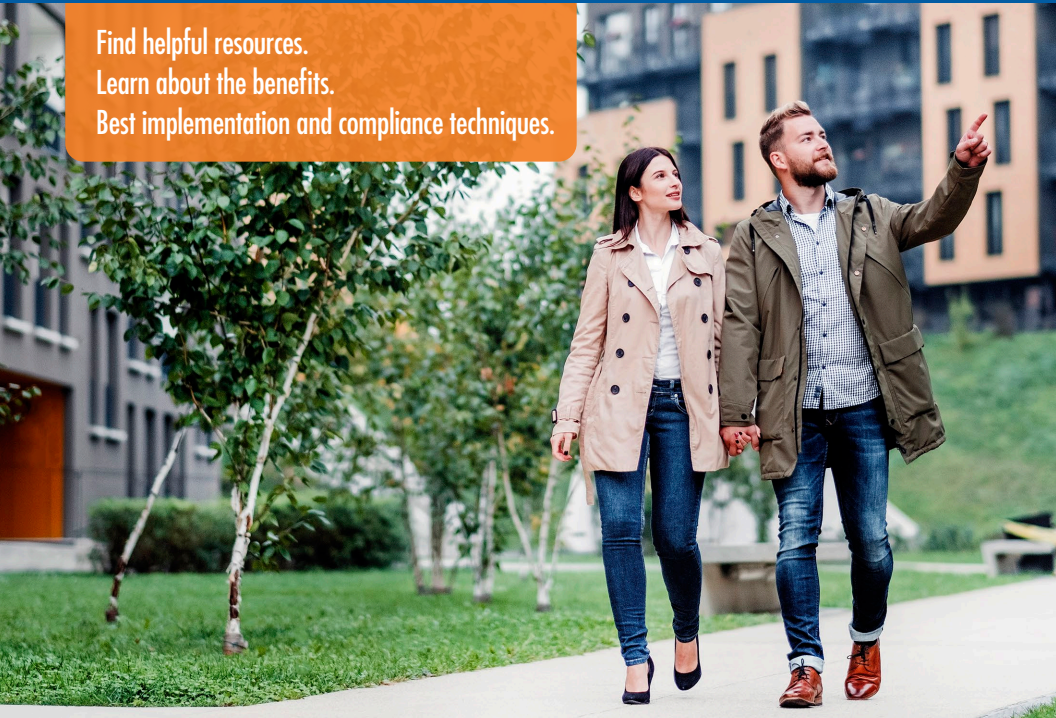


GOOD FOR BUSINESS. GOOD FOR HEALTH.

COLORADO GUIDE

Establishing No-Smoking Policies in Multiunit Housing

Find helpful resources.
Learn about the benefits.
Best implementation and compliance techniques.



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



carbondale
housing authority





Group to Alleviate Smoking Pollution



Advocating for smoke-free policies since 1977.

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.

Third Edition, October 2020. Nothing in this booklet shall constitute legal advice. Please consult an attorney before pursuing any policy that restricts smoking in housing for proper language and compliance with federal, state, and local laws and regulations.

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Creative Team

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Take This Quick Survey

Find out if a no-smoking policy makes 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

If you answered YES to any of these questions, it might be time to consider a no-smoking or smoke-free policy in your community.

Why Should I Consider a No-Smoking Policy?

It is legal and a growing trend nationwide.

No-smoking or smoke-free policies are legal and have been implemented in thousands of multiunit residential properties, and by a majority of the housing authorities in Colorado.

A no-smoking policy saves you money.

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

There is market demand for these policies.

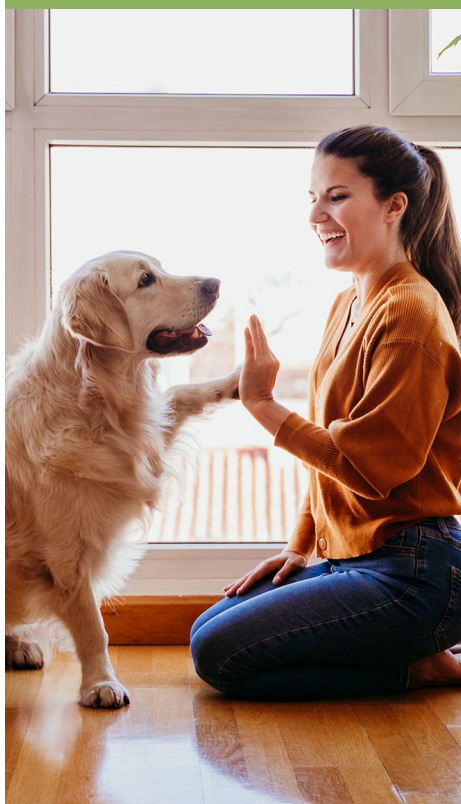
Most Colorado residents, including low-income populations, do not allow smoking in their homes and prefer to live in a smoke-free building.

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 housing.



The American Society of Heating, Refrigerating and Air-Conditioning Engineers recommends prohibiting all smoking activity in multifamily buildings to protect residents, staff and visitors from the health effects of exposure to secondhand smoke.



"The decision to implement no-smoking policies in more than 200 Denver area apartment buildings Cornerstone manages has been one of the best decisions I have made over the last 20 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

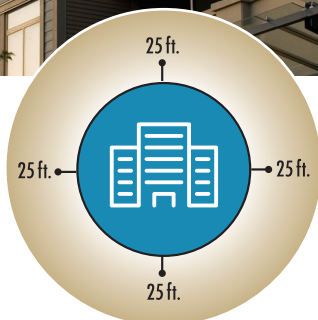
Hundreds of housing providers in Colorado have implemented 100% smoke-free policies covering all buildings and grounds.



