



**BreatheDC**  
*Breathe Healthy. Every Breath Counts.*

# SMOKEFREE HOUSING TOOLKIT

Resource Guide for Property Owners and Managers  
of Multi-Unit Housing in Washington, DC



## District of Columbia Smokefree Housing

*Smokefree Living in DC: Change Is In the Air*

**Cleaner Buildings / Healthier Environment / Better Tenant Relations / Smart Return on Investment**



This project was funded in part by the District of Columbia Department of Health.



# District of Columbia Smokefree Housing

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## About the District of Columbia Smokefree Housing Toolkit

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Dear Property Owner/Manager:

The *District of Columbia Smokefree Housing Toolkit* is designed to assist those that are ready to take the steps to reduce secondhand and thirdhand smoke exposure in their multi-unit building. It provides steps, field-tested strategies, recommendations, and tools intended to provide guidance for owners and managers when adopting, implementing and gaining compliance with a smokefree policy in your residential building.

Owners, managers, and policy makers should feel free to pick and choose strategies that seem appropriate for their situation. It is important for smokefree policies in multi-unit housing to be implemented in a **non-punitive** manner that does not stigmatize residents who smoke or refuse housing to applicants who smoke.

This toolkit is designed to help property owners and managers in developing policies and compliance strategies that are written and implemented in a way that minimizes the chances that multi-unit housing residents are evicted for violations. Through the use of this toolkit, property managers and owners will be able to successfully implement a Smokefree housing policy that:

1. Educates residents about the effects of secondhand and thirdhand smoke as well as their rights and responsibilities;
2. Effectively communicates with residents and others about the policy;
3. Creates an action plan by setting goals and identifying residents to work with you.
4. Provides residents who smoke with the support and resources; and
5. To work with Breathe DC to train staff, work with residents, and build support for your Smokefree housing policy.

**NOTE:** This manual contains general information about legal matters; the information is not legal advice, and should not be treated as such.

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# Secondhand Smoke: The Facts

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## What Is Secondhand Smoke?

Secondhand smoke is the combination of smoke from the burning end of a cigarette and the smoke breathed out by smokers. Secondhand smoke contains more than 7,000 chemicals. At least 250 those chemicals are known to be harmful and toxic and about 70 can cause cancer.<sup>i</sup> Since the 1964 Surgeon General's Report, 2.5 million adults who were nonsmokers died because they breathed secondhand smoke.<sup>ii</sup> There is no risk-free level of exposure to secondhand smoke.

## Secondhand Smoke Causes Heart Disease

- Exposure to secondhand smoke has immediate adverse effects on the cardiovascular system and can cause coronary heart disease and stroke.
- Breathing secondhand smoke can have immediate adverse effects on your blood and blood vessels, increasing the risk of having a heart attack.

## Secondhand Smoke Causes Lung Cancer

Secondhand smoke causes lung cancer in adults who have never smoked.

- Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing lung cancer by 20–30%.<sup>ii</sup>
- Secondhand smoke causes more than 7,300 lung cancer deaths among U.S. nonsmokers each year.<sup>iii</sup>
- Nonsmokers who are exposed to secondhand smoke are inhaling many of the same cancer-causing substances and poisons as smokers.<sup>iv</sup>
- Even brief secondhand smoke exposure can damage cells in ways that set the cancer process in motion.<sup>iv</sup>
- As with active smoking, the longer the duration and the higher the level of exposure to secondhand smoke, the greater the risk of developing lung cancer.<sup>iv</sup>

## Secondhand Smoke Harms Children

Secondhand smoke can cause serious health problems in children<sup>v</sup>.

- Studies show that older children whose parents smoke get sick more often. Their lungs grow less than children who do not breathe secondhand smoke, and they get more bronchitis and pneumonia.
- Wheezing and coughing are more common in children who breathe secondhand smoke.
- Secondhand smoke can trigger an asthma attack in a child. Children with asthma who are around secondhand smoke have more severe and frequent asthma attacks. A severe asthma attack can put a child's life in danger.
- Children whose parents smoke around them get more ear infections. They also have fluid in their ears more often and have more operations to put in ear tubes for drainage.

<sup>\*</sup>The information reproduced from the website *Smoking and Tobacco Use* by the Center for Disease Control (CDC)



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## Reasons to Explore Smokefree Housing

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### Why pursue Smokefree housing?

- If you are interested in a policy that can help you save money, reduce tenant complaints; improve the health of your tenants, visitors and people that work in your building this is a policy change to consider.
- Smokefree apartment policies are quickly becoming the standard for multi-unit housing in the U.S.
- Going Smokefree in your multi-unit building is one of the best moves you can make for your tenants and your bottom line.

### Reduce operating costs<sup>vi</sup>

- Smoking is the leading cause of residential fire and the number one cause of fire deaths in the U.S.
- Research suggests that Smokefree units may have increased rental and re-sale value.
- Apartment turnover costs can be much greater when smoking is allowed, compared to the cost of maintaining and turning over a Smokefree unit.
- Apartments where smoking is allowed could involve extensive cleaning, additional paint to cover smoke stains, replacing stained window blinds, or replacing carpets that have been damaged by cigarettes.
- Implementing a smoke free policy can reduce insurance costs. After implementation, contact your insurance company and inquire about discretionary credits.

