

The Colorado Landlord Guide to Establishing No-Smoking Policies in Multiunit Residential Properties



Good for Business — Good for Health

The benefits; implementation and enforcement tips; and helpful resources for Colorado property managers and landlords.

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



www.mysmokefreehousing.org

*All the smoke-free housing resources
you need under one roof.*

*Advertising and sponsorship space is available inside this guide.
Please call GASP at 303-444-9799 for more information.*

Thinking about implementing a no-smoking policy for your building?

Fed up with the time and money it takes to repaint, carpet, and turn over units where smoking has taken place?

Will a smoldering cigarette cause a major fire on your property?

Are no-smoking policies legal or discriminatory?

Will a no-smoking rule work for you?

Is tobacco-smoke odor a turnoff for prospective residents?

Are residents complaining about drifting tobacco smoke?

What resources and materials are available to you?

This booklet provides you the answers to many of these questions, along with the benefits, basic steps, and resources that are available to help you implement a no-smoking policy in your building.



A special thank you to our peer-reviewers!

Housing Providers & Agencies: John Tuchscherer, Fort Collins Housing Authority; Karen Kreutzberg, Boulder Housing Partners; Monica Slamkowski, Colorado Springs Village at the Buffs; Larry Miller, Pueblo Azteca Apartments; and Mark Lampert, Ann Lampert Realty.

Health Partners: Cindy Liverance, American Lung Association in Colorado; Walter Young, Klein Bundel; Judy McCree Carrington, STEPP Tobacco Disparities Initiatives; Bryce Kyburz, Weld County Health Dept.; Susan Sobkoviak, Jefferson County Public Health; Jennifer Kovarik, Boulder Public Health.

Published by the Group to Alleviate Smoking Pollution (GASP of Colorado) — a nonprofit organization working to eliminate secondhand smoke exposure at work, in public places, and in multiunit housing. For further information visit www.gaspforair.org or call 303-444-9799.

Is a No-Smoking Policy Right for Me?

It is legal and you are not alone

No-smoking policies are legal and are being implemented in multiunit residential properties throughout Colorado.



You save money

No-smoking policies reduce the costs of cleaning and repairing carpets, energy consumption, general maintenance, and possibly insurance costs.

There is a market demand

Most residents, including low-income and minority populations, do not smoke in their homes and would prefer to live in a nonsmoking building. The number of people who prefer to live in a no-smoking residence is significantly higher than those that prefer to smoke in their units. A no-smoking policy will likely generate a greater interest in your property.

Happy residents stay longer

Coloradans are used to smoke-free workplaces, restaurants, bars, and public places and have come to expect clean indoor air in their dwellings.

What's in this Booklet?

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You Are Not Alone

In Colorado, more than 850 multiunit residential communities with 24,000 units have 100% no-smoking policies indoors. The list is growing and is updated at www.mysmokefreehousing.com.

Fourteen housing authorities have implemented or are phasing in no-smoking policies in 483 buildings with 3,309 units.



“The feedback from prospective and current residents has been overwhelmingly positive, and they really appreciate that tobacco smoke will not enter their residences when someone smokes inside their units or on the property. Even people who smoke are renting apartments here because they see it as an incentive to quit smoking.”

Alicia Persich, Marketing Coordinator, AMLI at Inverness.

“When I initiated the no-smoking policy, no residents complained and no one moved out. Since then, our waiting list has grown.”



Monica Slamkowski, Village at the Buffs, Colorado Springs

Sponsorship Space

Legal Issues

Colorado's Clean Indoor Air Act allows landlords to make any part of their property nonsmoking and prohibits smoking in all indoor common areas (CRS 25-14-206).



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

Sponsorship Space

There is no legal or constitutional right to smoke, and no court has ever recognized smoking as a protected right.

No-smoking policies are not discriminatory or a violation of any fair-housing regulations. People who smoke are not a protected class.

HUD allows subsidized housing managers to implement no-smoking policies (Colorado HUD Letter, Oct. 9, 2007), and encourages public housing authorities to implement no-smoking policies in some or all of their communities (PIH Notice 2009-21).

Save Money



Reduce general maintenance costs, cleaning and repairing carpets, fixtures and window treatments, priming and painting walls, and furniture replacement. Additional savings can be achieved if the policy covers the entire grounds.

Decrease the use of air-treatment systems and lower utility bills — *30% less according to estimates by Marriott Hotels.*

Fire risks and fire damage are lower. Cigarettes cause an average of 5% of residential fires in Colorado.

Lower insurance premiums may be possible; negotiate with your insurance provider.

Less damage caused by tobacco smoke and discarded cigarettes improves the property value.

Spend less time dealing with smoking-related complaints.



Protect the health of your residents, maintenance, and staff.

Reduce the risk of lawsuits by people affected by exposure to secondhand smoke, fair housing and disability complaints, and the use of constructive eviction claims.

