

Smoke-Free Multi-Unit Housing TOOLKIT



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Maine Center for Disease Control & Prevention
Department of Health and Human Services

Maine Smoke-Free Multi-Unit Housing Policy Checklist

Creating smoke-free multi-unit housing policies is a win-win situation for landlords and tenants as it reduces exposure to secondhand smoke, reduces property damage and fire risks, and reduces unit turnover costs. The checklist aligns with the Sample Smoke-Free Policy and Lease Language and is broken down by required components for a model policy and recommended additions to make the policy more comprehensive. Housing organizations can order free smoke-free signs to support their policy at BreatheEasyMaine.org/Materials

Model Policy Components:

A model smoke-free housing policy prohibits the smoking of any lighted cigarette, cigar, hookah, electronic smoking device or other tobacco product, marijuana, or illegal substance in any area of the property, both private and common, whether enclosed or outdoors. Policies apply to all owners, tenants, guests, employees, and servicepersons.

To have a model policy, it must include:

- _____ Policy **rationale** (statement about why the policy has been enacted).
- _____ Policy **states where smoking is prohibited**.
- _____ Policy language **states who the policy applies to**.
- _____ Policy includes the **effective date** (highlighting when the policy has been enacted).
- _____ Policy language includes a **definition of smoking**.
- _____ Policy includes a **statement related to enforcement**.

Recommended Policy Inclusions:

The following components are recommended inclusions:

- _____ Policy includes planned **communications strategies** (such as posting smoke-free/tobacco-free signs).
- _____ Policy language includes a **definition of tobacco products**, which explicitly includes smoked, smokeless, and electronic products.
- _____ Policy definitions of smoking and/or tobacco include **marijuana**.

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Sample Smoke-Free Policy Language

The following language can be used to implement a smoke-free policy in a multi-unit dwelling. In apartment complexes/ buildings, the provisions can be added to the lease, tenant policies or month-to-month agreement.

Include in the “Definitions” section:

SMOKING: “Smoking” shall include the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar or other tobacco product, marijuana, or illegal substance.**

Include in the “Restrictions” section:

SMOKING: Due to the increased risk of fire and the known adverse health effects of secondhand smoke, smoking is prohibited in any area of the property, both private and common*, whether enclosed or outdoors. This policy applies to all owners, tenants, guests, employees, and servicepersons.

Disclosure:

The smoke-free housing policy for: (address) _____ has been reviewed with tenant, in compliance with Maine Public Law 2011, Chapter 199.

Landlord/Landlord Representative Printed Name: _____

Signature: _____ Date: _____

Tenant Acknowledgement:

I have read, understand, and agree to comply with the above smoking policy.

Tenant Printed Name: _____

Tenant Signature: _____ Date: _____

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* Maine law prohibits smoking, including electronic smoking devices, in indoor common areas, such as hallways, laundry rooms, and recreation rooms.

** If your policy goes beyond smoking definition from state law and includes marijuana and other illegal substances, you should also disclose this to your tenants.

Sample Smoke-Free Lease Provision Language

The following language can be used to implement a smoke-free policy in a multi-unit dwelling. In apartment complexes, the provisions can be added to the lease or month-to-month agreement. For condominiums, the language can be added to the Conditions, Covenants, and Restrictions (CC&Rs) and implemented immediately or at a specified future date.

Included in the “Definitions” section of the lease or CC&Rs:

SMOKING: “Smoking” shall include the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar or other tobacco product, marijuana, or illegal substance.**

Included in the “Restrictions” section of the lease or CC&Rs:

SMOKING: Due to the increased risk of fire and the known adverse health effects of secondhand smoke, smoking is prohibited in any area of the property, both private and common*, whether enclosed or outdoors. This policy applies to all owners, tenants, guests, employees, and servicepersons.

Disclosure:

The smoke-free housing policy for: (address) _____ has been reviewed with tenant, in compliance with Maine Public Law 2011, Chapter 199.

Landlord/Landlord Representative Printed Name: _____

Signature: _____ Date: _____

Tenant Acknowledgement:

I have read, understand, and agree to comply with the above smoking policy.

Tenant Printed Name: _____

Tenant Signature: _____ Date: _____

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** If your policy goes beyond smoking definition from state law and includes marijuana and other illegal substances, you should also disclose this to your tenants.

Sample Smoke-Free Lease Addendum

Smoke-Free Policy:

Due to the increased risk of fire and the known health effects of secondhand tobacco smoke, smoking is prohibited in any indoor area of the property, both private and common*, whether enclosed or outdoors. The policy applies to all owners, tenants, guests, employees, and servicepersons. All smoking materials must be disposed of appropriately, whether in the trash or can provided.

Smoking: "Smoking" shall include the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar or other tobacco product, marijuana, or illegal substance.**

Tenant Acknowledgment:

I hereby acknowledge the above smoking policy as part of the lease or month-to-month agreement. I agree that I will not smoke in the areas of the property listed below. In addition, I will be responsible for enforcing this policy with all of my visitors, guests, and relatives who visit the premises. If I fail to abide by this policy, I agree to move within 30 days.