The following table compares the cost to rehabilitate a unit where smoking is prohibited versus a unit where smoking is allowed:

	Non-Smoking	Light Smoking	Heavy Smoking
<b>General Cleaning</b>	<b>\$240</b>	<b>\$500</b>	<b>\$720</b>
<b>Paint</b>	<b>\$170</b>	<b>\$225</b>	<b>\$480</b>
<b>Flooring</b>	<b>\$50</b>	<b>\$950</b>	<b>\$1,425</b>
<b>Appliances</b>	<b>\$60</b>	<b>\$75</b>	<b>\$490</b>
<b>Bathroom</b>	<b>\$40</b>	<b>\$60</b>	<b>\$400</b>
<b>Total</b>	<b>\$560</b>	<b>\$1,810</b>	<b>\$3,515</b>

*Data reflects surveys from housing authorities and subsidized housing facilities in New England. Collected and reported by Smokefree Housing New England, 2009.*

Source: The "Reasons to Explore Smokefree Housing" section was adopted in part from the article "Reasons to Explore Smokefree Housing" by the National Center for Healthy Housing, Fall 2009.

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## **Reasons to Explore Smokefree Housing (continued)**

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### **Smokefree policies are legal**

- Landlords have the legal right to ban smoking in the buildings similar to place a ban on pets. There is no Federal or State law that prohibits a property owner from implementing a smokefree policy for their buildings or grounds.
- Instituting a policy does not prevent someone who smokes from living in the building. It simply requires that all tenants abide by the policy while on the property.
- The Smokefree Environments Law Project conducted an analysis of federal and state laws, HUD rules, and legal cases and found that a ban on smoking for new tenants who move into public or section 8 housing is permissible in all 50 states.

### **Smokefree policies can help avoid lawsuits**

- Landlords, management companies, condominium associations, co-op owners, and smokers may be liable legally and financially for failing to prohibit smoking when secondhand smoke affects other tenants.
- Residents can file lawsuits over secondhand smoke. Claims may cite nuisance, warranty of habitability, or the covenant of quiet enjoyment.
- Residents with pre-existing conditions, such as asthma or other respiratory illnesses, can file claims under disability laws, such as the Fair Housing Act.
- Staff and maintenance workers who are exposed to secondhand smoke may sue as well. Staff are at risk for exposure to secondhand smoke as a part of their workday.
- Most states have Smokefree workplace laws. Allowing smoking in building common areas in areas with smoke free workplace laws can be illegal.

### **Tenants prefer Smokefree housing**

- Surveys in several states have demonstrated that as many as 78% of tenants, including smokers, would choose to live in a Smokefree building if possible.
- Secondhand smoke complaints and requests for unit transfers drop following the implementation of a smokefree policy.
- Nationwide, less than 21% of the general population smokes, so it makes sense that a vast majority of tenants want to live in a Smokefree environment.

### **Protect the health and safety of residents and staff**

- There is NO risk-free level of exposure to secondhand smoke and the EPA has identified secondhand smoke as a Class A carcinogen, the most toxic class of chemicals that are known to cause cancer in humans.
- Secondhand smoke is a leading trigger of asthma attacks and other respiratory problems, and a known cause of Sudden Infant Death Syndrome (SIDS).
- Ventilation systems do not protect families from secondhand smoke. Most air filter systems are designed to remove odors, not toxic particles from tobacco smoke.

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## **Adoption Strategies: Contemplating A Smokefree Policy**

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### **Consider your policy options and reasons for going Smokefree**

It is important to understand why you wish to implement a smokefree policy. Recognizing and mapping out your rationale will assist you move into the implementation phase and as you explain to your residents about the impending changes.

### **Review and become familiar with federal policies such as HUD Notices<sup>vii</sup>**

Review HUD Notice PIH-2012-25: Non-Smoking Policies in Public Housing and HUD Notice 2012-22 Further Encouragement for O/As to Adopt Optional Smokefree Housing Policies.

### **Learn about Local Smokefree Laws**

The District of Columbia, like many cities across the U.S. has established Smokefree provisions in workplaces, factories, restaurants, and bars. Become familiar with these regulations and understand where smoking is allowed in the District.

### **Contact Owners/Agents with Smokefree Policies**

Talking about the process of going Smokefree with other District owners/agents of subsidized or market rate multifamily housing can be very useful. You may also want to consider hosting a meeting or form a group with a central organizer to talk about smokefree policies at locally or at regional meetings.

### **Review Examples of Smokefree Policies**

Smokefree policies follow a similar structure and share common elements. Well-developed policies are publicly available to review and learn from, and they can save you the trouble of writing your own. The policies protect residents in multifamily housing. Specific policy language and enforcement plans vary and can be viewed on the District of Columbia Smokefree Housing website.

**For PHAs:** PHAs opting to implement a smokefree policy must change their House Rules with a lease addendum and obtain board approval for the change. HUD does not need to provide approval of a smokefree policy. PHAs should update their Annual Plans to reflect the change to the House Rules.

**For Owner/Agents:** HUD encourages owners/agents of subsidized or market rate multifamily housing to review the notice on smokefree policies for an overview of the guidance. Owners/agents choosing to implement a Smokefree housing policy must update their House Rules and Policies and Procedures, as applicable, to incorporate the Smokefree housing requirements.

Source: The "Adoption Strategies: Contemplating Your Smokefree Policy" section was adopted in part from the U.S. Department of Housing and Urban Development, Office of Lead Hazard Control and Healthy Homes. [Change is in the Air: An Action Guide for Establishing Smokefree Public Housing and Multifamily Properties](#), October 2014; pages 41-44.

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## Implementation Strategies: Steps to Getting Started

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### Build tenant support.

When you're not sure how tenants feel about a smokefree policy, and you want their input, start by asking residents about your plan to adopt the policy by using a brief survey. The survey should assess, for example:

- how many residents smoke?
- how many smoke inside their residential unit?
- how many smoke in other areas of the building?
- how many smoke only in the common areas?
- how many are bothered by secondhand smoke?
- how many favor a no-smoking policy?

Asking questions such as “has secondhand smoke from another unit ever bothered you” or “if available, would you prefer to live in a Smokefree environment”, can help you determine what type of policy to implement.

