



Landlord Smoking Policy Disclosure Law FAQ

Q: What does Public Law 2011, chapter 199 state?

A: The Maine law states the following:

“...A landlord who or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for residential premises that are used by a tenant or will be used by a potential tenant as a primary residence shall provide to the tenant or potential tenant a smoking policy disclosure that notifies tenants or potential tenants of the landlord's policy regarding smoking on the premises.... The notice must state whether smoking is prohibited on the premises, allowed on the entire premises or allowed in limited areas of the premises. If the landlord allows smoking in limited areas on the premises, the notice must identify the areas on the premises where smoking is allowed. A landlord or other person who acts on behalf of a landlord may notify a tenant or potential tenant of a smoking policy by: (1) Disclosing the smoking policy in a written lease agreement; or (2) Providing a separate written notice to a tenant or potential tenant entering into a tenancy at will agreement....”

[Read the entire bill.](#)

Q: When does the law take effect?

A: September 28, 2011.

Q: What do I need to do to comply with this law?

A: You are required to notify tenants of the smoking policy when entering into a lease or tenancy-at-will agreement for residential property. Notification must be in writing, either as a provision in the lease agreement or as a separate written document. Both the landlord and the tenant must sign the document in acknowledgement of the smoking policy.

Q: Does this mean that I have to ban smoking on my rental property?

A: No, the law does not require anyone to adopt a smoke-free policy. The law change in 2011, presented good time for landlords to adopt such a policy. By making your building smoke-free you can protect the health of your residents and improve the safety of your property. It will save you hundreds, even thousands of dollars on the turnover of your units and possibly save you money on your property casualty insurance.

Q: Are there sample disclosure forms and statements available for landlords to use?

A: Yes. We provide these on our website at SmokeFreeforME.org/landlord-resources/

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Q: What if I don't a written lease agreement with my tenants?

A: The law does not require you to use a written lease agreement but you are still required to notify all tenants, in writing, of the smoking policy. This requirement is similar to those related to lead-paint, bedbugs, and energy efficiency. A written smoking policy disclosure form or notice may be used. If the notification is made and the landlord and tenant both sign off in acknowledgement of the smoking policy, then the requirements of this law have been met.

Q: Do I have to post signs notifying tenants and guests of the smoking policy?

A: No, you are not required to post signage. However, posting signs can be beneficial as they can improve awareness and compliance with your smoking policy. The [Smoke-Free Housing Coalition of Maine](#) provides free signage, window clings, magnets, and key chains at no-cost to landlords and property managers who choose to adopt and enforce a smoke-free property.

Q: How does this law benefit landlords?

A: Ensuring tenants are aware of the smoking policy of a given property can help landlords avoid the headache of dealing with complaints by tenants. Landlords may also want to adopt a smoke-free policy, but not know it is legal; this law clarifies that. Adopting a smoke-free policy will help landlords save hundreds, even thousands of dollars in cleaning and maintenance costs.

Q: Why is this law good for renters?

A: As a 2006 report from the US Surgeon General states, "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 is of particular concern to elderly and disabled persons, especially those with heart or respiratory disease or disorders such as emphysema, asthma, COPD, cardiovascular disease, or allergies. Exposure has also been linked to several diseases and disorders, including lung cancer, heart disease, sinus infections, sudden infant death syndrome (SIDS) and dementia in older adults. A smoking policy disclosure law would help increase tenant awareness of the presence of secondhand smoke on a property they are looking to rent, thus helping those most vulnerable to the effects of secondhand smoke find a place safe to live.