
9.	What smoke-free housing or tobacco-related information would you like more information on?				
10.	Additional comments?				
	Thank you!				

[Date]

Dear [Recipient Name]:

As a [property manager/owner], my goal is to ensure that all residents have a safe and healthy living environment. In an effort to protect our property and guarantee that all residents are breathing clean air in their rental units [insert name of property] will be implementing a smoke-free housing policy that will take effect on [insert effective date].

On [insert effective date], smoking will be prohibited [insert specifics about where smoking is prohibited] and will be enforced [insert description of penalties for non-compliance].

This new policy will benefit residents by providing:

- Cleaner air. There is no risk-free level of exposure to secondhand smoke. Secondhand smoke is toxic and contains chemicals ranging from formaldehyde to arsenic. In fact, every year over 38,000 deaths in the United States are the result of exposure to secondhand smoke.
- Improved fire safety. In Washington, cigarettes and smoking material are responsible for more deaths than any other fire source. When residential smoking fires occur, they cause more injuries, more deaths and more expensive property damage than other types of residential fires.
- Less damage to units. Whether it's the smell, the yellow walls or the burn holes, cleaning up after a smoking tenant is time consuming and costly.

For more information on smoke-free housing, secondhand smoke, or the benefits of living in a smoke-free environment, please visitsmokefreewashington.com. If you are thinking about quitting smoking, free quit support is available by calling the Washington State Tobacco Quite Line at (800) QUIT NOW. Other cessation resources are available at srhd.org.

If you have any questions about this policy please contact [Insert property manager or Management Company here]

Sincerely,

[Landlord name or rental company]

[Date]

Dear [Recipient Name],

As stated in your lease agreement [insert property name] has a no-smoking rule that states [insert smoking rule from lease]. This decision was made to protect all residents from secondhand smoke, a health hazard known to cause lung cancer and heart disease.

On [insert date/time] you were observed smoking [insert location], in violation of the lease agreement. [Insert further details about the violation if appropriate].

Residents who violate the terms of their lease are subject to the penalties outlined in the lease agreement. If you violate the lease again, we may take appropriate action, including a monetary fine [insert additional details about enforcement procedures, including warnings, fines, etc.].

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

If you are interested in quitting smoking, you may be eligible for free help from the Washington state Tobacco Quit Line at (800) QUIT NOW.

Sincerely,

[Landlord name or rental company]

## Ready to Quit? CESSATION RESOURCES

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Who	What	Information	Cost
Inland Northwest Health Services (INHS) Community Wellness 509.232.8138	<ul> <li>Live and interactive web-based counseling and support</li> <li>Self-help materials</li> </ul>	Four-week tobacco cessation class, as well as education via newsletters & additional community resources. Class times, availability & location at: wellness.inhs.org/Tobacco-Prevention-Cessation	FREE
wellness@inhs.org	<ul><li>In-person counseling and support</li><li>Self-help materials</li></ul>	One-on-one health coaching for tobacco cessation which includes personalized quit plans, goal setting, and support.	\$85 per hour
Providence Pharmacotherapy Clinic Holy Family: 509.482.3057 Sacred Heart: 509.474.2232	<ul> <li>In-person counseling and support<sup>†</sup></li> <li>Self help materials<sup>†</sup></li> <li>Medication/Nicotine Replacement Therapy (NRT)<sup>†</sup></li> </ul>	One-on-one counseling with pharmacist for tobacco cessation including personalized quit plans, goal setting, support, medication prescribing and counseling. Specialized tobacco cessation SCRIPT program available for pregnant women.	†Depends on insurance, charity care for under- insured and uninsured
Washington Health Benefit Exchange	<ul> <li>In-person counseling and support</li> <li>Medication/Nicotine Replacement Therapy (NRT)</li> </ul>	Do you have an individual plan from the Washington Health Benefit Exchange?  Call or visit your health plan website. Individual plans cover tobacco counseling, nicotine replacement therapy, & related medications with no out-of-pocket costs.	FREE
Private insurer	<ul> <li>In-person counseling and support</li> <li>Medication/Nicotine Replacement Therapy (NRT)</li> </ul>	Do you have an employer-based ("group") insurance plan?  Call your human resource office or health plan.  Most group plans cover tobacco counseling, nicotine replacement therapy, & related medications with no out-of-pocket costs.	FREE
Medicare	In-person counseling and support	Do you have Medicare?  Medicare Part B (medical insurance) covers eight face-to-face visits in a 12-month period by a qualified doctor or other Medicare-recognized practitioner.	FREE
Washington State Quit Line 800 QUIT-NOW doh.wa.gov/YouandYour Family/Tobacco/HowtoQuit	<ul> <li>Telephone counseling and support</li> <li>Self-help materials</li> <li>Nicotine Replacement Therapy (NRT)</li> </ul>	Uninsured or without insurance?  Call 800 QUIT-NOW. You will receive up to five calls with a quit counselor to set up a quit plan to help you quit or stay quit. If you are over age 18 you can also request self-help materials by mail. You may be eligible for two weeks of free nicotine replacement gum or patches (except pregnant women and some contraindications due to caller's medications).	FREE
	<ul> <li>Telephone counseling and support</li> <li>Nicotine Replacement Therapy (NRT)</li> <li>Self-help materials</li> </ul>	Enrolled in Washington Apple Health (Medicaid)? Call 800 QUIT-NOW. You qualify for eight counseling calls to the Quitline and up to 12 weeks of free nicotine patches or gum per year.	FREE