### Communicate widely & involve tenants and staff.

The success of your smokefree policy will be relative to how well you communicate the policy with your tenants and staff. This does not have to be complicated, or overly time consuming, but things like including:

- articles in your tenant newsletter;
- holding tenant meetings so opinions can be voiced;
- sending a letter to tenants
- providing adequate signage;
- supplying information on the harmful effects of secondhand and thirdhand smoke;

Key to this strategy is communication. Include tenants and building staff in discussions about the adoption and implementation of the Smokefree housing policy by hearing their ideas.

### Give plenty of notice.

Notifying residents about your policy well in advance of making it effective isn't only a good idea—it's the law. Neglecting to tell both your new and old residents about your smoking policy is a breach of the duty to provide notice.

### Methods for Adopting a Smokefree Building Policy

- **“Phase-In” Method:** Begin having new renters who move into the building sign a Smokefree lease addendum immediately. Announce the policy change to current residents and have them sign a Smokefree lease addendum at the time of their lease renewal.
- **“Quit Date” Method:** Decide what date you would like the building to go smoke free. Give your residents proper notification of the policy change and tell them that they must sign a Smokefree lease addendum if they wish to continue living in the building.



Within either method, you may only be required to give 30 days notice per your lease agreement when implementing a smokefree policy, but it is recommended that you provide at least 180 days advance warning. This extra time will give those who smoke a chance to adjust their lifestyle to the new policy. Your posted notifications should include the wording that will be in your leases or covenants. Providing poorly worded or incomplete lease provisions in these notices is also considered a breach of duty.

### **Have a clearly defined policy with clear implementation dates**

- Be clear on where smoking will be prohibited inside and outside of the building.
- Write these into the lease and lease addendums. Always have the tenant acknowledge the no-smoking clause by initialing the lease or addendum.
- Specify, through written communication, exactly when the new policy will be in place, giving adequate notice between policy notice and implementation. Make sure that every resident is aware.

### **Communicate with tenants throughout the implementation process**

After you have reviewed the tenant survey results and made clear decisions about where, when, and how smoking will be prohibited, begin to let your residents know. It's important to begin communicating with residents both verbally and in writing to give them adequate notice of the upcoming no-smoking policy. This will give people time to adjust and can improve compliance.

- Send a very positive letter to each resident about the new policy.
- Ensure that all building and maintenance workers are aware of the letters and how to respond to questions.
- Request a signed confirmation that residents have received and read the letters.
- Send a copy of the new lease addendum to all residents containing the new no-smoking policy.
- Provide a summary memo/ Q&A of the new rules.
- Provide a follow-up letter to those who have not signed the initial letter or the new lease agreement when it is requested.
- Keep all residents informed with regular updates using announcements and postings in common areas; letters addressed to the lease holder, flyers and notices on bulletin boards, in newsletters, and meetings.
- Inform tenants that if they smoke in their units, they will be financially responsible for bringing the unit back to rentable condition.
- Visit the property regularly to perform inspections.

### **Offer support by providing resources for quitting.**

Many existing developments offer some type of cessation services (quit smoking support) to their tenants. Look to Breathe DC or your health department, your local hospital or other community organizations for free cessation support. Though you are not asking people to quit smoking with a smokefree policy, this type of policy provides incentive and support to those who were considering quitting. Providing tenants with local cessation information is a way to show that you care about their well-being.

## **Leases**

### **Follow the rules.**

With existing buildings, be sure to follow the rules of your lease before adopting new policies. After a lease has been signed by both parties, it cannot be modified without the consent of both of the parties. Therefore, residents who have fixed term leases will be exempt from the smokefree policies.

If the current lease specifies that changes can occur between lease renewals, then the landlord may implement the policy for all residents according to the lease terms. If there is no clause allowing for lease change between renewals, then the no-smoking policy can only be applied at the time of lease renewal unless the tenant volunteers to agree to the policy prior to renewal.

The lease also may have a specific provision for changing “house rules” for common areas so that a Smokefree common areas policy could be implemented sooner.

### **A note about "grandfathering" smokers.**

In some cases, the landlord may choose to “grandfather” current smokers. This means that they will be allowed to continue to smoke in their units until the tenant vacates the property. This situation is not ideal, as someone, usually a non-smoker, will be living near the smoker and will continue to be exposed to secondhand smoke after the no-smoking policy is passed.

### **Start with new and renewing tenants.**

When new tenants sign a lease include a clear Smokefree provision in your contract.

## **All Buildings**

### **Implications for workers and guests.**

Remember, smokefree policies not only impact residents, but their guests and your employees. When you adopt a smokefree policy, make it clear that all guests, maintenance workers and staff are prohibited from smoking as well.

### **Post signage.**

Signs are important for reminding visitors and work personnel that a no-smoking policy exists. Therefore, it is important to post signs in the lobby, exterior locations, all common areas and on the grounds.

### **Promote your building(s).**

- Promote your smoke-free building via the web.
- Promote your building’s smoke-free status in all advertising and with realtors.
- Place signs at the entrance announcing its smoke-free status.
- Talk about your building at community board and other community meetings.

Source: The Implementation Strategies: Steps to Getting Started" section was adopted in part from the article "Reasons to Explore Smokefree Housing" by the National Center for Healthy Housing, Fall 2009

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## Compliance Strategies: Resident Friendly Enforcement

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Smokefree policies are largely self-enforcing. Most tenants expect and desire to live in a Smokefree environment. It is important for smokefree policies in multi-unit housing to be implemented and enforced in a **non-punitive** manner that does not stigmatize residents who smoke or refuse housing to applicants who smoke.

Smokefree policies are designed to force someone to quit smoking. They are designed to protect your property from fire hazards and to support a healthier environment for residents and staff. It is helpful to explain to residents that your smoke free policy is designed benefit all tenants by protecting everyone from the dangers of secondhand and thirdhand smoke.

