

## The Best No-Smoking Policy to Adopt in Multiunit Housing

A growing number of housing providers are adopting no-smoking policies in the interior of multiunit residential buildings in Colorado. Many are doing so due to resident or staff complaints of drifting smoke, to save maintenance costs, and to reduce fire risks.

Unfortunately, some housing providers are implementing policies that continue to allow residents to smoke on their balconies or porches. Such policies may reduce damage to the interior of a building but may still cause health problems to residents when tobacco smoke drifts into their units. Housing providers that claim to have a “no-smoking” or “smoke-free” policy but allow smoking on balconies or porches may be subject to fair housing or false advertising complaints.

Another problem that can also lead to false advertising or fair housing complaints is using long-term grandfathering in the policy implementation timeline. Such policies increase resident friction and distrust of the housing provider. It is better to set a finite date for policy implementation and avoid drawing it out for longer than a year.

### At a minimum a “no-smoking” policy should prohibit smoking in:

- All indoor areas, common areas, and individual units
- All balconies, patios and porches
- All outdoor common areas such as pools, picnic areas and enclosed gazebos\*
- 25 feet from any part of a building such as entrances, windows, doors, and air intakes
- Electronic cigarette and marijuana smoking should be included in the policy.

*\* The Colorado Clean Indoor Air Act of 2006 defines an indoor area as “any enclosed area or portion thereof. The opening of windows or doors, or the temporary removal of wall panels, does not convert an indoor area into an outdoor area.” An enclosed gazebo would become an indoor area and therefore smoking should not be allowed according to that law.*

### A “smoke-free” policy should prohibit smoking in:

- All indoor areas, common areas, individual units, balconies, patios, porches, entrances and anywhere on the property grounds.
- Electronic cigarette and marijuana smoking should be included in the policy.

### Getting a free listing at [mysmokefreehousing.com](http://mysmokefreehousing.com)

The Group to Alleviate Smoking Pollution manages [mysmokefreehousing.com](http://mysmokefreehousing.com) — Colorado’s largest on-line listing of multiunit residential buildings of two or more units that have a no-smoking policy. **There is no charge to be listed but the building or complex must meet the above criteria for a no-smoking or smoke-free policy and any grandfathering terms must have expired.**

*This fact sheet is provided as a public service and is not intended as legal advice.*

[www.mysmokefreehousing.org](http://www.mysmokefreehousing.org)

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

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