

Tobacco Free Housing

In a Nutshell

Millions of Americans live in subsidized housing. Many of these residents are children, elderly, or disabled. Tobacco Free Housing policies forbid smoking within and near subsidized housing units and are becoming increasingly popular. Health and wellness and economic advantages are main determinants for the implementation of such policies.

The “How To”

What is Tobacco Free Housing?

Tobacco-free housing policies typically focus their attention on smoking specifically. The idea behind smoke-free housing is the notion that smokers who live in subsidized housing are negatively affecting those around them. Secondhand smoke is known to have negative impacts on the health and wellness of all people and especially young children and the elderly. If a housing complex or unit manager decides to, he or she can implement a policy that forbids smoking within and around the subsidized housing units.

Ways to Implement Tobacco Free Housing Policies

The easiest time to implement a smoke- or tobacco-free policy is when the complex is vacant. If that is not possible, one way to implement the policy is one unit at a time. As the leases come up for renewal, it can be explained to the tenant that a tobacco-free policy is being implemented. Another way is to set a specific date when the tobacco-free policy will take effect. The idea behind this option is that the tenants will be given plenty of advanced notice and the entire complex will be affected at the same time. However, sometimes this option does not run as smoothly as intended and some units do not go tobacco-free until the new lease is established, anyway.

According to the Indiana State Department of Health, there are five steps public housing authorities can use to implement smoke-free policies:

1. Make a plan; define if smoking will be prohibited indoors only or campus-wide.
2. Engage with residents and consult resident boards when considering a new policy.
3. Revise public housing authority plans, lease agreements, and/or lease addendums.
4. Promote the new smoke-free policy.
5. Enforce the new smoke-free policy.

US Department of Housing and Urban Development

The US Department of Housing and Urban Development (HUD) has advised and encouraged owners and management agents of public housing units to implement smoke-free housing policies, and it advises that the management must follow three general guidelines when implementing a smoke-free policy.

1. The policy must be in accordance with state and local laws

2. The policy must address smoking in a tenant's unit, common areas, playground areas, areas near external windows and doors, and areas outside the units
3. If there are any designated smoking areas, these areas must be indicated by clear signage

HUD also advises management about things not to do regarding smoke-free policies. These policies cannot:

1. Deny occupancy solely on whether the tenant smokes or does not smoke
2. Allow the management to ask an applicant whether they smoke or any members of their household smokes; the management must inform the residents of the adoption date if a smoke-free policy is being adopted
3. Allow the management to ask a tenant, at the time of recertification, whether the tenant smokes or if any members of their household smokes
4. Force existing tenants who smoke to move out or relocate within the complex when the smoke-free policy is adopted

Planning & Zoning

Federal Legislation Regarding Smoking Bans

There are currently no laws prohibiting smoking within subsidized housing complexes or units. Smoking and tobacco bans are implemented by the housing authorities, not the states or federal government. Implementation of smoking and tobacco restrictions should focus on the act of smoking and not on the smoker.

There are also, however, no laws that state smoking is a legal right of an individual. Samantha K. Graff illustrates in her [article](#) that there is no such thing as a Constitutional "right to smoke," smoking is not a specially protected liberty under the Due Process Clause, and smokers are not within a protected category under the Equal Protection Clause. This means that anti-tobacco and anti-smoking policies created by housing associations would probably hold up in a court of law.

Tobacco Free Housing Lease Addendums

One part of implementing a tobacco free policy could be to issue a lease addendum. MySmokeFreeHousing.org, under the administration of the Group to Alleviate Smoking Pollution of Colorado, offers a smoke-free lease addendum which also includes penalties for violations.

Dollars & Cents

Cost of Implementing Tobacco Free Housing Policies

Implementing a tobacco-free policy involves minimal costs. Speaking broadly, policy changes take a while to implement but do not typically cost a lot. Property owners and managers who adopt a smoke- or tobacco-free policy can expect to spend money on informational brochures, surveys, and handouts. New advertising, resident-engagement events, and the personnel costs of changing and modifying lease agreements may also incur necessary costs. As outlined below, the return on investment and long-term savings realized by smoke-free policies can be lucrative.

Savings Generated by Tobacco Free Housing Policies

According to the Centers for Disease Control and Prevention, eliminating smoking in all U.S. subsidized housing could save [\\$521 million](#) annually. The majority of this amount, estimated at \$341 million, would come from reduced health care expenditures related to second hand smoke and estimated savings in annual renovation expenses and annual smoking-related fire losses would also be substantial.

In an article published by the Indiana State Department of Health, the US Fire Administration is cited as estimating there are 7,600 smoking-related fires which result in \$326 million in property loss every year.