Compliance strategies to consider can include, but are not limited to:

**Add smokefree policy to the lease agreement** and read through the policy with tenants as they sign their lease to ensure that residents are clearly informed of the rules.

**Include a provision in your lease** stating that waivers can only be made in writing. This will further support you in the event one of your residents argues that the smoke-free policy has been waived due to a lack of prior enforcement.

**Train and educate all staff** about the policy so they can answer questions for residents correctly and to look for signs of smoking.

**Post and update signage** (as a reminder): Once the policy goes into effect, permanent outdoor signs should be posted at all automobile and pedestrian entrances to notify everyone of the policy. These signs should be easy to read and in highly visible locations. Post decals on building doors stating that the building/grounds are Smokefree.

**Maps:** Consider providing a map of the property that clearly shows the property lines and exactly where smoking is allowed or not allowed. This is especially important if the policy does not apply to the entire property.

**Announcements:** depending on the size of the building or organization you might want to consider meetings, inter-office/building mail, email announcements, articles in newsletter, flyers in common areas. It is important for key announcements to come from the top management or board to show that the Smokefree initiative is a priority.

**Feedback and E-mail Boxes:** Provide a way for people to ask questions, make comments and complaints, report violations, and request additional information. Providing a non-electronic feedback box for residents who are reluctant to publicly speak out or to be known can be an effective tool for those who choose to remain anonymous. The feedback box can also be a useful tool for elderly residents that may

not use e-mail. Designate a staff member to monitor and respond to emails on a regular basis. Develop several standard responses that can be used for common concerns.

**Frequently Asked Questions:** Develop a 1-2 page document with anticipated or real questions. Post The FAQ in common areas and retain them for internal use to save time and ensure that questions are answered in a standard manner.

**Respond promptly to complaints of secondhand smoke incursion** as you would if one of your residents had requested maintenance. The smoke-free addendum reinforces this obligation. If you fail to address concerns, other residents might start violating the smoke-free policies as well.

**Uniformly and promptly enforce your policies.** Some courts have held that an unwillingness to enforce a policy (such as a pet policy) may constitute a waiver of that policy and bar subsequent enforcement. Try to use the same warnings and penalties for the no-smoking policy as you do for other rules.

**Address the concerns of your residents** in a timely manner. Resolution of problems in a timely manner will stop others from arising. If you take the obligation to enforce your policies seriously, residents are less likely to test the policies.

**Try to resolve all disputes amicably.** If the policy is violated, issue verbal and written warnings before proceeding with eviction procedures, if necessary. Have the resident initial verbal warnings and sign written warnings and return them to you in order to create a written record of your attempts to resolve the issue.

**Offer incentives for residents who comply with your policies.** If possible, use the same incentives for the smoking-free policy as you do for other events. Try to partner with local business, associations, medical care providers, organizations, etc... to offer incentives to residents for being compliant, especially for those who have made the decision to quit smoking.

**Special Events:** Schedule one or more special events on or shortly before the date the policy goes into effect to celebrate the implementation. If the building has a common room or area have a small social gathering to acknowledge the implementation of the policy to symbolically make the transition to a healthier place to live and work.

**Timing:** Consider coordinating your activities to align with opportunities such as:

- DC Call It Quits Week
- The Great American Smoke Out in November
- World No Tobacco Day in May
- New Year's Eve to correspond with individuals making resolutions
- Local events in the District of Columbia (i.e., Breathe DC's *Camp Breathe Happy*)

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## Appendix

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	<b>District of Columbia Smoke Free Housing Website</b>
	<b>Legal Basis for Smokefree Multi-Unit Housing</b>
<b>Federal Law</b>	There is no constitutional right to smoke, and no law precludes adoption of smokefree policies in multiunit housing, including policies that make individual units Smokefree. Smokefree policies are not discriminatory, since smoking is not a protected act and smokers are not a protected class. In some cases, it may be necessary to grandfather for a limited amount of time (e.g., until their leases come up for renewal). For analysis, see Tobacco Control Legal Consortium's <a href="#">There is No Constitutional Right to Smoke</a> .
<b>Federal Statutes: American with Disabilities Act</b>	The Americans with Disabilities Act permits smokefree policies. Because smoking is not considered a disability, smokers are not protected under the Fair Housing Act or the Rehabilitation Act. Some health conditions affected by SHS could be considered a disability (e.g., emphysema, heart conditions, asthma, COPD). Multiunit housing facilities may be required to provide some nonsmoking tenants who are affected by SHS infiltration some accommodation for these conditions on a case-by-case basis. See Tobacco Control Resource Center's <a href="#">How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke</a>
<b>Federal Statutes: Fair Housing Act</b>	No law or regulation requires making a dwelling available to someone who would "constitute a direct threat to the health or safety of other individuals." See Smokefree Environments Law Project essays:  1) <a href="#">Analysis of the Fair Housing Act and Analysis of Housing Authorities and Section 8</a> ; 2) <a href="#">The Federal Fair Housing Act and the Protection of Persons Who Are Disabled by Secondhand Smoke in Most Private and Public Housing</a> ; and 3) <a href="#">Analysis of the Authority of Housing Authorities and Section 8 Multiunit Housing Owners to Adopt Smokefree Policies in their Residential Units</a>
<b>HUD Notices</b>	<b>HUD Notice H-2010-21</b> - <a href="#">Optional Smokefree Housing Policy Implementation</a> <b>HUD Notice H-2012-22</b> - <a href="#">Further Encouragement for O/As to Adopt Optional Smoke Free Policy</a> <b>HUD Notice PIH-2012-25</b> - <a href="#">Smokefree Policies in Public Housing</a> <b>HUD Letter 2014</b> - <a href="#">Use of Marijuana in Multifamily Assisted Properties</a>
<b>State Statute</b>	<a href="#">Smokefree and Tobacco Laws</a> (DC Department of Health website)
<b>Local Laws and The Challenges of the Legalization of Marijuana</b>	<a href="#">Initiative 71 and DC's Marijuana Laws</a> (dc.gov website) <a href="#">Laws and Regulations on Medical Marijuana</a> (DC DOH website) <a href="#">Action Alert: Impact of DC's Marijuana Legalization</a> (AOBA) <a href="#">Up in Smoke? Marijuana Use in Leased Property</a> (IREM) <a href="#">Medical Marijuana in Property Management</a> (IREM) <a href="#">Medical Marijuana Legalization Becomes Property Management Challenge</a> (IREM)