Sometimes it takes quitting 8-10 times before quitting for good. Keep trying.

Tobacco is the leading cause of preventable death in the U.S.

Who	What	Information	Cost
American Cancer Society 866.784.8454 866 QUIT-4-LIFE quitnow.net	<ul> <li>Self-help materials</li> <li>In-person counseling and support<sup>†</sup></li> <li>Medication/Nicotine Replacement Therapy (NRT)<sup>†</sup></li> </ul>	Enroll online by calling 866 QUIT-4-LIFE.	†Depends on insurance
American Lung Association 800 LUNG-USA lungusa.org 7:00 a.m11:00 p.m. seven days per week	<ul><li>Telephone counseling and support</li><li>Self-help materials</li></ul>	Lung Helpline is a resource for those who need help with any lung health issue. You can speak directly with a registered nurse, respiratory therapist, and/or quit-smoking specialist. Includes translation services.	FREE
(Central Time)	<ul><li>Web-based cessation program</li><li>Self-help materials</li></ul>	Freedom From Smoking is a program designed specifically for adults who want to quit smoking.	Ranges from FREE to \$40 <sup>†</sup> +depends on plan/ length
National Alliance for Tobacco Cessation becomeanex.org	Web-based cessation program	The EX Plan is a free quit smoking program, one that can show you a whole new way to think about quitting. It's based on personal experiences from ex-smokers as well as the latest scientific research from the experts at Mayo Clinic.	FREE
Federal Smoke Free Resources smokefree.gov	Web-based cessation program	Smoke Free Teen teen.smokefree.gov  Smoke Free Women women.smokefree.gov  Smoke Free Veterans smokefree.gov/veterans  Smoke Free Español espanol.smokefree.gov	FREE
Washington Department of Health SmartQuit™ App doh.wa.gov/YouandYour Family/Tobacco/SmartQuit	Web-based cessation program (smart phone app)	SmartQuit™ is an evidence-based smoking cessation program that is three times more effective than trying to quit on your own. It can be used with or without nicotine replacement therapy. The program is delivered via a smartphone app, so it is private, easy to use and always within reach. Available to Washington state residents only.	FREE
<b>My Last Dip</b> mylastdip.com	Self-help materials	My Last Dip is for smokeless and chewing tobacco users who want to quit.	FREE
US Department of Veterans Affairs mobile.va.gov/app/stay-quit- coach	Web-based cessation program (smart phone app)	Stay Quit Coach is designed to help veterans quit smoking. It provides readily-available support and information for adults who are already in treatment to quit smoking. The program includes motivational messages and support contacts to help users stay smoke-free.	

