

DHCD Guidelines for Smoke-free Housing Policies

PUBLIC HOUSING
NOTICE 2014- 08
APRIL 4, 2014

REASONS TO IMPLEMENT A SMOKE-FREE HOUSING POLICY:

TO PROTECT THE HEALTH OF RESIDENTS FROM SECOND HAND SMOKE

- There is evidence that exposure to smoke, direct or second-hand, causes adverse health conditions including, but not limited to, respiratory illnesses, cardiovascular disease like stroke and coronary heart disease, cancer, and asthma.

TO PREVENT FIRES AND FIRE-RELATED DEATHS FROM SMOKING

- Smoking is a primary cause of home fire deaths.

TO REDUCE UNIT TURNOVER COSTS

- When apartments are vacated by smokers there are additional costs incurred for turnover due to stains, residues and odors caused by the cigarettes. Work can include additional treatment of walls and ceilings to cover smoke stains, additional painting, replacing carpeting, flooring, blinds and cleaning of ducts and fans and appliances.

TO PROTECT PROPERTY FROM DAMAGE

- Protection of property from fires, odor or stain damage ensures the greatest availability of housing units.

CONSIDERATIONS FOR ADOPTING A SMOKE-FREE HOUSING POLICY

DETERMINE THE INTEREST OF THE LHA BOARD, STAFF, AND RESIDENTS REGARDING DEVELOPING AND IMPLEMENTING A SMOKE-FREE HOUSING POLICY.

BE PREPARED TO RAISE AWARENESS OF HEALTH ISSUES

- Health issues associated with second hand smoke, and smoking in general, should be addressed.
- LHAs should make available smoking cessation programs to tenants.
- Identify and partner with agencies regarding cessation programs.

There is an abundance of information about the health risks of smoking as well as the effects of second hand smoke. Information can be found at www.epa.gov/smokefree/healtheffects.html; the 2014 Surgeon General Report titled [The Health Consequences of Making: 50 Years of Progress](http://www.surgeongeneral.gov/library/report/fullreports/50-years-of-progress/) , can be found at:

<http://www.surgeongeneral.gov/library/report/fullreports/50-years-of-progress/index.html>

Local health departments and the state Department of Public Health are sources of information on smoking cessation.

CONSIDER THE DESIGN OF LHA DEVELOPMENTS, BUILDINGS, AND UNITS.

- Discuss whether or not all state-aided developments will be smoke-free.
- Take into consideration the number of buildings, the layout of the property, the ventilation system and unit design. This will help the LHA determine how smoke drifts and lingers.
- Second-hand smoke travels from unit to unit through ventilation, electrical outlets and other pathways. Once it seeps into a unit, the smoke can linger for hours.

A SMOKE-FREE HOUSING POLICY MUST:

- Allow applications for occupancy, whether the applicant smokes or not, for any individual who is otherwise eligible and qualified for state-aided public housing. (Ref. M.G.L. c. 121B, Section 32 and DHCD regulation, 760 CMR 5.00)
- Maintain one waiting list for each program by bedroom size comprised of eligible applicants regardless of whether they are smokers or non-smokers.
- LHAs must always accept and objectively review any reasonable accommodation request by a person with a disability. Reasonable accommodation requests must be considered on a case by case basis.

CONSIDER HOW THE SMOKE-FREE HOUSING POLICY WILL BE ENFORCED.

- Will there be a lease addendum and/or will House Rules be established or updated? Will there be warnings? What are the consequences of violation? Policies must include notice to tenants of a right to grieve any enforcement action. LHAs cannot establish a fine to be charged to tenants who do not comply with the smoke-free housing policy. However, LHAs may charge tenants for actual costs incurred due to damage to the unit. (Reference Section IX (N) of the DHCD Form Lease).
- The policy will also apply to anyone on the property, visitors, visiting nurses, home health aides, vendors, contractors, and LHA employees. How will the LHA provide notice to them and how will the policy be enforced?