Smoke-Free Areas:

Name (Please Print)

Signature

Address

City, State, Zip Code

Phone Number

Additional Names:

Name (Please Print)

Signature

Name (Please Print)

Signature

Landlord/Owner's Representative Printed Name: _____

Signature: _____ Date: _____

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** If your policy goes beyond smoking definition from state law and includes marijuana and other illegal substances, you should also disclose this to your tenants.

Sample Smoke-Free Disclosure Form

The Maine Smoking Policy Awareness Law (Public Law 2011, chapter 199) requires that landlords disclose the "...policy regarding smoking on the premises..."

"Smoking" shall include the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar or other tobacco product, marijuana, or illegal substance.**

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:

☐ Inside all units

☒ Inside all common areas, such as hallways or laundry rooms*

☐ Outside within ____ feet of the building

☐ Outside on porches, patios, and yards adjacent to the units

☐ Other: _____

☐ Smoking is allowed in designated outdoor smoking area, located: _____

☐ Smoking is permitted on the entire premises, excluding indoor common areas*

Acknowledgement:

I have read, understand, and agree to comply with the above smoking policy at (address):

Tenant Printed Name: _____

Tenant Signature: _____ Date: _____

Landlord/Owner's Representative Printed Name: _____

Signature: _____ Date: _____

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Enforcement Recommendations for Addressing Smoke-Free Housing Policy Infractions

If you have a smoke-free policy in your multi-unit building, you are probably aware that these policies are generally self-enforcing and the stipulations are respected and followed by most of your tenants and guests. But what happens when a resident disobeys the smoke-free policy? Follow our recommendations for prompt, standardized enforcement of your policy.

Visit BreatheEasyMaine.org for additional information.

When a violation occurs (whether directly witnessed by staff or reported by others):

- **Gather evidence.** Look for signs of smoking, including stains on the walls, ash trays inside the unit and burn marks. Also, document where tobacco smoke odors are present inside the building.
- **Document the violation.** Anytime you, or another witness, report the presence of someone violating the smoke-free policy be sure to document the violation in a journal or record. Often if someone is violating one stipulation of the lease they are likely disobeying others. It is important to note any and all lease violations and enforce them promptly and consistently with each and every tenant.
- **Follow the guidelines of your lease.** If your lease requires at least three written warnings before contract termination, or simply a 30 day notice to terminate, be sure to follow the restrictions and provisions of your lease when following through with any lease violations.

Notice of Incident and Notice of Infraction Guidelines (see attached):

- **Notify tenants of violation.** With each infraction, send a Notice of Smoking Incident to the violator; a written notice that notifies tenants that you have been made aware that they have been noncompliant with your smoke-free policy.
- **Include all violations in your notice.** As mentioned, it is rare that a tenant violating the smoke-free policy is responsible for a single infraction. Fill out a Notice of Infraction documenting all lease violations of the tenant and submit a copy to them with written notice, keeping a copy for your records.
- **Move forward with an eviction.** Choosing to evict should always be a last resort option for landlords, regardless of violation. If you choose to move forward with the eviction process provide documentation of all infractions, not just smoking violations, made by the tenant(s) involved. Remember, evictions are both expensive and time consuming; amicable mediation should be attempted before any notice to evict is presented.



Smoke-free area policies change the social norm and promote smoke-free living.

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Sample Notice of Smoking Incident

Property/Address: _____ **Date:** _____
Resident/Leasee: _____ **Unit #** _____
Incident # _____

This notice is to inform management of _____ (address/development)
of the following smoking-related incident:

Description of Incident

- ☐ Smoking coming into rental unit
- ☐ Smoking observed in indoor common area
- ☐ Smoking observed in outdoor area (if prohibited)
- ☐ Smoking observed in other rental units
- ☐ Other: _____

Remarks/Detailed Description:

Please submit this form to the rental office/landlord.

_____ Tenant Signature	_____ Date
_____ Landlord/Management Signature	_____ Date

Staff Use Only

Date of Review: _____ Reviewer(s): _____
Follow-Up:

Sample Notice of Infraction

Property/Address: _____

Date: _____

Resident/Leasee: _____

Unit # _____

Please be advised that we have recorded one of the following incidents in your tenant record:

1. Infraction of property regulations described in the Rules & Regulations
2. Violation of term(s) of your lease

One of the above was committed on _____ (date) by:

- ☐ You
- ☐ Your child/children
- ☐ A visitor or guest of your apartment

Description of Incident:

- ☐ Destruction of property
- ☐ Disturbing or harassing other residents
- ☐ Excessive noise from your unit
- ☐ Drunk and disorderly
- ☐ Illegal activities on the premises
- ☐ Failure to maintain unit in clean and sanitary condition
- ☐ Smoking in unit/building (interior)
- ☐ Smoking in unauthorized outdoor areas
- ☐ Leaving garbage, trash or other obstruction in public areas
- ☐ Allowing unauthorized persons to live in the unit
- ☐ Failure to allow landlord or their agent to enter the unit
- ☐ Alteration or addition to property not authorized by landlord or their agent in writing
- ☐ Installation of appliance without written consent of management
- ☐ Breach of building security
- ☐ Other: _____

Remarks:

**Failure to comply with your lease terms or with the Rules and Regulations
may be cause for termination of your lease.**

If you have any questions regarding this matter, please call or stop by the rental office.