Restoring and Cleaning Smoke-Damaged Apartments

In the same article from the Indiana State Department of Health, it is stated that an extra \$500 and \$8,000 is required to restore a unit that housed someone who did not smoke vs. someone who did.

According to Kennedy Restoration Co. from Portland, Oregon, the costs to restore and clean a 2-bedroom apartment after a smoker has lived there can reach \$15,000.

A more modest cost estimate is provided by the Sanford Housing Authority of Sanford, Maine. The Authority estimates that cleaning a unit which housed a smoker will cost between \$1,070 and \$1,670 compared to \$550 for a unit that housed a non-smoker.?

Measuring Success

Success of Tobacco Free Policies

Advocates will claim the only way a tobacco- or smoke-free policy is successful is if it is implemented and followed. Adherence to these policies within the housing complex can be increased through increased education and dialogue between the residents and management pertaining to the benefits of a tobacco-free complex. The figures presented on the Dollars & Cents tab indicate that substantial amounts of money can be saved on things like insurance policies and maintenance costs.

Success Realized by Housing Organizations

For a housing authority, success of a tobacco-free policy would involve a successful advertising and planning process, a successful and low-stress implementation, and an understanding by the residents. The Dollars & Cents tab illustrates some tangible financial incentives property managers can calculate as successful benchmarks. The health of the residents will be improved, the property will require less maintenance and rehabilitation, and smoke-free policies may actually attract residents who do not want to deal with secondhand smoke near their units.

Discover More

St. Clair County, Illinois banned smoking in three senior citizen housing complexes throughout the county. Two of them are located in Belleville and one is located in Centreville. Although the complexes only serve the elderly, the county has plans to extend the bans to other complexes of all ages.

The Chicago Tribune reported in 2011 that the [Lake County Housing Authority](#) was adopting a smoke-free policy that would apply to all buildings under the Authority's control.

Public housing non-smoking policies have been making headlines in newspapers all across the country,

including in [Washington](#). The [Housing Authority of Chester County](#) in Chester, Pennsylvania has banned tobacco use of any kind anywhere on the property, including inside parked vehicles.

[Live Smoke Free](#), an organization in Minnesota, offers several resources related to tobacco free policies. Resources include a guidebook for landlords wanting to implement a smoke-free policy, a listing of [residents' legal rights](#), and a [smoke-free housing directory](#) of all the smoke-free properties throughout the state. The information in the directory is not directly useful to the St. Louis region, but it may serve as an example regarding resources other locations are using when discussing tobacco free policies and advocacy efforts.

The [Smoke-Free Environments Law Project](#) provides resources including legal background to smoke-free policies, presentation materials on the danger of indoor smoking, and a database of public housing authorities that have enacted smoke-free policies.

The [Respiratory Health Association](#) from Chicago, Illinois has many resources for smoke-free advocacy.

Case Studies

Live Tobacco Free Austin - Smoke-Free Housing Implementation Program

Contact

Ashley LeMaistre
Program Coordinator
512-972-6464
ashley.lemastre@austintexas.gov

Address

301 W. Second St - Austin, TX 78701

Description

Live Tobacco Free Austin is a program housed within the Austin/Travis County Health and Human Services Department which works to create a healthier community in Austin, Texas by reducing the use of tobacco and exposure to secondhand smoke. Smoke-free housing is one area where the organization is helping to make improvements with its Smoke-Free Housing Implementation Program (SHIP). The program maintains a [website](#) with resources for both tenants and property owners to learn about secondhand smoke, the increasing demand in the region for smoke-free housing, how apartment buildings can go smoke-free, and how renters can find smoke-free apartments. They also provide other helpful information on living smoke-free, such as a map of locations of smoke-free restaurants and resources on smoking cessation

[Live Tobacco Free Austin - Housing Resources](#)

[Austin/Travis County Health and Human Services Department - Tobacco/Smoking Cessation and Prevention Programs](#)

Cost

Staffing is the largest cost for the SHIP, with five part-time staff members representing various backgrounds and one 3-month intern. Other expenses include hosting public forums, printing and signage which runs about \$5000 annually, surveys and survey incentives costing about \$10,000 annually, and nominal costs to maintain and update their website.

Lessons Learned

One of the biggest challenges to Live Tobacco Free Austin's Smoke-Free Housing Program has been connecting with landlords and helping them overcome their concerns about going smoke-free, such as the legality of making their properties smoke-free, whether or not they would lose tenants over a smoke-free policy, and how they should go about implementing such a policy. Live Tobacco Free Austin has worked hard to reach out to property owners and educate them on these issues so that they can make the best decision for their properties. The best reward the program can claim is making residents feel safer and more comfortable in their own homes. For renters that have struggled with unavoidable tobacco smoke in their buildings for years, and those that have finally found the resources needed to push for a smoke-free policy, it can be a dramatic and welcome change.

St. Clair