SUGGESTED STEPS TO DEVELOP AND IMPLEMENT A SMOKE-FREE HOUSING POLICY

INTRODUCE THE IDEA/GATHER INFORMATION:

Meet with tenants. Ask if they want their homes to be smoke-free. This not only applies to the tenant, but any guest or person coming to provide a service, including employees. Have an open discussion about smoking, second-hand smoke, impacts,

and risks. Do tenants want a smoke-free property? At the meeting provide materials on cessation services and the risks of second-hand smoke.

- Provide tenants with your reasons for consideration of the policy:
 - › Protect tenants from second-hand smoke
 - › Reduce the dangers of fire
 - › Respond to demand for smoke-free units
 - › Protection of the property

- Conduct a written survey of the tenants. Suggested content:
 - › The survey must remind residents that a smoke-free housing policy DOES NOT mean that smokers need to quit smoking or move. Smokers are welcome to remain. They just need to smoke elsewhere.
 - › Do you support a smoke-free housing development?
 - › Do you support no-smoking in units?
 - › Do you or anyone in your household smoke in your apartment? How many: _____
 - If yes, would you or your household member be willing and able to comply with a smoke-free policy?
 - › Do you have guests or service providers that smoke in your apartment?
 - › Are you or anyone in your household affected by drifting tobacco smoke?
 - › Do you have any other comments or suggestions you want us to consider:

DETERMINE WHETHER OR NOT A POLICY WILL BE DEVELOPED:

- Based on the knowledge of the impact of second hand smoke, the reasons to implement a smoke-free housing policy and the information discussed or received from Board of Commissioners, Executive Director, LHA staff, tenant survey, and LTO determine whether or not a policy will be developed.
- Implementation will take time, typically just over one year.

- Review all information and considerations listed above.
- Determine whether the policy will be the same at all state-aided developments or will it be negotiated with each state-aided development population
 - › Grandfathering of units is not recommended. (Grandfathering means that tenants who smoke are allowed to smoke in their units until they move out, and any new tenant who smokes would need to go outside.) Grandfathering prolongs the problem of drifting second hand smoke and complicates enforcement.
 - › How will the LHA notify applicants on the waiting list of the policy? Remember the policy does not make a smoker ineligible or unqualified for housing.
 - › How and where will cessation programs be offered?
 - Consider holding informational meetings on site. Consider running a group cessation course on site. Evidence shows that when LHAs implement smoke-free rules, more residents make an attempt to quit and many succeed.
 - › Establish a set of rules for non-compliance (warnings, grievance, eviction).
 - › Are there improvements that need to be made to the buildings or is there equipment that could prevent second-hand smoke from drifting, such as, installation of weatherization of doors, ventilation machines or other equipment in units and/or hallways, odor eater ash trays, etc. Evaluate the success of remedies after a pre-established trial period.

WRITTEN POLICY, ADOPTION AND IMPLEMENTATION:

- The written policy must be well thought out and clear:
 - › Establish an effective date (a warmer month might make it easier for tenants who smoke to go outside and adapt to change).

- › If applicable, prepare Lease Addendum and revision of House Rules. In accordance with 760 CMR 6.06(1) and 6.06(6)(i); DHCD review and approval is required.
- › Meet with LTO and tenants to present policy. Consultation with LTOs is required prior to policy adoption in accordance with 760 CMR 6.09(3)(g).
- › Provide tenants with a letter announcing the policy with the policy attached
- Require tenants to sign an understanding and acceptance of the policy.
- Notify applicants on the waiting list of the policy.
- Provide a copy to all service providers.
- Provide a copy to all LHA staff.
 - › Discuss policy with staff and applicability to them.
 - › Educate employees on how to field questions regarding the policy.
 - › Post policy in community rooms.
 - › Post policy in LHA administrative office(s).
 - › Include policy with all housing applications and lease-up packets.
 - › Post No Smoking Signs.

