



Making Room to Breathe

A Case Study of Smoke-Free Housing in NYC

A Report by Asian Americans for Equality, Inc.

Asian Americans for Equality, Inc.

Since 1974, Asian Americans for Equality has advanced the rights of Asian Americans and all those in need through advocacy, immigration assistance social services, affordable housing, sustainability issues, and economic development.







www.aafe.org

NYC Coalition for a Smoke-Free City

The Coalition and its five Borough Partnerships work with community advocates, health and youth-focused organizations, and elected officials to promote a smoke-free city.

www.nycsmokefree.org

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I. Tobacco-Free Community Initiatives

Established in 1974, Asian Americans for Equality, Inc. (AAFE) is a community-based, not-for-profit organization. We are the largest comprehensive community development organization dedicated to serving the over one million Asian Americans living in New York City. Our mission is to advance the rights of Asian Americans and all those in need. Our target population includes immigrants, low-income families, and minorities throughout New York City. AAFE serves over 30,000 thousand low-income and working families each year from all five boroughs of New York City, offering an array of programs that encompass the organization's comprehensive approach to community development.

The Impact of Tobacco on Asian American Communities

AAFE has over a decade of experience conducting community education campaigns to address high rates of smoking and to reduce tobacco use in the Asian American community. AAFE recognizes that tobacco use contributes to significant health disparities in Asian American communities, leading to premature mortality from lung and bronchial cancers, cardiovascular disease and diabetes. It affects not only the health of individuals who use tobacco but also impacts the health and economics of their family and community members. Tobacco control is also a major social justice issue in our communities.

The global tobacco industry has a complex history of aggressive marketing in Asia, as well as within the Asian Diasporas in the United States. This marketing to promote the use of and addiction to tobacco has especially impacted urban, low-income communities in the United States, Asian Americans and other communities of color, and youth. Disaggregated data on the rate of Asian American adult smokers is sparse, however some studies have reported a rate of 13.8% in California¹ and 11% in New York.²

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- 1 Tang H., Shimizu R., Chen M. English Language Proficiency and Smoking Prevalence among California's Asian Americans. *Cancer*. 2005 December 15; 104 (12 Suppl): 2982–2988.
 - 2 NYC Department of Health and Mental Hygiene. 2009 Community Health Survey.

Rates of smoking among different Asian ethnic groups also vary widely. An analysis of state-wide data of adult smokers in California disaggregated by ethnic group found smoking rates as high as 20.8% for Koreans and 16.8% for Filipinos; and as low as 8.8% for South Asians and 9.7% for Chinese.³

In health needs assessments of Asian American communities in New York City conducted using community-driven sampling, adult smoking rates varied from 32% for Koreans and 23% for Cambodians, to as low as 13% for South Asians.⁴

AAFE is a long-time member of the NYC Coalition for a Smoke-Free City, a health advocacy group that works to increase public and policy maker awareness of tobacco control issues. The Coalition partners with community groups, elected officials, and health advocates to support neighborhood-based efforts for effective and long term change throughout NYC.

As a partner of the Coalition, AAFE has provided culturally competent and linguistically accessible smoking prevention education and smoking cessation to Asian American communities and has led grassroots advocacy campaigns to build support for key initiatives such as smoke-free outdoor air and smoke-free housing.

3 Tang H., Shimizu R., Chen M. English Language Proficiency and Smoking Prevalence among California's Asian Americans. *Cancer*. 2005 December 15; 104 (12 Suppl): 2982–2988.

4 New York University Center for the Study of Asian American Health. *Community Health Needs and Resources Assessments: Exploratory Studies of Asian Americans in New York City*. 2007.

II. The Case for Smoke-Free Housing

The Growing Movement for Smoke-Free Housing

Smoke-free housing is an increasingly effective strategy to protect non-smokers from exposure to second-hand smoke, and to help smokers quit. The movement to make multi-family buildings smoke-free has grown in many states, counties and municipalities across the country; however it is a newer tobacco control and public health strategy in New York City.

