

**A Guide to Going Smoke-Free:
Tips and Tools for Managers & Owners**

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The Story of Guardian Management's No-Smoking Policy

- Guardian Management LLC managed approximately 12,000 multifamily units in 7 states
- Portfolio included equal parts market rate and affordable housing programs
- The first large company to convert properties to no-smoking
- What led us to our decision?
 - 2006 renter survey showed that:
 - 76% of tenants would rather live in a smoke-free building
 - Only 21% of tenants smoke
 - Only 11% of tenants smoke inside

Most tenants don't smoke and over half already take their habit outside!

- We found out no-smoking policies were legal

The Fair Housing Council of Oregon said: *"Smoking is not a protected class; Neither smokers nor the act of smoking are included as a protected class under federal, state or local Fair Housing laws."*

- Other benefits
 - Careless smoking is the #1 cause of apartment fires
 - Secondhand smoke is a dangerous health hazard
 - Turnover costs are high for smoking units
 - There is a market for healthy living homes
- How to Get Started - Step 1: Developed our policy

We prohibited smoking inside apartments and in common areas such as:

- Entryways
- Parking areas
- Patios and balconies
- Within 25 feet of any building on the properties

Within their units, residents are responsible for enforcing the policy among inhabitants, guests and visitors. Policy applies to property employees, vendors.

→ Step 2: Made a transition plan

- Implement policy immediately for all new residents
- Chose an effective date for all existing month-to-month leases to transition – 1/1/2008
- As one-year leases turned over, those tenants signed new agreements
- Process was completed in less than 12 months
- No residents were “grandfathered in”

→ Step 3: Gave notice to residents

- Sent letter to residents 120 days before change. Notices included:
- What/where the policy covers
- Reasoning for the policy
- Effective date(s)

→ Step 4: Marketed the policy

- Featured “no-smoking” as an amenity in property ads
- Conducted media outreach
- Some disgruntled residents went to media looking for negative coverage
- We put out proactive media release extolling benefits to tenants and community
- This resulted in very positive coverage
- Trained staff to be spokespersons
- Offered information about ‘how to quit’ programs to our residents

→ Step 5: Enforced the policy

- We enforced the rule like any other rule:
 - Include it in rental agreement
 - Tell tenants during application and at move-in
 - Post signs & stickers
 - Hold tenants financially responsible for bringing the unit back to clean condition if damaged by smoke
 - Inspect the property regularly
 - Document & respond promptly to complaints about violations
 - Use a system of warning letters

→ Tips for Policy Enforcement

- Provide those who do smoke with an area that is ok:
- Off property
- Designated smoking area in community

→ If residents fail to comply, issue violation notices

→ Use carpet cleaning vendor or painter to verify smoke damage

- Many impose additional charges for carpet cleaning or painting due to smoke damage. These charges should be passed onto the resident!

→ Start a smoking cessation group

In December 2010, Rural Development issued an unnumbered letter (UL) stating the following:

- Exposure to second hand smoke causes adverse health outcomes, and borrowers are encouraged to establish smoke-free policies pertaining to buildings, grounds and common areas.
- If the non-smoking policy is stated in the lease, violation of such may be considered material non-compliance with the rental agreement.

→ After the policy... Resident satisfaction

→ One year after implementation, an independent resident survey found:

- Nearly 3/4 of all residents were happy with the no-smoking policy
 - Even among people who smoke, 30% felt the same way
- Reduction in secondhand smoke exposure
- The number of non-smokers who reported never being exposed to SHS in their apartments increased by 75%
- The number of non-smokers who reported never being exposed to SHS outdoors on porches, patios or balconies more than doubled
- Reduction in smoking
- In the year following implementation:
- Among people who smoked, 43% reported smoking less
 - Nearly half of respondents who smoked reported making a quit attempt
 - Two-thirds of those cited the Guardian policy as part of, or the main reason, for the quit attempt
 - Reduction in Turnover Costs
- Direct turnover costs have decreased significantly
- Cost to turn a 1 BR smoker's apt: \$1,583
 - Cost to turn a 1 BR non-smoker apt: \$514
- The time from move-out to rent ready has decreased, reducing vacancy loss
- Reduction in Insurance Costs. Some insurance rates have actually decreased despite the economic climate, due to the implementation of the non-smoking policy
- Guardian is satisfied with the policy:
- Cut down on cleaning/painting costs
 - Reduced tenant complaints about smoke
 - Increased employee satisfaction
 - Enhanced our Green Initiative
 - Reduced fire risk
 - Improved occupancy rates

→ Smoke-free trends and benefits: Smoking-related trends

- **1965** – Adult smoking rate 42.4%
- **2005** – Smoking in Public Places law passes in Washington state
- **2010** – US adult smoking rate 19.3%
- **Since 2000** – Smoking in Washington homes has decreased by more than 60%

→ Smoke-free housing trends

- **2000** –
 - Very few no-smoking policies in multi-unit housing
- **2008** –
 - Guardian Management adopts no-smoking policy for 130+ properties (12,000 units) in 7 states
- **2010** –
 - 87% of WA homes have no-smoking rule (4th in U.S.)
 - 85% of OR homes have a no-smoking rule (5th in U.S.)
 - Public housing trends