## What Method is Best?

- \*\*\*\* Counseling and Medication
  - \*\* In-Person Counseling and Support
  - \* Web-Based Cessation Programs
- \*\* Medications/Nicotine Replacement Therapy (NRT)
- Self-Help Materials

#### KEY

- \*\*\*\* = Best \*\*\* = Better
  - \*\* = Better \*\* = Good

#### Is a no-smoking rule legal?

Yes. People who smoke are not a protected class and businesses can prohibit smoking on the property or designate areas where smoking is permitted. Remember, smoke-free policies are not about the smoker, they are about protecting others from the dangerous effects of secondhand smoke. Smoke-free policies do not stop a person who smokes from living in an apartment unit; they simply require the resident to abide by the smoking policy established by the owner or management company.

## What is the difference between the Smoking in Public Places Law (RCW 70.160) and making a smoke-free policy for my property?

The Smoking in Public Places Law (SIPP) is a state law that protects people from the harmful effects of secondhand smoke by prohibiting smoking indoors in public places and in places of employment. The law also prohibits smoking within 25 feet of doors, windows and ventilation intakes. Lastly, the law requires businesses to post "No Smoking" signage at all doors that open. Retail and service establishments are also required to post signage in prominent locations throughout the establishment.

In multi-unit housing settings, individual units are considered private residences—they are not public places. Owners and managers may allow residents to smoke inside their units but not within 25 feet of shared entrances which may include indoor or outdoor hallways, indoor or outdoor stairways, laundry rooms, a main office, and other areas shared by residents or that residents are required to pass through to use property amenities.

Many complaints arise from residents who live in units that have a shared wall, attic, or ventilation system, and are being exposed to secondhand smoke. Although this is not in violation of the SIPP, it exposes residents to the harmful effects of secondhand smoke. By implementing a smoke-free policy (indoors or outdoors) owners and managers can improve the health of residents by no longer exposing them to secondhand smoke.

#### How do I handle complaints about residents who are smoking?

Always respond to complaints promptly and handle complaints the same way as other complaints. Ask the person who complained when the incident occurred and who they think it was or what they saw.

## What if I get a complaint from a tenant about secondhand smoke from indoor smoking having a negative impact on them because of a disability?

Under fair housing laws the tenant can ask for a reasonable accommodation. Examples of a reasonable accommodation are a request to transfer to a different unit within the complex, a request to end their lease early to move to a different complex, or, if the housing complex has a no-smoking policy, to ask the housing provider to take enforcement action against tenants who are smoking in the building in violation of a no-smoking policy.

#### What resources are available to help my property go smoke-free?

Contact Spokane Regional Health District by calling the Tobacco Prevention and Control program at 509.324.1530 or by visiting srhd.org. Also, be sure to look in the *resources section*  $\Box$  of this toolkit to learn about other policies and to review other toolkits.

## Marijuana is legal in Washington state. How does this affect my new no-smoking policy?

Initiative I-502 legalized marijuana use for people over the age of 21 and regulated the marijuana business, including how the drug is produced, distributed and sold. Just because marijuana is legal for people over age 21 does not mean that owners and managers cannot include marijuana smoke in their policy.

## Resources

**Americans With Disabilities Act** ada.gov/cguide.htm#anchor62335

#### **Facts About Smoking**

cdc.gov/tobacco/data\_statistics/fact\_sheets/fast\_facts/index.htm

#### **Secondhand Smoke**

cdc.gov/tobacco/data statistics/fact sheets/secondhand smoke/general facts/index.htm

#### **Electronic Cigarettes**

doh.wa.gov/YouandYourFamily/Tobacco/OtherTobaccoProducts/ECigarettes

#### **Washington State Laws on Smoking**

doh.wa.gov/YouandYourFamily/Tobacco/LawsRegulations

#### **Spokane Regional Health District Smoke-Free Housing**

srhd.org/topics/smokefreehousing.asp