# Smokefree Policy Adoption Checklist

Creating a smokefree policy for your multi-unit housing property is easy when you have a plan and a checklist to keep you on track during the various stages in the process. The checklist below along with the sample timeline will help ensure a smooth process from the early planning stages to the final implementation of your policy.

## Contemplation Stage

- ☐ Consider your options
- ☐ Consult with Breathe DC - your local Smokefree housing specialist.
- ☐ Visit [www.breathcdc.org](http://www.breathcdc.org) for materials and other resources. Many are referenced on this checklist and/or included with this toolkit.
- ☐ Survey your tenants. Explain why you're considering going Smokefree, outline possible features of the new policy, and invite feedback. See our website for a sample letter.

## Adoption Stage

- ☐ Draft policy language to add to your resident guidelines. See our website for a sample addendum.
- ☐ Seek feedback from your legal consultant, management company, and other key stakeholders within your organizational structure.
- ☐ Announce the date from which your policy will be effective. (Allow at least 30 days.)

## Implementation Stage

- ☐ Incorporate the policy language into the appropriate documents.
  - o For private properties, add to the lease of all new and renewing tenants.
  - o For public housing, add the clause to the house rules and have each new or renewing tenant sign the provision.
- ☐ Post signage to ensure compliance among tenants, visitors, and staff. Visit the DC Smokefree Housing website for a list of signs you can use.

## Promotional Stage

- ☐ Check the DC Smokefree Housing website to ensure that your property is listed in the District of Columbia Smokefree Housing Directory. If not, contact Breathe DC.

## Evaluation and Maintenance Stage

- ☐ Survey your tenants 60 to 90 days after the implementation of your policy. This will aid owner/tenant relations and support compliance and enforcement. See the Appendix for a sample Survey.

Resources: U. S. Department of Housing and Urban Development, the Live Smoke Free Program of the Association of Nonsmokers-Minnesota and the Iowa Department of Public Health Smokefree Homes projects

## SAMPLE SMOKEFREE HOUSING SURVEY

[ D a t e ]

Dear Residents:

Many apartment building owners are exploring strategies to create healthier environments within their buildings. Some are choosing to adopt smokefree policies for a number of reasons: People who already suffer from an illness, such as asthma, chronic bronchitis, heart disease, diabetes or cancer, are particularly susceptible to the effects of secondhand tobacco smoke. Young children are also especially vulnerable to the dangers of breathing secondhand smoke, and on average are exposed to more of it than adults. In addition, smoking materials are a leading cause of residential fires in the United States.

To better ensure the health and safety of all persons living here, we are considering adopting a Smokefree rule at the [building/complex]. We would like to hear from you!

Please fill out the survey below and return it to [name] by [date] so we may consider your views.

Sincerely,

The Management

-----Cut here-----

1. Do you now smoke cigarettes or other tobacco products every day, some days or not at all?  
\_\_\_\_ Every day      \_\_\_\_ Some days      \_\_\_\_ Not at all
2. Do you allow people, including yourself, to smoke tobacco products in your apartment?  
\_\_\_\_ Yes      \_\_\_\_ No
3. Have you smelled tobacco smoke in your home that comes from another apartment or outside?  
\_\_\_\_ Yes      \_\_\_\_ No
4. Does smelling tobacco smoke in your home bother you?  
\_\_\_\_ Yes      \_\_\_\_ No
5. Are you concerned about the health effects of secondhand tobacco smoke on you or someone you live with?  
\_\_\_\_ Yes      \_\_\_\_ No
6. Would you like this building to be Smokefree? (Meaning no smoking indoors, including in apartments.)  
\_\_\_\_ Yes      \_\_\_\_ No
7. If yes to the above, would you prefer that smoking is prohibited everywhere on the property—both inside and outside?  
\_\_\_\_ Yes      \_\_\_\_ No

Comments:

(Optional) Name \_\_\_\_\_ Phone \_\_\_\_\_ Apartment # \_\_\_\_\_

## Sample Implementation Timeline

The following steps can help your transition to Smokefree housing be as seamless as possible