New York City is unique in terms of the significant representation of multi-family buildings in the housing stock across the city, and its density of population. New Yorkers who live in this urban fabric need solutions to pervasive exposure to second-hand smoke in their homes. Smoke-free housing protects the health of all New Yorkers, saves money for landlords and property owners, and is strongly supported by the public.

According to a recent Surgeon General report, there is no safe level of second-hand smoke and even brief levels of exposure have been shown to be harmful. Second-hand smoke in multi-unit dwellings cannot be contained. Cleaning the air and ventilating buildings cannot eliminate the health hazards of second-hand smoke and exposure is especially dangerous to residents' health, especially for children and seniors. Additionally, smoke-free housing saves money for landlords and property owners in circumstances of rehabilitation or tenant turnover.

Smoke-free housing policies have wide-spread support among New Yorkers, and should be made available to both renters and homeowners across all levels of income. Under New York City's Smoke Free Air Act of 2002, smoking is not permitted in common areas of buildings with 10 apartments or more, such as in hallways, laundry facilities and common rooms.

A 100% smoke-free building is one where smoking is prohibited anywhere on the premises including within individual apartments and common indoor areas, or a building where smoking is restricted to a limited outdoor

area. A smoke-free multi-unit dwelling means higher property values, lower fire risk and lower insurance rates. A no-smoking residential policy can also reduce the cost of physical property damage.

Successes and Opportunities in New York City

As the movement for smoke-free housing has grown in New York City these policies have been adopted by scores of multi-family cooperative and condominium buildings across the city. To-date the NYC Coalition for a Smoke-Free City, the lead health advocacy group working to increase awareness around tobacco control, has worked with many building owners, managers and cooperative boards to take over 1,500 housing units smoke-free across New York City.

AAFE sees this as progress in protecting New Yorkers from exposure to second-hand smoke and reducing the risk of home fires. However, multi-family ownership buildings such as cooperatives and condominiums are best positioned to adopt smoke-free policies through by-laws and house rules after deliberation and consensus building among shareholders or homeowners. The vast majority of these types of buildings represent middle and upper income households, and there are more limited opportunities for moderate- and low-income New Yorkers to live in homes with smoke-free housing policies.

As a provider of affordable housing to more than 1,000 low-income New Yorkers, we wanted to explore how smoke-free housing policies could serve as a benefit to all New Yorkers of all income levels. This document describes several steps AAFE undertook to document the levels of knowledge and interest concerning smoke-free housing among community residents we serve; as well as to pilot smoke-free housing policies in two of our affordable housing developments.

II. The Case for Smoke-Free (Cont'd)

III. Tenant's Perspective on Smoke-Free Multi-Family Housing

Asian Americans represent the fastest growing racial and ethnic group in New York City making up over 13% of city's population. Even though other communities of color, and the city as a whole, have seen a decrease in smoking rates, the Asian smoking rate has not changed since 2002.¹

Focus Group Methods

In order to understand the level of knowledge about the health risks of second-hand smoke and interest or concerns about smoke-free housing AAFE conducted a focus group of tenants from Manhattan, Queens and Brooklyn. Thirteen community members participated in the focus group representing different age groups with seven participants aged 21-34, and six participants aged 35 and over.

"I support smoke-free housing. Smoking is bad, especially since everyone in my family is asthmatic."

- Ms. Lim, Elmhurst

During the focus group, participants discussed their household arrangements and living situations. None of the participants were current or former smokers, 61.5% of respondents live with other family members, and 15.4% live with a smoker. On average participants had lived in their homes for 10.7 years, although some lived in their current residence for less than 1 year and other more than 20 years.

"I support smoke-free housing because even though smoking is a personal decision and a habit, smokers affect others who may not want to participate in such a health-harming activity."

- Eddie, Gravesend

¹ "For Many Asian New Yorkers, Smoking Is Still a Way of Life." New York Times, March 1, 2012. <http://www.nytimes.com/2012/03/02/nyregion/asian-new-yorkers-resist-anti-smoking-efforts.html>

Focus Group Findings

Participants were asked about their personal experience with and knowledge of tobacco use, as well as the health consequences of smoking and inhaling second-hand smoke. All participants reported being knowledgeable about the dangers of smoking and second-hand smoke. They have personal experiences with smokers in their lives, and had received health messages from their healthcare providers and from the media about the negative health impacts of smoking and second-hand smoke.

