

Are Smoke-Free Policies Legal?

There is no legal right to smoke. Neither federal nor state law prohibits an owner from implementing a nonsmoking policy or lease.

Therefore, landlords and property managers are free to make buildings totally smoke-free as long as they adhere to state law notice requirements. This is similar to implementing a no-pet restriction.

IT'S YOUR
CHOICE
TO MAKE

Source: Samantha K. Graff, "There Is No Constitutional Right to Smoke," Tobacco Control Legal Consortium, 2005.



To learn more about smoke-free policies and to access free resources, visit smokefree.ne.gov or e-mail dhhs.smokefree@nebraska.gov.

Nebraska Department of Health and Human Services



Smoke-Free Policies for Multiunit Housing

Making the Switch

smokefree.ne.gov

Smoke-Free Policies

Benefits for Multiunit Housing Facilities

Adding a smoke-free policy to your rental properties is simple, and the benefits can be big.

It can help you save money.

Cigarette smoke causes a tremendous amount of damage to the inside of an apartment. The cost of removing nicotine stains, eliminating smoke odors, and repairing damaged, burned, or singed materials can be significant. According to one study, the cost of rehabilitating a smoke-free unit can be up to seven times less than that of a smoking unit.¹

It protects the health of your tenants and employees.

Smoking affects the health of smokers and nonsmokers alike. Commercial air filtering systems are designed to remove the odors caused by secondhand smoke, not the cancer-causing substances. Therefore, the only way to truly protect your tenants and employees from the health risks of secondhand smoke is to prohibit smoking from all indoor spaces within a building.²

It's what renters prefer.

There is demand for smoke-free housing. A survey of Douglas County residents found that more than 70 percent of renters are likely to choose nonsmoking housing over a similar option that allows smoking.³ In fact, more than a third would be willing to pay more.

It helps reduce the risk of smoking-related fires.

Smoking-related fires cause significant damage to properties every year. From 2005 to 2008, 221 fires in Nebraska were caused by cigarette smoking, resulting in over \$2.9 million in property damage.⁴ Fire damage can also cause apartments to go off-line for months. By adding a smoke-free policy, you can help protect against property damage and losses to your business.

More importantly, you'll also be protecting your tenants and employees. According to the U.S. Fire Administration, the fatality rate in smoking-related fires is nearly four times higher than in fires unrelated to smoking.⁵

How to Implement Your Smoke-Free Policy

The following steps can help you ensure that your move to smoke-free housing runs as smoothly as possible.

- 1. Make a Plan** – Decide whether all or part of your property will become smoke-free and when you are going to implement the new policy.
- 2. Hold a Meeting** – Gather your employees and tenants for an informational meeting to explain why you've decided to go smoke-free and how the change will benefit them.
- 3. Inform Your Tenants** – Formally notify your tenants of the change, when it will take place, and what the policy covers.
- 4. Amend Your Leases** – Update the language in your lease to include the new smoke-free policy.
- 5. Post Signs** – Remind tenants and inform visitors of the new policy by posting signs throughout the property.
- 6. Promote Your Smoke-Free Status** – Advertise your new status to help attract tenants who are interested in smoke-free living.

Need help, resources, or general advice?

Visit smokefree.ne.gov or e-mail dhhs.smokefree@nebraska.gov.

¹ Smoke-Free Housing New England, 2009.

² American Society of Heating, Refrigeration, and Air Conditioning Engineers, *Position Document on Environmental Tobacco Smoke*, 2005.

³ 2005 MSR Group survey of Douglas County residents.

⁴ Nebraska State Fire Marshal.

⁵ U.S. Fire Administration, *Residential Smoking Fires and Casualties*, June 2005.