→ HUD weighs in

- **July 2009** –
 - HUD encourages public housing authorities and multi-family housing rental assistance programs to implement no-smoking policies
- **October 2011** –
 - 28 out of 37 PHAs in Washington have no-smoking policies in some or all of their buildings
 - 18 out of 22 PHAs in Oregon have adopted no-smoking policies
 - Washington state policies
- **August 2010** –
 - Snohomish County Council passes a “bonus point” for affordable housing funding applications with no-smoking policies

- **September 2010 –**
 - King County Board of Health passes resolution encouraging city councils, HOAs, developers and managers to adopt no-smoking policies “for the safety and welfare of all citizens and residents of King County.”
- **June 2011 –**
 - Evergreen Sustainable Development Standards—which all new Washington affordable housing must score at least 50 points on—adds 7 optional points for a smoke-free policy.

The benefits of going smoke-free

- Market demand
 - Protect your property
 - Reduce fire risk
 - Avoid liability
 - Provide a safe living and working environment
- Market demand
- 92% of Washington renters prefer to live in smoke-free housing
 - More than 95% of non-smokers prefer smoke-free housing
 - More than 75% of renters who smoke prefer smoke-free housing
- Increase savings:
- Reduce cleaning and maintenance costs – \$3,000+ to turn over a smoking unit
- Renters are willing to pay more for smoke-free housing
- About half of renters in King County who prefer smoke-free housing indicate they are willing to pay more for it
- Up to 10% can be saved on property insurance through a premium credit
- Ask your broker if you qualify
- Reduce fire risk
- Residential smoking a safety threat

- Historically more fatal than any other fire source
- A leading cause of injuries and property damage
- In Washington, there are on average 148 residential cigarette fires each year (2009-2011)
 - These fires caused nearly **\$17 million** in property damage, **12 deaths**, and **47 civilian injuries**
- **One out of four** fatal victims is not the person whose cigarette started the fire
- Avoid liability: Fair Housing Act, Americans with Disabilities Act:
 - Residents with disabilities affected by secondhand smoke may request a reasonable accommodation
 - Residents have successfully sued for:
 - Breach of warranty of habitability
 - Constructive eviction
 - Breach of covenant of quiet enjoyment
- Courts in California, Oregon, Massachusetts, New York, and Washington state have found property managers liable when they fail to address problems caused by secondhand smoke

Go green !

- Smoke-free properties are more sustainable
 - No-smoking policies reduce the time and materials spent restoring smoking units

Implementation and enforcement

- Washington landlords indicate no-smoking policies are easy to implement and enforce:
 - 75% said it was easy or very easy to enforce a no-smoking policy
 - 92% report the policies produced no effect on turnover rates
 - 91% report no effect on vacancy rates
 - 91% report no change in rent charges

Dangers of secondhand smoke: There is no safe level of exposure

- SHS causes heart disease, SIDS, asthma, and lung cancer
- In 2009, the Institute of Medicine reported:

- Secondhand smoke can cause heart attacks
 - Smoke-free policies can prevent heart attacks and save lives
 - Secondhand smoke drift
- American Society of Heating, Refrigerating and Air-conditioning Engineers:
- There is no way to prevent secondhand smoke from traveling between apartment units
 - It travels through heating/ventilation, cracks, plumbing, light fixtures, and under doors and windows
 - Separating smokers, using air cleaning technologies or ventilating buildings does not eliminate SHS
- Tobacco also seeps into surfaces, becomes more toxic over time and releases back into your building

Provide quit support

→ **The Washington State Tobacco Quit Line**

- 1-800-QUIT-NOW (1-877-2NO-FUME in Spanish)
- Materials may be available by contacting your local public health department
- Help is also available at www.Quitline.com

→ **For additional information and downloadable tools:**

- Washington: visit www.SmokeFreeWashington.com
- Oregon: visit www.smokefreehousinginfo.com
- www.smokefreeoregon.com

Contact – Jim Wiard

Washington Multi-Family Housing Association

Phone: 425-656-9077

Email : Jim@wmfha.org

Website: www.wmfha.org



How to Convert a Property to Smoke-Free Housing

Establishing a Smoke-Free Policy in an apartment community is becoming a growing trend with landlords in Washington and across the country. Property owners find this kind of policy is good for business and a clear win-win, lowering costs and risks for an owner and providing a healthier, safer, greener environment for happier residents. Smoke-free policies can help landlords protect their residents from the dangers of second-hand smoke and provide benefits for their owners' investments. The benefits to owners include reduced cleaning and maintenance costs to turn over apartments at move-out, fewer property fires caused by careless smoking, reduced insurance costs as a result of reduced claims, lowered risk of resident warranty of habitability liability claims over adverse health effects caused by smoke, and the increased marketability of a healthier, safer living environment for residents. The financial benefits to owners are clear: managers can realize up to \$3,000 in cost savings from turning over one

heavily smoked in unit. Having a smoke-free building, with a clean, green, sustainable environment, will preserve and enhance property resale value.