"I am in support of a smoke-free housing, especially for housing complexes. Second-hand smoke can travel into both the halls and vents. This is a serious health concern for residents with breathing issues."

- Jessica, Bensonhurst

Next, the moderator asked about their knowledge of smoke-free multi-family housing. Participants were asked whether or not they would support smoke-free multi-family housing, and almost all participants expressed significant support.

"I do support smoke-free housing because smoking is bad for health and it can cause fires."

- Mr. Chang, Chinatown

Participants discussed several key factors as to why they support smoke-free policies in multi-family housing, including the fact that second-hand smoke in multi-housing units cannot be contained and how smoke-free housing protects the health of all residents within a building.

III. Tenant's Perspectives (Cont'd)

IV. Case Studies: Adoption of Smoke-Free Multi-Family Housing

AAFE and its subsidiaries promote and protect the housing rights of low-income families through advocacy for and access to housing resources, such as affordable housing and government subsidies that finance the development of affordable housing. To-date AAFE has built and preserved more than 700 units of affordable housing for low-income New Yorkers.

In 2012 AAFE's Property Management Division piloted smoke-free policies in two of our affordable housing developments with technical assistance from the New York City Coalition for a Smoke-Free City. We selected these buildings based on their feasibility to adopt smoke-free housing policies.

The buildings are located on Rivington Street in Manhattan's Lower East Side and Woodhaven Boulevard in the Richmond Hill neighborhood of Queens. AAFE used example lease addenda and tenant letters developed by Live Smoke Free in Minnesota and the Public Health Law Center.

Case Study: Rivington Street

The Rivington Street building, in the Lower East Side, consists of 8 apartment units. In 2012 AAFE opened this building for occupancy through a housing lottery after several years of extensive rehabilitation. Because the Rivington Street building was vacant at the time of piloting the smoke-free housing policy, AAFE was able to implement the policy fully for all new leases.

AAFE's Property Management Division has had a positive experience marketing the Rivington Street building and coordinating the housing lottery.

We inform applicant tenants of the smoke-free policy for the building among other lease terms and house rules. The presence of a smoke-free housing policy as part of the lease has not affected our ability to identify and screen tenants for the building and we have only received positive feedback and full cooperation from building tenants.



Rivington Street, Manhattan



Woodhaven Boulevard, Queens

Case Study: Woodhaven Boulevard

AAFE's building on Woodhaven Boulevard, in Queens, is a two-story affordable rental building with 10 apartments. Since AAFE acquired the building in 2011 we have undertaken extensive rehabilitation and preservation of the building.

Woodhaven Boulevard was fully occupied at the time that AAFE undertook a smoke-free housing policy, and all units are protected under New York's Rent Stabilization laws.

Rent Stabilization was enacted in 1969 when rents were rising sharply in many post-war buildings, and today about one million apartments in the City are covered by rent stabilization. Rent stabilized tenants are protected from sharp increases in rent and have the right to renew their leases.

New York City's Rent Guidelines Board sets the allowable percentage increase for renewal leases each year. One of the advantages of living in a rent stabilized unit is the tenant's right to renew a lease. Therefore landlords must keep the same terms and conditions as the expiring lease unless a change is necessary to comply with a specific law or regulation or with the tenant's consent. This can pose a regulatory barrier to the implementation of smoke-free housing policies.

Due to the nature of the rent stabilized leases with existing tenants at the Woodhaven Boulevard building, we have gone through a process of implementing a *voluntary and self-enforcing* policy with tenants. This process has involved speaking with tenants about the smoke-free housing policy and benefits to their health and the health of their neighbors.

AAFE moved forward with this voluntary adoption after tenants built consensus around the policy. Even smokers in the building agreed to the self-enforcing policy and elect to smoke outside of the building, and not in their own apartments or at entryways.