Tenant Signature

Date

Landlord/Management Signature

Date

Smoke-Free Housing Materials Order Form

NAME

COMPANY

EMAIL ADDRESS

PHONE

MAILING ADDRESS

CITY

STATE

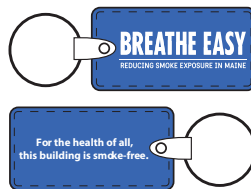
ZIP CODE

OF SMOKE-FREE BUILDINGS

OF SMOKE-FREE UNITS

APPROXIMATE # OF TENANTS

MUNICIPAL LOCATION OF SMOKE-FREE BUILDINGS



_____ Key Chains



_____ Window Decal (6" x 4")



_____ Magnets (3.5" x 2")



_____ Window Decal (8" x 6")

_____ Aluminum Sign (12" x 9")

_____ Aluminum Sign (24" x 18")

How to submit this completed form:

Mail

MaineHealth Center for Tobacco Independence
110 Free Street
Portland, ME 04101

Electronically

Scan and email to:

BreatheEasy@mainehealth.org

Or, complete this form online at:

BreatheEasyMaine.org/Materials



_____ Window Decal (8" x 6")

_____ Aluminum Sign (12" x 9")

_____ Aluminum Sign (24" x 18")



_____ Window Decal (8" x 6")

_____ Aluminum Sign (12" x 9")

_____ Aluminum Sign (24" x 18")

Incomplete or illegible information will result in a delay of processing. Please allow for 2-4 weeks delivery of materials from time completed form is received.

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YOUR RENTAL PROPERTY IS AN INVESTMENT DON'T LET IT GO UP IN SMOKE



In Maine, eight out of ten renters want to live in a smoke-free environment. By not allowing smoking in your building, you're giving them the clean environment they want, and protecting yourself from risk of fire.

- Prevent smoking-related fires in your building by making it 100% smoke-free indoors.
- Enforce your smoke-free policy as you would any other rule.
- If you choose to allow smoking outdoors, follow these safety tips:
 - Do not allow smoking near bark mulch or planters.
 - Any smoking should be at least 20 feet from entrances, doors, balconies, windows and air intake vents.
 - Require cigarettes, cigars, and other tobacco products to be properly disposed of in a non-combustible container with water or sand.
- Maine law requires property owners and managers to disclose, in writing, if and where smoking is allowed on a rental property (Maine PL 2011, Chapter 199).

Save money and lives by adopting a smoke-free policy. It's a win-win for you AND your tenants.



"If people smoked outside only, and extinguished their cigarette butts safely in water or sand, property owners' risk of fire would be reduced significantly. They'd save thousands of dollars at turnover, and even more importantly, lives would be saved."

**– Joseph E. Thomas
Maine State Fire Marshal**

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THE CO\$T

OF SECONDHAND SMOKE IN MAINE

A SMOKER'S UNIT IS:

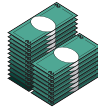
AND

COSTS AN AVERAGE OF



400%

**MORE COSTLY
TO TURN-OVER**



\$5000

**MORE PER UNIT
TO REHABILITATE**

SMOKING UNITS TEND
TO REMAIN ON THE
MARKET **LONGER**



100% SMOKE-FREE=
LOWER RISK
OF FIRE



8 OUT OF **10**



TENANTS, INCLUDING SMOKERS,
CHOOSE TO LIVE IN
A SMOKE-FREE COMPLEX



SMOKE TRAVELS THROUGH
AIR DUCTS AND VENTILATION SYSTEMS
AND HARMS TENANTS



65%

OF PRIVATE LANDLORDS
HAVE CHOSEN TO GO
SMOKE-FREE



40%

OF CHILDREN IN THE U.S.
AGES 3-11 ARE
EXPOSED TO
SECONDHAND SMOKE

**SMOKE-FREE POLICIES SAVE MONEY
AND INCREASE PUBLIC SAFETY.**

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Road Map

FOR SMOKE-FREE HOUSING



ADOPT A POLICY

Put your smoke-free policy in writing. For examples of language and templates, visit: BreatheEasyMaine.org



NOTIFY RESIDENTS OF POLICY

Maine's secondhand smoke disclosure law requires property owners and managers to notify tenants, in writing, about where smoking is allowed, if anywhere, on the property.



COMMUNICATE AND PROMOTE STATUS

Educate residents on your policy, add signage to the building, and promote your status to prospective residents through: www.MaineHousingSearch.org

Free materials including signage, keychains, and magnets: BreatheEasyMaine.org/Materials



MONITOR STATUS

Awareness and communication are keys to successful enforcement.



RESOURCES FOR LANDLORDS

Local District Tobacco Prevention Partners are available to provide technical assistance as you work to adopt and implement a smoke-free housing policy.

Contact BreatheEasy@MaineHealth.org to be connected to your community partner.

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