Is It Legal to Prohibit Smoking in My Building?

Yes! Colorado's Clean Indoor Air Act prohibits smoking and vaping in all indoor common areas and allows housing providers to prohibit tobacco or marijuana smoking or vaping 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.



As of July 31, 2018, HUD requires public-housing authorities to have implemented smoke-free policies within residential buildings and prohibits smoking within 25 feet of those buildings. Other federally subsidized housing providers are encouraged to follow suit and implement smoke-free policies at their residential properties.

CRS 25-14-206. Optional prohibitions. (1) The owner or manager of any place otherwise exempted under section 25-14-205 may post signs prohibiting smoking. Such posting shall have the effect of including such place and 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.



Costs to rehab housing units where smoking took place:

Smoking Units: \$5,500–\$12,000

Smoke-Free Units: \$500–\$2,500

American Lung Association in Colorado 2015 study of housing providers

In Colorado



Source: 2018 TABS


84.8%

Percent of adults who
DO NOT smoke.


89.5%

Percent of households
reported having
no-smoking rules.


63.5%

Percent of multiunit
households that support
no-smoking rules.

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 smoke in workplaces, restaurants, 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 60 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.”

— Colorado NAHRO (National Association of Housing & Redevelopment Officials)

Effective and Proven Steps to Implementing a No-Smoking Policy

Cover all types of smoking, including tobacco, marijuana, electronic cigarettes, and other forms of vaping.

- Involve residents in the process and determine their opinions and needs through surveys before and after implementation.
- Seek advice from other housing providers who have no-smoking policies.
- Educate residents about the health dangers of secondhand smoke and how smoking increases fire risk.
- Promote stop-smoking resources like:
 - Colorado Quitline (1-800-QUIT-NOW)
 - tobaccofreeco.org
- Communicate the policy terms, effective date, and consequence of violations through meetings, in person, and in writing with signatures of all parties. You may want to consult an attorney.
- Create a plan to obtain policy compliance with residents, management, staff and contractors. Inform neighboring property owners about the policy and whom to best contact about any concerns.
- Plan a phase-in period and set an effective date for the policy to be implemented. A 12-to 18-month period is recommended. Make no exceptions to the policy as they can create resident confusion, frustration, and distrust of management. Exceptions make enforcement more difficult and may lead to fair-housing or false-advertising complaints.

See the back cover for a list of available resources to assist you with many of these steps.

A 2015 American Lung Association study of Colorado housing providers found that a 100% smoke-free policy that covers the entire property is easier for residents and staff to understand, and for management to enforce.



For the most effective 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.



Talking Points for Residents and Ways to Obtain Compliance

Engage your residents and provide clear communications.

Talking Points

Indoor air quality

Indoor air will be healthier and protect everyone from secondhand-smoke exposure.

Safety

Fire risks for residents and families can be lowered.

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 costs

Management may be able to help keep rental rates stable.

Respect for your neighbors

Smoke has no boundaries and can travel between units.

Obtaining Compliance

- Communicate the policy to prospective residents, employees, and visitors on a continual basis. Use signage, newsletters and advertising. Be clear that both 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 appropriate actions to ensure compliance with the no-smoking policy. Consider using mediation as a way to resolve issues with compliance if necessary.
- Maintain good sign placement throughout the property such as the international no-smoking symbol.
- Offer residents a safe and anonymous way to report violations.
- Thank staff, managers, and residents for their cooperation and help.

For additional implementation and compliance tips, model surveys, model policies and more, visit:
mysmokefreehousing.org or cosmokefreehousing.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.
- Secondhand smoke contains more than 7,000 chemicals. Hundreds are toxic and about 70 can cause cancer, according to the Centers for Disease Control.
- 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 cigarettes (or e-cigarettes) emit secondhand aerosols with chemicals that are harmful to the health, such as 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. Secondhand marijuana smoke contains many of the same cancer-causing chemicals as tobacco smoke.



"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



"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

Summing It All Up

Ten Reasons to Implement a No-Smoking or Smoke-Free Policy

1. Cost Savings

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

2. Fire Safety

Cigarette fires in Colorado cause roughly:

- 5% of all residential fires
- 36% of all residential fire fatalities
- 14% of all residential fire injuries
- 7% of all residential property loss

3. Energy Savings

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

4. Free Advertising

Your properties will be listed at mysmokefreehousing.com.

5. Allowed by Law

These policies are allowed by the Colorado Clean Indoor Air Act and are required or encouraged by HUD.

6. Preferred by Residents

84.8% of adults in Colorado do not smoke. A 2018 statewide survey indicated that 63.5% of Coloradans think that smoking should not be allowed in multiunit residential buildings.

7. Expected by Residents

Colorado residents are accustomed to smoke-free policies at work and in bars, restaurants, and public places; they expect to be protected in their housing as well.

8. Healthier Environment

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

9. Non-Discriminatory

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

10. Trends

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



Resources Colorado

mysmokefreehousing.org

cosmokefreehousing.org

- Tips on how to implement a policy.
- Recommends effective compliance techniques and other resources.
- Offers sample leases.
- Provides HUD toolkits and memos.
- Presents 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.

tobaccofreeco.org

- Provides information about the Colorado Clean Indoor Air Act and tobacco prevention.

Additional Information

Contact your local health department for resources such as free signage, cessation support, compliance strategies and implementation support.