IV. Case Studies (Cont'd)

One of the most frequent concerns of building owners who consider smoke-free housing policies is when tenants do not comply with the policy. This has not been our experience since from the beginning we communicated and coordinated with the tenants to take the building smoke-free on a voluntary basis.

AAFE's Property Management Division has also put up "No Smoking" signs and other reminders of the smoke-free policy. During this pilot year the implementation of this policy did not affect the management's relationships with tenants or the operations of the building.

Since more than one million of New York City's apartments are rent stabilized, similar to AAFE's Woodhaven Boulevard property, our experience demonstrates how such a voluntary, self-enforcing policy can be implemented despite regulatory limits to full implementation of a smoke-free housing policy. As the tenants of these apartments turn over, AAFE will commence new leases with a smoke-free provision.

V. Key Lessons and Recommendations

1) The tobacco control movement from its start has been guided by the principle of social equity. Our efforts need to strive to benefit the most vulnerable in our community, including youth, seniors, low-income families, immigrants and communities of color.

2) Smoke-free housing policies are in accordance with AAFE's mission to advance the rights of Asian Americans and reduce health disparities. AAFE, as well as similar non-profit and advocacy groups are uniquely positioned to lead the charge so that smoke-free housing is an available option for all New Yorkers regardless of income.

3) It is very feasible to implement smoke-free housing policies in affordable housing developments, and voluntary adoption policies can be developed where regulatory barriers exist such as in the case of rent stabilized buildings.

4) Landlords should not use smoke-free policies or lease terms in order to harass or force the eviction of a tenant. Tobacco use is an addiction. Individuals should be provided with cessation resources and reminded to go outside the building if they want to smoke.

5) Whether smoke-free policies are written into the terms of a lease or adopted on a voluntary basis, the most important factor in successful implementation is meaningful communication with tenants. This includes educating tenants about the benefits of smoke-free policies in the building, receiving their feedback and ultimately building their consensus to adopt smoke-free housing policies.

VI. Appendices

Appendix A: Smoke Free Housing Resources

NYC Coalition for a Smoke-Free City

The NYC Coalition for a Smoke-Free City is a health advocacy group working to increase awareness around tobacco control. Partnering with community members, legislators, and health advocates, we support local efforts for effective and long-term change throughout NYC.

We believe that every NYC resident has the right to breathe clean, smoke-free air where they live, work and play. We believe that it is unacceptable for NYC youth to be lured into a life of tobacco addiction. We believe that every smoker deserves the support and resources to quit.

<http://www.nycsmokefree.org/housing>

Smoke-Free Housing New York

SmokeFreeHousingNY is comprised of community partnerships funded by the New York State Tobacco Control Program. Our common goal is to protect the health of NYS residents by increasing the availability of smoke-free multi-unit housing throughout the State.

<http://www.smokefreehousingny.org/>

New York Tenants Guide to Smoke-Free Housing, *Smoke-Free Housing New York*

This guide provides an overview of the risks of exposure to second-hand smoke in the home, and the benefits of smoke-free housing policies. It also provides information on the rights of tenants to smoke-free housing for the State of New York.

<http://www.tobaccopolicycenter.org/documents/SFHNY%20Tenant%20Guide.pdf>

New York Landlord Smoke-Free Housing Toolkit, *Smoke-Free Housing New York*

A resource for landlords who are exploring smoke-free housing policies in their properties. This toolkit includes information on the background and benefits of smoke-free housing, tips on the implementation and enforcement of smoke-free policies, and template documents and forms for landlords to adapt.

http://www.breathefreely.org/pdf/SFHNY_Landlord_Toolkit_2011.pdf

New York Guide to Smoke-Free Housing Cooperatives, *Smoke-Free Housing New York*

This guide provides an overview of the benefits of smoke-free housing policies for cooperatives, and guidance on implementation from the perspective of New York State. It also provides template documents and forms for cooperative boards to adapt and use.

http://www.nycsmokefree.org/sites/default/files/wysiwyg/images/Citywide/ny_guide_to_smoke-free_housing_cooperatives.pdf

