

# No-Smoking Multiunit Housing Policy

## NAME OF PROPERTY

Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, the name of property has determined that for the benefit of everyone who lives, visits, or works at name of property, smoking will only be permitted in specified outdoor areas effective date.

Copies of this policy shall be distributed to everyone who lives, visits, or works at name of property.

## Policy Rules and Regulations

### Definitions

*“Resident”* means any resident, tenant, occupant, household member, and/or family member who reside at the name of property.

*“Smoking”* means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or other plant product, including but not limited to marijuana, whether natural or synthetic, in any manner or in any form. *“Smoking”* also includes the use of an electronic delivery device, which creates an aerosol or a vapor (vaping), in any manner or in any form.

*“Electronic Delivery Device (EDD)”* means an electronic device activated when one draws on the mouthpiece and which, when activated, emits a solution producing an aerosol or a vapor that may be inhaled or absorbed by the user. EDDs include, but are not limited to, E-cigarettes, E-cigars, E-pipes, vape pens, and E-hookahs, and may include any substance with or without nicotine intended to be aerosolized or vaporized during the use of the device.

### **All residents, employees, business visitors, invitees, and guests must abide by the following rules and regulations:**

#### **1. Prohibition of Smoking Inside Buildings**

Smoking shall not be permitted and no person shall smoke anywhere inside individual apartment units, or in any buildings at the properties including all indoor common areas, units, entryways, hallways, restrooms, laundry rooms, elevators, stairways, and enclosed parking structures.

#### **2. Prohibition of Smoking in Most Areas Outside the Buildings.**

Smoking shall not be permitted and no person shall smoke at any outdoor or semi-enclosed areas including individual decks, patios, porches, balconies, yards, common areas or adjoining grounds of buildings, entryways, playground areas, swimming pools, barbeque/cooking areas, seating areas, and parking lots.

#### **3. Where Smoking is Allowed**

Smoking is only allowed in limited specific designated area(s) as identified by signs located at:  
(list locations)

*Note: It is recommended that any smoking areas be located at least 25 feet from any buildings and areas where smoking is not allowed in sections 1 and 2.*

#### **4. Proper Disposal of Smoking Materials.**

Smoking-related products must be properly disposed of in a safe manner. Residents shall not throw cigarette butts on the ground or put a burning cigarette into a trash receptacle.

#### **5. Compliance by Resident's Guests.**

Resident is responsible for informing guests, invitees and business visitors of this policy and for ensuring that everyone visiting or staying in the resident's unit is in compliance with this policy.

#### **6. Lease Violation.**

A violation of this policy constitutes a violation of the lease. Repeated violations of this policy may result in the termination of tenancy and the reimbursement of funds to name of property owner for the cost of remediating any damage caused to property due to smoking in non-designated areas.

#### **7. Complaints.**

Residents are encouraged to report any violation of this policy to the property manager as soon as possible if the resident witnesses someone smoking or smells smoke from tobacco, marijuana, or other substance inside any part of their building, the property, or grounds other than where smoking is allowed.

#### **8. Investigations.**

Property managers receiving a complaint will seek the specific source of the reported smoke and will take appropriate enforcement action as soon as possible. Property managers are not required to take steps in response to smoking complaints unless property managers have personal knowledge of said smoking or have been given notice of said smoking.

#### **9. Communication of the Policy.**

This policy shall be communicated by the property manager to all current residents and employees of the name of property at least sixty (60) days prior to its effective date and at the time of employment for all new employees, and prior to admission and/or prior to the signing of a lease for any new resident.

a. New residents shall be given two (2) copies of this policy. After review, the resident must sign one copy and return the executed copy to the property manager prior to moving in. The property manager shall place the signed copy in the resident's file.

b. All current residents shall be given two (2) copies of the policy by the property manager when the policy is adopted. After review, the resident must sign one copy and return the executed copy to the property manager within ten (10) days. The property manager shall place the signed copy in resident's file.

#### **10. Disclaimer.**

Resident acknowledges that the adoption of this policy by name of property and its efforts to designate any of part of name of property as non-smoking do not in any way change the standard of care that the property manager would have to a resident to render buildings designated as non-smoking any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Name of property specifically disclaims any implied or express warranties that any building, common area, or resident's individual apartment unit will have any higher or improved air quality standards than any other rental property. Name of property cannot and does not warrant or promise that any building or individual resident unit located at any of the properties will be completely free from secondhand smoke.

**11. Effective Date.**

Effective [date TBD], smoking shall be prohibited anywhere in any of the buildings as well as the outside areas (as specified above) by everyone who lives, works or visits name of property. All residents will be required to comply with this policy, regardless of their move-in date on [date].

**Resident Certification**

I have read and understand this policy, and I agree to abide by its provisions.

I understand that failure to comply with this policy may constitute a lease violation and that repeated lease violations may be cause for termination of my tenancy.

I acknowledge that adoption of this policy by name of property does not make any of its managing agents the guarantor of my health or of the smoke-free condition of any of the properties. I further acknowledge that property manager’s ability to police, monitor, or enforce the agreements of this policy is dependent in significant part on voluntary compliance by the residents of the properties.

*This model policy is provided as a public service and should not be construed as legal advice.  
An attorney should be consulted when adopting a no-smoking policy.*

*May be reprinted or copied with appropriate attribution to the  
Group to Alleviate Smoking Pollution (GASP of Colorado) © 2016*

*Updated February 2016*

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

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