

Smoke Free Policy - SAMPLE

The <Name_of_Multiunit_Property> located in <city> does enact the following 100 percent smoke free policy as of <date>.

POLICY

Smoking and the use of any tobacco product is prohibited on the entire property in the following areas:

- A. Inside individual multiunit resident unit, including all exclusive use areas such as private balcony, porch, deck, or patio
- B. In all common areas, meaning every enclosed and unenclosed area that residents are entitled to enter or use, including, but not limited to, halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas
- C. Within twenty-five (25) feet in any direction of any doorway, window, opening, or other vent into an enclosed area of a multiunit residence or common areas

PURPOSE

The Center for Disease Control and Prevention has declared that secondhand smoke causes serious illness, disease and death. There is scientific evidence that there is no risk-free level of exposure to secondhand smoke. Smoke free policies not only protect the health of tenants, but they also; reduce the risk of fire; qualify the property for discount(s) on property insurance and decrease maintenance, cleaning and turnover costs

All property owners have the legal authority to make any and all parts of their property smoke free (indoors and outdoors). Neither the US Constitution nor California Constitution grant people a "right" to smoke where they wish, and people who smoke have never been recognized as a protected class of people. Smoke free policies are not discriminatory, because they do not prohibit anyone from renting a unit, but set rules as to what activities are permitted on the property.

The U.S. Department of Housing and Urban Development (HUD) strongly encourages multiunit housing owners/agencies to implement smoke free policies in all their properties.

DEFINITIONS

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or electronic smoking device, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. Smoking includes, but is not limited to, tobacco smoke, Cannabis smoke, and electronic smoking device which creates vapor or aerosol.

Tobacco Product means

- A. A product containing, made from, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
- B. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
- C. Any component, part, or accessory of a tobacco product, whether or not sold separately.

PROCEDURES

This policy will be communicated through no smoking signs posted at all property entrances and throughout the property, through Welcome Tenant Packets, and included in lease or rental agreements. Every lease or other rental agreement entered into, renewed, or continued month to month after <insert effective date of policy>, shall include the provisions set forth in this policy. Every lease or rental agreement shall include statement that any tenant to knowingly or intentionally allow, or engage in smoking, will be a breach of the lease or rental agreement.

Information regarding tobacco cessation resources, such as the free California's Smoker's Helpline (1-800-NO-BUTTS), will be made available to anyone is interested.

Note: Intentional violation of state or local laws regarding smoking may result in a fine from local authorities.