How to Make a Condo Complex Smoke-Free, *Public Health Law and Policy*

This guide provides step-by-step information for condominium to develop, implement and enforcement smoke-free housing policies. It presents several strategies a condominium building may take on to make such policies a reality.

http://changelabsolutions.org/sites/phlpnet.org/files/How%20to%20Make%20a%20Condo%20Complex%20Smokefree_7_08.pdf

Healthy Homes Manual: Smoke Free Policies in Multiunit Housing, *Centers for Disease Control and Prevention*

This manual is designed for state and local Healthy Homes programs that are working to reduce secondhand smoke exposure in multiunit housing. The manual provides field-tested strategies, recommendations, best practices, and tools. The content draws on peer-reviewed research and interviews with practitioners.

http://www.cdc.gov/healthyhomes/Healthy_Homes_Manual_WEB.pdf

Smoke-Free Housing Toolkit for Residents and Management/Owners, *U.S. Department of Housing and Urban Development*

These Smoke-Free Housing Toolkits are provided by the U.S. Department of Housing and Urban Development (HUD) in partnership with the American Academy of Pediatrics, the American Lung Association, and the U.S. Department of Health and Human Services. They are a compilation of existing educational, "how-to" and resource brochures, pamphlets and other information designed to assist owners/management agents and residents of public and assisted multi-family housing who want safer and healthier homes.

For Residents: <http://portal.hud.gov/hudportal/documents/huddoc?id=pdfresidents.pdf>

For Management/Owners: <http://portal.hud.gov/hudportal/documents/huddoc?id=pdfowners.pdf>

Appendix B: Sample Lease Addendum



Model Smoke-Free Lease Addendum



Attorney Douglas J. Carney, of Hanbery, Neumeyer & Carney, P.A., prepared the initial version of this Model Lease Addendum. He received ongoing advice, consultation, and recommendations from a legal advisory committee that included attorneys who regularly advise property owners and managers, who serve as tenant attorneys and advocates, or who advise public housing agencies. Representatives from Center for Energy and Environment and Association for Nonsmokers-Minnesota were also on the committee. The modification about where smoking is allowed (Section 3) was included by Initiative for Smoke-Free Apartments. The addition of language addressing electronic cigarettes was added by Warren Ortland of the Public Health Law Center.

Tenant and all members of Tenant's family or household are parties to a written lease with Landlord (the Lease). This Addendum states the following additional terms, conditions and rules which are hereby incorporated into the Lease. A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

1. Purpose of No-Smoking Policy. The parties desire to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non-smoke-free building;

2. Definitions:

Smoking. The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted or heated cigar, cigarette, or other tobacco product or plant product in any manner or in any form. Smoking also includes use of an electronic cigarette.

Electronic Cigarette. The term "electronic cigarette" means any electronic device that provides a vapor of liquid nicotine and/or other substances to the user as she or he simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes or under any product name.

3. Smoke-Free Complex. Tenant agrees and acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a smoke-free living environment. Tenant and members of Tenant's household shall not smoke anywhere in the unit rented by Tenant, or the building where the Tenant's dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental community, nor shall Tenant permit any guests or visitors under the control of Tenant to do so. *[If you provide an outdoor smoking area, specify where it is here.]*

4. Tenant to Promote No-Smoking Policy and to Alert Landlord of Violations. Tenant shall inform Tenant's guests of the no-smoking policy. Further, Tenant shall promptly give Landlord a written statement of any incident where tobacco smoke is migrating into the Tenant's unit from sources outside of the Tenant's apartment unit.

5. Landlord to Promote No-Smoking Policy. Landlord shall post no-smoking signs at entrances and exits, common areas, hallways, and in conspicuous places adjoining the grounds of the apartment complex.

6. Landlord Not a Guarantor of Smoke-Free Environment. Tenant acknowledges that Landlord's adoption of a smoke-free living environment, and the efforts to designate the rental

Sample Lease Addendum (cont'd)

complex as smoke-free, do not make the Landlord or any of its managing agents the guarantor of Tenant's health or of the smoke-free condition of the Tenant's unit and the common areas. However, Landlord shall take reasonable steps to enforce the smoke-free terms of its leases and to make the complex smoke-free. Landlord is not required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking.