<b>90-120 days out</b> <b>(Contemplation Phase)</b>	<b>Step 1:</b> <ul style="list-style-type: none"> <li>Consider your options and policy questions</li> <li>Hold a Meeting - provide information to and gather support from employees and tenants; answer questions and conduct surveys</li> <li>If applicable, present idea to board or resident council</li> <li>Consult with Breathe DC, local health department for advice</li> <li>Contact owners/managers of local properties with smokefree policies</li> <li>Review federal policies, HUD Notices &amp; local laws</li> <li>Review sample smokefree policies and related forms</li> </ul>
<b>90 days out</b> <b>(Adoption Phase)</b>	<ul style="list-style-type: none"> <li>Develop your policy and a transition plan</li> <li>Review compliance plans and meet with legal counsel for review of policy and existing lease agreements</li> <li>If applicable, obtain board approval of policy, plan, and timeline</li> <li>Look for community partners</li> </ul>
<b>60 days out</b> <b>(Adoption Phase)</b>	<b>Step 2:</b> <ul style="list-style-type: none"> <li>Communicate widely &amp; wisely by notifying residents and staff of approved plan by supplying information</li> <li>Order signage and post flyers about upcoming policy change</li> </ul>
<b>30-45 days out</b> <b>(Implementation Phase)</b>	<b>Step 3:</b> <ul style="list-style-type: none"> <li>Train staff (resident services, managers, maintenance, security, etc.)</li> <li>Prepare resident councils or tenant associations</li> <li>Host information sessions about the impending policy change</li> <li>Reiterate reasons for going Smokefree and explain lease addendum</li> <li>Help residents set appropriate expectations</li> <li>Offer supportive services (i.e. cessation classes, referrals) for residents who are interested in quitting and/or vulnerable residents</li> </ul>
<b>15 days out</b> <b>(Implementation Phase)</b>	<b>Step 4:</b> <ul style="list-style-type: none"> <li>Host lease/lease addendum signing events</li> <li>Post Signs - provide remainders to staff, tenants, and visitors of new policy by posting signs throughout the building and on property grounds</li> </ul>
<b>1st Day Policy is in Effect</b> <b>(Promotional Phase)</b>	<b>Step 5:</b> <ul style="list-style-type: none"> <li>Modify leases that need amending - make sure updated language is in all leases to reflect new smokefree policy for new residents and current residents depending on their existing lease agreement</li> <li>Advertise Your Smokefree Status</li> </ul>
<b>Evaluation and Maintenance Phase</b>	<b>Step 6:</b> <ul style="list-style-type: none"> <li>Follow-up - check back with tenants before and after the policy goes into effect; follow-up with tenants about the cessation services and other services you are offering to help them quit smoking.</li> <li>Collect and assess data on the policies effectiveness</li> <li>Adjust and make changes to make policy more effective, if necessary</li> </ul>

Sources: U. S. Department of Housing and Urban Development, Respiratory Health Association, and the American Lung Association in Oregon and Multnomah County Health Department

## Sample Tobacco Free Policy

- Policy:** Effective [DATE], the use of all tobacco products (cigarettes, cigars, pipes, and smokeless tobacco) is prohibited on all housing authority properties and grounds. This includes all indoor and outdoor areas (apartments, entry areas, walkways, grassed areas, picnic areas, parking lots, vehicles owned by the housing authority and private vehicles parked on housing authority property).
- This policy applies to all employees, visitors, residents, subcontractors, volunteers, and vendors.
- Exception:** Current residents who use tobacco products that have entered into a lease agreement prior to [DATE] will be permitted to continue to use tobacco products in their apartments for twelve months after the effective tobacco free policy is in effect. Therefore, on [DATE], all housing sites will be tobacco free and at that time all smokers will need to adhere to the set policy. This exception shall not extend to visitors or anyone other than the lease holder/occupant.
- Purpose:** Tobacco is the single greatest cause of disease and premature death in the United States. Our mission is to provide a safe and healthy living environment; therefore it is our responsibility to provide those surroundings, provide resources and model behavior that discourages the use of all tobacco products.
- Responsibility:** It is the responsibility of [DEVELOPMENT NAME] staff to educate residents and visitors about the tobacco free policy. Signage and printed material will be available for visitors at the main entrances at each of the housing complexes.
- It is the responsibility of supervisors to educate their employees about this policy. Violation of this policy will be treated like any other policy infraction as stated in the employee handbook.
- It is the responsibility of housing managers to educate new residents about this policy. Violation of this policy will be treated like any other violation of lease.
- All individuals associated with the housing authority (employees and residents) have a responsibility to promote this policy and ensure that all visitors, vendors, subcontractors, new residents and fellow employees are aware the housing authority maintains a tobacco free campus. New residents, visitors, vendors and subcontractors will be reminded of it and asked to adhere to the policy by any housing authority staff.
- Cessation Resources:** All employees and residents will be offered information regarding cessation programs and provided with access to tools to assist them in quitting if they so choose, including how to contact the DC Quitline.

Effective Date:

Approved: \_\_\_\_\_

Approved: \_\_\_\_\_



## **Possible Additions to an Owner's House Rules or a PHA's Lease Addendum**

***\*NOTE:** Property managers, owners or PHAs may adjust this document depending on the scope and details of the smokefree policy.*

- 1. Purpose of Smokefree Housing:** The parties desire to mitigate (i) the irritation and known health effects caused by secondhand smoke; (ii) the maintenance, cleaning, and redecorating costs attributable to smoking; (iii) and the increased risk of fire from smoking.
- 2. Definition of Smoking:** "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.
- 3. Smokefree Complex:** Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident's household have been designated as a Smokefree living environment. Resident and members of Resident's household shall not smoke anywhere in the unit rented by Resident, in the building where the Resident's dwelling is located or in any of the common areas (or adjoining grounds of such building or other parts of the rental community), nor shall Resident permit any guests or visitors under the control of Resident to do so.
- 4. Property Manager/Owner to Promote Smokefree Policy:** Property Manager/Owner shall post no smoking signs at entrances and exits, common areas, and hallways (and in conspicuous places on the grounds adjoining the apartment complex).
- 5. Property Manager/Owner Not a Guarantor of Smoke Free Environment:** Resident acknowledges that Property Manager/Owner's adoption of a Smokefree living environment, and the efforts to designate the rental complex as smoke free, do not make the Property Manager/Owner or any of its managing agents the guarantor of Resident's health or of the Smokefree condition of the Resident's unit and the common areas. However, Property Manager/Owner shall take reasonable steps to enforce the Smokefree terms of its Leases/House Rules and to make the (designated areas of the) complex Smokefree. Property Manager/Owner is not required to take steps in response to smoking unless Property Manager/Owner knows of said smoking or has been given a report of said smoking.
- 6. Effect of Breach and Right to Terminate Lease:** A breach of this Addendum/House Rules shall give each party all the rights contained herein, as well as the rights provided for in the Lease. A material breach of this Addendum by the Resident shall be a material breach of the Lease and grounds for immediate termination of the Lease by the Property Manager/Owner. Property Manager/Owner acknowledges that in declaring this building (or portion of the building) to be Smokefree, the failure to respond by Property Manager/Owner to a complaint filed by the Resident shall be treated as equivalent to failure to respond to a request for maintenance.