Surveys have shown that the vast majority of renters favor policies eliminating smoking in apartment homes, and they would pay higher rent to live in a healthier, greener community. 92% of all Washington renters surveyed stated they prefer smoke-free housing, including 75% who smoke. Simply put, residents place a premium on smoke-free housing policies in rentals, and your employees will have a healthier work environment. Providing a safer living and working environment is no small matter. Smoking related fires are often caused by cigarettes. Careless smoking is the #1 cause of devastating apartment fires, from the standpoint of huge property loss and loss of life.

Second-hand smoke has been determined a Class A carcinogen and contains over 4,000 chemicals, of which, 11 are known cancer causing

poisons and 250 are known toxins. Second-hand smoke has been linked to diseases such as cancer, asthma, heart disease, respiratory illness and low birth weight. Smoke-free housing allows residents to enjoy their home without being exposed to the deadly chemicals found in second-hand smoke. Eliminating smoking in an apartment building is the only way to protect residents from unpleasant odors and the health risks of second-hand smoke.

One of the initial concerns regarding no-smoking policies was confusion about legality and fair housing laws. Smoking is not a protected class. It has been well documented that creating a policy banning smoking inside apartments and in common areas of apartment communities is legal, non-discriminatory and does not violate any fair housing laws. In fact, the U.S. Department of Housing and Urban Development (HUD) has issued a notice strongly encouraging the conversion of public housing to a 100% smoke-free environment. The majority of housing

authorities in Washington have required the creation of smoke-free policies in their communities and see the value of protecting the health of low-income families. Bottom line, property owners and managers have the right to set reasonable rules or policies that protect their investments as well as the health and welfare of their residents.

Some municipalities have enacted new ordinances requiring residential housing to be smoke-free. In Oregon, new law requires landlords to disclose in writing to prospective renters whether they have a no-smoking policy or not.

Landlords nationwide and locally have developed a reasonable step-by-step process for implementing a smoke-free policy in their communities.

- 1.) Determine when you want to start. Give a reasonable time frame for conversion.
- 2.) Develop a policy and decide what areas the policy will cover.

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How to Convert ...continued from page 14

The policy would include residents, guests, employees and vendors. 100% smoke-free includes prohibiting smoking in the interior of all units, in any common areas, on patios or balconies, and within 25 feet of any building. If possible, you may create designated smoking areas, for example a nice outside gazebo on the property which may be far away from any buildings, play areas or other well traveled public spaces.

- 3.) Develop a No-Smoking Lease Addendum or new lease language (sample lease addendum language is available on the websites shown at the end of this article). Initiate all new leases with the new no-smoking language included.
- 4.) Train staff on the benefits of no-smoking policies and the reasons the property has chosen to implement this rule.
- 5.) Communicate the policy by notifying residents of the reasons for going smoke-free and the benefits to the community (a sample resident notification letter is available on the websites shown at the end of this article).
- 6.) Give existing residents a time period in which the new policy will become effective and an opportunity to sign the new
- 7.) Post signage alerting residents and guests that smoking is not allowed on the property.
- 8.) Market and promote the benefits of smoke-free living as an amenity that your community offers. It may set you apart from the competition.
- 9.) Enforce violations of the policy just like you would any other rule, such as loud music, parking infractions, clutter, etc. Use a system of progressive warning letters and document, document, document.

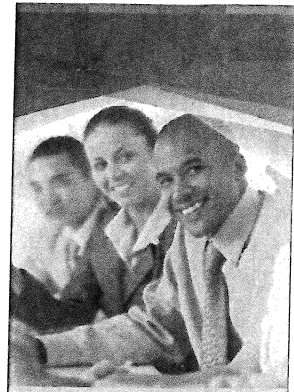
lease addendum. For existing residents who are on term leases which expire at a future date, it is advised to make the effective date for the new policy for those residents upon lease expiration and renewal. Keep in mind, residents who smoke do not need to move out. Smokers simply cannot smoke inside their apartments, in common areas or in proximity to buildings where smoke can drift into other apartments.

In Washington state, residents can now smoke marijuana in the privacy of their homes. No doubt, this has added to the occurrence of complaints about smoke and odors drifting into other apartment units. A landlord's best response to this is to

convert a property to smoke-free by enacting a no-smoking policy. Keep in mind that formal reasonable accommodation requests can be made with regard to medical marijuana. Note, however, that landlords are not necessarily required to make accommodations for a resident to smoke, especially when an alternate accommodation may be possible. Many properties have crime and drug free lease addendums as part of their lease language. Those properties should notify residents that the new law does not invalidate these addenda and that the property still prohibits controlled substances.

Implementing a no-smoking policy may be in the best interest of a property owner and is not as challenging as one might suspect. There is clear precedence and many resources for making this happen, and now may be the time to act. For more information, please feel free to go to these sources below or call us at the Washington Multi-Family Housing Association at 425-656-9077:

- www.smokefree washington.com
- www.smokefreeoregon.com
- www.smokefreehousinginfo.com



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