7. Other Tenants are Third-Party Beneficiaries of Tenant's Agreement. Tenant agrees that the other Tenants at the complex are the third-party beneficiaries of Tenant's smokefree addendum agreements with Landlord. *(In layman's terms, this means that Tenant's commitments in this Addendum are made to the other Tenants as well as to Landlord.)* A Tenant may sue another Tenant for an injunction to prohibit smoking or for damages, but does not have the right to evict another Tenant. Any suit between Tenants herein shall not create a presumption that the Landlord breached this Addendum.

8. Effect of Breach and Right to Terminate Lease. A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease. A material breach of this Addendum shall be a material breach of the lease and grounds for immediate termination of the Lease by the Landlord.

9. Disclaimer by Landlord. Tenant acknowledges that Landlord's adoption of a smokefree living environment and the efforts to designate the rental complex as smoke-free do not in any way change the standard of care that the Landlord or managing agent would have to a Tenant household to render buildings and premises designated as smokefree any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of this Addendum is dependent in significant part on voluntary compliance by Tenant and Tenant's guests. Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Addendum than any other landlord obligation under the Lease.

LANDLORD

TENANT

Optional Paragraph for Existing Rental Communities that Adopt "No-smoking Policies"

10. Effect on Current Tenants. Tenant acknowledges that current tenants residing in the complex under a prior lease will not be immediately subject to the No-smoking Policy. As current tenants move out, or enter into new leases, the smoke-free policy will become effective for their unit or new lease.

Appendix C: Sample Tenant Letter

[DATE]

Dear Residents,

In order to provide a healthier environment for our residents and guests, our property has decided to go completely smoke free. The harmful effects of secondhand smoke and the fire dangers caused by smoking indoors are simply too great to ignore.

The common areas in your building are already smoke free in accordance with the Minnesota Clean Indoor Air Act (this includes hallways, exercise areas, laundry rooms, and enclosed garages). A smoke-free policy for all individual units will be phased in as leases are renewed.

Hazards of Secondhand Smoke

Secondhand smoke is a serious health hazard. It is the third leading cause of preventable death in the United States, causing approximately 49,000 deaths each year. In 2003, 66,699 adults and children in Minnesota were treated for conditions caused by secondhand smoke, such as respiratory illness, asthma, lung cancer, and heart disease. The 2006 Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," states that there is no risk-free level of exposure to secondhand smoke. Secondhand smoke is particularly dangerous to children and has been linked to childhood asthma, low birth weight, ear infections, and Sudden Infant Death Syndrome.

Fire Risk

Smoking is the leading cause of fire death in the United States and in Minnesota. Fires can start on decks and porches as well as in units. According to the National Fire Protection Association's report "The Smoking-Materials Fire Problem," one in four (24%) victims who die in residential smoking-related fires is not the smoker whose cigarette started the fire. Fires caused by smoking are costly, deadly, and have many people with damaged property and no place to live. We want to protect our residents from these dangers.

Ventilation is not Effective

Research conducted during air movement studies have shown that secondhand smoke travels from unit to unit. The smoke can seep through electrical outlets, heating and duct work, and structural gaps. The remodeling required to prevent secondhand smoke from traveling to another residence can be costly and ineffective. The only effective way to stop the spread of secondhand smoke is by adopting a smoke-free policy.

Our Building's New Smoke-Free Policy

Effective **[date for new tenants]**, all tenants signing new leases will be required to sign a smoke-free lease addendum that explains the policy. All current tenants will be required to sign a smoke-free lease addendum during their lease renewal process. We anticipate the transition to becoming a smoke-free building to be completed by **[date all tenants will have signed smoke-free lease addendum]**. The smoke-free policy will cover all individual units and all common areas **[if applicable, list other smoke-free places on property]**. All residents and guests will be required to follow this policy.

Please consider this letter as notice about the changes that will be taking place upon renewal of your lease. We hope this policy will help everyone breathe easier and live healthier.

Please have all adults living in your unit sign the enclosed form and return it to the management within one week. If you have any questions about this policy, please contact management.