**7. Disclaimer by Property Manager/Owner:** Resident acknowledges that Property Manager/Owner's adoption of a Smokefree living environment, and the efforts to designate the rental complex as Smokefree, does not in any way change the standard of care that the Property Manager/Owner would have to a Resident household to render buildings and premises designated as Smokefree any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Property Manager/Owner specifically disclaims any implied or express warranties that the building, common areas, or Resident's premises will have any higher or improved air quality standards than any other rental property. Property Manager/Owner cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Resident acknowledges that Property Manager/Owner's ability to police, monitor, or enforce the agreements of the Addendum is dependent in significant part on voluntary compliance by Resident and Resident's guests. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Property Manager/Owner does not assume any higher duty of care to enforce this Lease Addendum/House Rules than any other Property Manager/Owner obligation under the Lease.

***Paragraph for existing rental communities adopting smokefree policies that grandfather residents for a period of time:***

**8. Grandfathering Current Residents:** Resident acknowledges that current residents residing in the complex under a prior Lease will not be immediately subject to the smokefree policies. As current residents move out, or enter into new Leases, the smokefree policy will become effective for their new unit or new Lease.

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Resident

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Date

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Property Manager/Owner

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Date

\*Source: U.S. Department of Housing and Urban Development, Office of Lead Hazard and Healthy Homes

## Resident Friendly Compliance Strategies

Most smokefree policies are self-enforcing. Residents can be your greatest allies. If a resident complains about being bothered by smoke or knows of another resident who has violated the policy, document the facts and resolve the matter. Treat violations of the no-smoking policy like any other lease violation. Lack of enforcement with one resident may hamper enforcement with other residents. Prompt, consistent action will send a clear message to everyone in your property that smoking is not allowed.

### Compliance Steps

1. Start with a verbal meeting with the resident who is violating the policy. A resident complaint may prompt a “knock and talk”. The resident does not have to answer the door, nor do they have to let you in, but if the door opens, it is an opportunity to have a friendly talk about the smokefree policy. Document the visit and whether or not you smelled smoke inside the unit.
2. Follow-up the visit with a letter acknowledging the conversation and the outcome – see Sample Friendly Warning Letter.
3. If the problem repeats, send a First Written Violation letter to the resident – see Sample Violation Warning Letter.
4. Depending on the circumstances, a repeat violation may result in a final written violation letter.
5. If the violation persists, issue a termination notice.
6. If the resident remedies the situation initially but then smoking problem begins again within six months of the termination process, an immediate termination can be issued.

### Sample Compliance Plan

As previously mentioned, a Smokefree violation is a lease violation and requires an organization to react appropriately. Property owners are encouraged to help residents change their smoking behavior and keep their housing. As a result, policies should be written and implemented in a way that minimizes the chances that multi-unit housing residents are evicted for violations.

This strategy may involve resident services or Breathe DC staff providing cessation materials, or a private meeting between the resident and the property manager to discover the reason for the policy violation. Whatever the strategy efforts should be made to ensure residents who do smoke have access to smoking cessation resources and given the opportunity to quit, if they choose.

1st Violation	Verbal Warning and Cessation Materials
2nd Violation	Verbal Warning, Cessation Materials, Resident Service Referral
3rd Violation	Written Warning, Cessation Materials, Resident Service Referral
4th Violation	30 day termination notice with 14 day option to remedy, RS referral. If remedied, resident placed on 6 month probation period
5th Violation	If repeat violation occurs within 6 month probation period, issue a 10 day termination notice

\*Source: My Smokefreehousing.org and Home Forward, Portland, OR

## SAMPLE SMOKING POLICY DISCLOSURE FORM

“Smoking” is defined as inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, water pipe, plant, or other object giving off tobacco smoke or other combustible substance in any other manner or form.

This form provides written disclosure of the smoking policy at

ADDRESS: \_\_\_\_\_

The smoking policy for this property is:

- ☐ Smoking is not allowed on the entire premises
- ☐ Smoking is not allowed: [CHECK ALL THAT APPLY]
  - \_\_\_\_ Inside all units
  - \_\_\_\_ Inside all common areas, such as hallways and laundry rooms
  - \_\_\_\_ Outside within \_\_\_\_\_ feet of the building
  - \_\_\_\_ Outside on porches, patios, and yards adjacent to the units
  - \_\_\_\_ Other: \_\_\_\_\_
- ☐ Smoking is allowed in the designated outdoor smoking area, located: \_\_\_\_\_
- ☐ Smoking is permitted on the entire premises, excluding indoor common areas

Acknowledgements:

I have read and understand the smoking policy described above and agree to comply with the smoking policy at

ADDRESS: \_\_\_\_\_

TENANT PRINTED NAME: \_\_\_\_\_

TENANT SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

OWNER/MANAGER PRINTED NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

Source: Provided by the Austin Smokefree Housing Implementation Program

## NOTICE OF SMOKING INCIDENT

PROPERTY/ADDRESS: \_\_\_\_\_ DATE: \_\_\_\_\_

**RESIDENT/LEASEE:**\_\_\_\_\_ **UNIT NO:**\_\_\_\_\_

This notice is to inform management of \_\_\_\_\_ of the following smoking-related incident: (Property Development)

Description of incident:

- \_\_\_\_\_ 1. Smoking upon entering rental unit
- \_\_\_\_\_ 2. Smoking observed in indoor common area
- \_\_\_\_\_ 3. Smoking observed in outdoor area
- \_\_\_\_\_ 4. Other:

Remarks/Detailed Description: \_\_\_\_\_

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Please submit this form to the rental office

Tenant Signature \_\_\_\_\_ Date \_\_\_\_\_

Landlord/Management Signature \_\_\_\_\_ Date \_\_\_\_\_

\*Source: [mnsmokefreehousing.org](http://mnsmokefreehousing.org) and the Smokefree Housing Coalition of Maine



## Sample Friendly Warning Letter

Apartment Name  
Street Address  
City, State, Zip  
Phone/Fax

Date:

Resident Name,  
Address and apartment #  
City, State, Zip

Dear Resident,

On (give date) you submitted a maintenance request for \_\_\_\_\_. When entering your unit, I noticed a very strong odor of cigarettes. I asked if you had been smoking, you said that you were trying to stop. I reminded you that you are not allowed to smoke in your unit. Per your lease/house rules #\_\_\_\_\_, smoking is prohibited in any area of the property. I have attached a copy of the house rules for you to review. Please refrain from smoking in your unit or on the property at all times. Failure to comply with your lease could result in eviction proceedings.

If you have questions or concerns, please contact me at \_\_\_\_\_ or stop by the office.

Thank you for your cooperation in this matter.

Property Manager's Name  
Title  
Property Name  
Management Company

\*Source: My Smokefreehousing.org

## Sample Violation Warning Letter

Apartment Name  
Street Address  
City, State, Zip  
Phone/Fax

Date

Resident Name  
Address and apartment #  
City, State, Zip

Dear Resident,

Please be advised that you are in violation of (Property Name's) community policies or local laws.

Per your lease/house rules #\_\_\_\_, smoking is prohibited in any area of the property. I have attached a copy of your lease with the applicable rules highlighted. We are aware that you are continuing to smoke (describe where).

You, your family members, roommates and/or visitors must refrain from smoking in your unit or on the property at all times. You are requested to correct this situation by \_\_\_\_\_.

Your immediate attention to this matter is greatly appreciated. Please contact the management office if you have questions. Failure to comply with your lease could result in eviction proceedings.

If you have questions or concerns, please contact me at \_\_\_\_\_ or stop by the office.

Thank you for your cooperation in this matter.

Property Manager's Name and Title  
Property Name  
Management Company

\*Source: My Smokefreehousing.org

## References

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- <sup>i</sup>U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014 [accessed 2015 Aug 20].
- <sup>ii</sup>U.S. Department of Health and Human Services. [A Report of the Surgeon General: How Tobacco Smoke Causes Disease: What It Means to You](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010 [accessed 2015 Aug 20].
- <sup>iii</sup>Huang J, King BA, Babb SD, Xu X, Hallett C, Hopkins M. Sociodemographic Disparities in Local Smokefree Law Coverage in 10 States. *American Journal of Public Health* 2015;105(9):1806–13 [cited 2015 Aug 20].
- <sup>iv</sup>U.S. Department of Health and Human Services. [The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006 [accessed 2015 Aug 20].
- <sup>v</sup>American Academy of Pediatrics, Task Force on Sudden Infant Death Syndrome. The Changing Concept of Sudden Infant Death Syndrome: Diagnostic Coding Shifts; Controversies Regarding the Sleeping Environment; and New Variables to Consider in Reducing Risk. *Pediatrics* 2005;116(5):1245–55
- <sup>vi</sup>"Reasons to Explore Smokefree Housing" by the National Center for Healthy Housing, Early Fall 2009.
- <sup>vii</sup>U.S. Department of Housing and Urban Development, Office of Lead Hazard Control and Healthy Homes. [Change is in the Air: An Action Guide for Establishing Smokefree Public Housing and Multifamily Properties](#), October 2014; pages 41-44.

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## Works Cited

American Academy of Pediatrics, Task Force on Sudden Infant Death Syndrome. [The Changing Concept of Sudden Infant Death Syndrome: Diagnostic Coding Shifts; Controversies Regarding the Sleeping Environment; and New Variables to Consider in Reducing Risk](#). Pediatrics 2005

Centers for Disease Control and Prevention. [CDC Features: Sudden Infant Death Syndrome \(SIDS\)](#) [last updated 2013 Oct 25]

Institute of Medicine. [Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence](#). Washington: National Academy of Sciences, Institute of Medicine,

King BA, Traver MJ, Cummings KM, Mahoney MC, Hyland AJ. "Prevalence and Predictors of Smokefree Policy Implementation and Support Among Owners and Managers of Multiunit Housing." *Nicotine & Tobacco Research*, 2010: 12:159-63.

National Center for Healthy Housing. ["Green & Healthy Housing."](#) *National Center for Healthy Housing*. Fall 2009.

U.S. Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control [Change is in the Air: An Action Guide for Establishing Smokefree Public Housing and Multifamily Properties](#), October 2014

U.S. Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control. [Smoke Free Housing: A Toolkit for Owners/Management Agents of Federally Assisted Public and Multifamily Housing](#),

U.S. Department of Health and Human Services. [The Health Consequences of Smoking: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2004.

U.S. Department of Health and Human Services. [The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006

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U.S. Department of Health and Human Services. [A Report of the Surgeon General: How Tobacco Smoke Causes Disease: What It Means to You](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010

U.S. Department of Health and Human Services. [How Tobacco Smoke Causes Disease: What It Means to You](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.

U.S. Department of Health and Human Services. [The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014

U.S. Department of Health and Human Services. [Let's Make the Next Generation Tobacco-Free: Your Guide to the 50th Anniversary Surgeon General's Report on Smoking and Health](#). [PDF—795 KB] Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014

U. S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Environmental Health, Division of Emergency and Environmental Health Services, Healthy Homes and Lead Poisoning Prevention Branch, [Healthy Homes Manual: Smokefree Policies in Multiunit Housing](#),