**Obtain a free listing at
mysmokefreehousing.com.**

Happy Renters Stay Longer



Most residents would prefer living in a nonsmoking building, according to several surveys around the US. Surveys in Alamosa, Boulder County, Lakewood, Longmont, and Salida show that most residents, including low-income and minority populations, support no-smoking policies.

82% of adults in Colorado do not smoke.

85.4% of Colorado households report having no-smoking rules.

Coloradans are used to being protected from exposure to secondhand tobacco smoke in workplaces, restaurants, bars, and public places thanks to state and local laws. They expect clean indoor air in their dwellings, too.

Most renters, especially people with chronic conditions, do not want to suffer the health consequences of breathing secondhand smoke when it drifts into their residences. For some people, residential exposure to secondhand smoke from a neighboring unit can be just as intense and harmful as exposure to secondhand smoke during a full day's work.



Clean-Up Costs in a Two-Bedroom Apartment

\$4,000 to \$15,000	\$500 or less
Smoking allowed	Smoke-free

** Based on estimates from two Colorado restoration companies.*

Nine Good Implementation Steps

1. Educate residents about the dangers of secondhand smoke and cessation options.
2. Make a management decision or conduct a survey to determine resident preferences.
3. Communicate the policy options through meetings, in person, and in writing.
4. Like any lease changes, communicate the new rules, and the consequences of violations; have residents initial them.
5. Any designated outdoor smoking areas should be clearly marked and strategically placed at least 15 to 25 feet from all buildings, windows, doors, or entrances. Ask residents to help choose these areas.
6. If you plan to "grandfather in" the policy, limit the time to no more than one year and does not excludes anyone.
7. Remind residents and visitors of the policy with signs in and around each building.
8. Set up an enforcement protocol with staff and maintenance.
9. Talk to other landlords who have implemented no-smoking policies.



The lease should make it clear where residents or visitors may not smoke. At a minimum, the no-smoking policy should include the inside of all units, common areas, balconies, patios, and 15 to 25 feet from any building on the property.

Keeping the Air Clear



- Use advertising to attract residents who desire a no-smoking environment .
- Communicate the policy to prospective residents.
- Visit the property and perform inspections to ensure compliance.
- Maintain good sign placement.

Talking Points for Residents

- Indoor air quality will be healthier for everybody and protects everyone from exposure to secondhand smoke.
- Reduced fire risk increases the safety of residents and families.
- People who smoke are welcome but will have to step outside and away from the building to smoke.
- Less building damage and maintenance may help management keep rental costs stable.
- Free QuitLine smoking-cessation assistance is available by calling 1-800-QUIT-NOW or visiting www.myquitpath.com.



Sponsorship space

Protecting the Public Health

The 2006 U.S. Surgeon General's Report states that there is no risk-free level of exposure to secondhand smoke.

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



*U.S. Surgeon General
Richard Carmona, 2006*

"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."

Secondhand smoke cannot be controlled using ventilation or air-cleaning systems.

Up to 50% of the air in multiunit housing may be recirculated throughout an entire building.



"At present, the only means of effectively eliminating the health risk associated with indoor exposure is to ban smoking activity. No cleaning, ventilation or air-cleaning technologies...control health risks from environmental tobacco smoke exposure in spaces where smoking occurs."

*American Society of Heating, Refrigerating, and Air
Conditioning Engineers (ASHRAE).*

Experts Share Their Thoughts

"While we have certainly seen some exciting market opportunities for businesses over the years, we rarely see such obvious ones. Frankly, if a private property-management firm had conducted this research, it might be tempted to keep the findings confidential to gain an initial competitive advantage."

Campbell DeLong Resources, Inc.
Portland, Oregon



"In this new era, many owners and managers are choosing not to ignore the problems that can result from a smoke-friendly community. They are finding that keeping the smoke out is the best way to retain both residents and profits. Smoke-free apartment communities not only promote a healthy resident population, but also a healthy bottom line for owners and investors."

Dave Watkins, Chairman of the Board of the National
Apartment Association (Dec. 2007 *Units Article*)

"Not one of the landlords who prohibits smoking regrets doing so and none are considering going back to allowing smoking in any unit where it has been prohibited. Many said that once they tried it in one property, they quickly wanted it in all."

Campbell DeLong Resources, Inc., Portland, Oregon



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

Some Colorado Resources



Mysmokefreehousing.org

Resources for housing providers to help implement no-smoking policies in residential buildings including sample policies, fact sheets, signs, and more.

Mysmokefreehousing.com

A free list of residential buildings in Colorado that have no-smoking policies for their entire building or property.



SmokefreeColorado.org

Provides information about the Colorado Clean Indoor Air Act, free signs, and other materials.



Statewide Contacts:

Group to Alleviate Smoking Pollution
(GASP of Colorado)
303-444-9799 info@gaspforair.org

American Lung Association
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tobacco@lungcolorado.org

State Tobacco Education and
Prevention Partnership
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