Thank you,

Property Manager/Owner

Sample Tenant Letter (cont'd)

[DATE]

All adults living in a unit must sign below and return to the management within one week. If this form is not signed and returned within one week, management will assume that residents have chosen not to adhere to the smoke-free policy and will begin the lease termination process.

Adult #1

I understand and agree to abide by the smoke-free policy to begin at my lease renewal.

Name: _____

Signature: _____

Apartment Number: _____ Date: _____

Adult #2

I understand and agree to abide by the smoke-free policy to begin at my lease renewal.

Name: _____

Signature: _____

Apartment Number: _____ Date: _____

Adult #3

I understand and agree to abide by the smoke-free policy to begin at my lease renewal.

Name: _____

Signature: _____

Apartment Number: _____ Date: _____

Adult #4

I understand and agree to abide by the smoke-free policy to begin at my lease renewal.

Name: _____

Signature: _____

Apartment Number: _____ Date: _____

Appendix D: Smoke-Free Housing Survey

SAMPLE SMOKE-FREE HOUSING SURVEY

[Date]

Dear Residents:

Many apartment building owners are exploring strategies to create healthier environments within their buildings. Some are choosing to adopt smoke-free policies for a number of reasons: People who already suffer from an illness, such as asthma, chronic bronchitis, heart disease, diabetes or cancer, are particularly susceptible to the effects of secondhand tobacco smoke. Young children are also especially vulnerable to the dangers of breathing secondhand smoke, and on average are exposed to more of it than adults. In addition, smoking materials are a leading cause of residential fires in New York.

To better ensure the health and safety of all persons living here, we are considering adopting a smoke-free rule at the [building/complex]. We would like to hear from you!

Please fill out the survey below and return it to [name] by [date] so we may consider your views.

Sincerely,

The Management

Cut here ✂ -----

1. Do you now smoke cigarettes or other tobacco products every day, some days or not at all?
 Every day Some days Not at all
2. Do you allow people, including yourself, to smoke tobacco products in your apartment?
 Yes No
3. Have you smelled tobacco smoke in your home that comes from another apartment or outside?
 Yes No
4. Does smelling tobacco smoke in your home bother you?
 Yes No
5. Are you concerned about the health effects of secondhand tobacco smoke on you or someone you live with?
 Yes No
6. Would you like this building to be smoke-free? (Meaning no smoking indoors, including in apartments.)
 Yes No
7. If yes to the above, would you prefer that smoking is prohibited everywhere on the property—both inside and outside?
 Yes No

Comments:

(Optional) Name _____ **Phone** _____ **Apartment #** _____

Appendix E: Sample Smoke Free Rule

SAMPLE SMOKE-FREE RULE

Building/Property Address: _____

1. Smoking is prohibited as described below:

Due to the increased risk of fire and the known health effects of secondhand tobacco smoke, smoking is prohibited in the entire premises, including inside residential units, all common areas and areas within 15 feet of entrances, windows, doors and air- intake units. The only exceptions to this rule are in the designated outdoor smoking areas listed below, if applicable. This rule applies to owners and tenants and any other persons on the premises, including guests and servicepersons.

DESIGNATED OUTDOOR SMOKING AREAS (if applicable): _____

2. Definition of "Smoking"

"Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or any form of lighted object or device that contains tobacco.

3. Complaint Procedure

Complaints about smoke migrating into a residential unit or common area should be made promptly to the owner. Complaints should be made in writing and should be as specific as possible, including the date, approximate time, location and source of migrating smoke.

ACKNOWLEDGMENT & SIGNATURES:

I have read the smoke-free rule described above, and I understand the smoke-free rule governs the premises. I agree to comply with the rule described above.

I understand that violating the rule may constitute grounds for fines or eviction proceedings for rental units. For condominiums, cooperatives or other owned units, I understand that violations of the policy on smoking may be addressed according to the building's governing rules.

Landlord's/Managing Agent's printed name and signature _____ **Date** _____

Tenant's printed name and signature _____ **Date** _____

Tenant's printed name and signature _____ **Date** _____