TIPS FOR ENFORCEMENT

- LHA is not requiring people to quit smoking. Remind tenants that this policy has been implemented to protect both smokers and non-smokers from second-hand smoke exposure.
- If a tenant reports that he/she smells or sees smoke, address it immediately and amicably. Be consistent with all tenants; this will send a clear message that smoking is not allowed.
- Explain to tenants that non-compliance with the smoke-free housing policy will be treated just like any other complaint. It is the same as if a tenant did not comply with the pet policy or was causing a disturbance, etc.
- Continue education and promotion of cessation resources.

SUPPORTING AGENCIES AND ASSISTANCE IN DEVELOPING THE POLICY

- Housing authorities can start by contacting the local tobacco prevention programs (a list of programs is attached). These programs may be able to provide presentations on the health effects of secondhand smoke exposure and distribute cessation education materials. They can in some cases help you organize onsite group counseling.
- Tenants interested in quitting should call 1-800-QUIT-Now (800-784-8669).
- Tenants should speak with their own health care provider. MassHealth, Medicaid, Medicare, Health Insurance Plans, and certain other insurers all cover many highly effective cessation medications and counseling. Attached is a flier with more information about cessation resources.
- Contact the Massachusetts Smoke-Free Housing Project's toll-free line at (877) 830-8795. This program provides free information and limited technical assistance to property owners and managers interested in implementing a smoke-free rule.
- For more information contact your local tobacco control program or visit www.makesmokinghistory.org/quitting.html.

APPENDICIES

Appendix A: Massachusetts in-person tobacco cessation groups by region (contact for assistance and tools for implementing smoke-free housing policy)

Appendix B: Flier – “Want to quit smoking?YOU CAN.”

Appendix C: Sample letter to resident

Appendix D: Sample Survey

Appendix E: Making Your Home Smoke-Free

Appendix F: DHCD Form Lease Addendum



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Deval L. Patrick, Governor ◆ Aaron Gornstein, Undersecretary

April 4, 2014

To All Local Housing Authority Executive Directors,

Over the past few years, DHCD has heard from residents and local housing authorities (LHAs) expressing interest in implementing no-smoking policies in state-aided public housing developments. Medical research and environmental studies have demonstrated the negative impacts of second-hand smoke to people and the environment. As a result, there is concern and heightened awareness about these issues.

DHCD recognizes that the impacts of smoking and second-hand smoke are important health issues. Local housing authorities are required to prohibit smoking in all of the common areas of state-aided housing developments, including lobbies, LHA offices, hallways, elevators, stairways, laundry, and community rooms. We have also worked with LHAs to ameliorate or eliminate smoke migration from one unit to another.

The state-aided public housing portfolio varies from three-story walk-ups, to scattered site properties, garden-style apartments, and high-rise buildings. The portfolio serves low-income families, elderly, and handicapped households. Most units are attached, sharing common walls and hallways. Residents live, not only side by side, but also above and below one another. Additionally, the majority of the developments have central HVAC systems that circulate air throughout entire structures. All of this makes it difficult to fully prevent smoke from spreading from one unit to another or eliminating smoking odors.

After considering the impact on residents and the availability of affordable housing, DHCD encourages local housing authorities to develop, adopt and implement a smoke-free housing policy in their state-aided public housing units. Policies would state that tenants cannot smoke in the housing authority's buildings and units; policies cannot instruct applicants or tenants to stop smoking. LHAs cannot limit applications for housing to applicants that do not smoke, nor can they force a tenant to quit smoking in order to maintain their continued occupancy of state-aided public housing. Whether an applicant or tenant does or does not smoke has no bearing on the LHAs smoke-free housing policy. The LHA must have information regarding smoking cessation programs and resources available to tenants that express an interest in quitting.

Attached is a guideline, Public Housing Notice 2014-08, to assist LHAs that choose to implement a smoke-free housing policy. Included is a list of agencies and resources that are available to assist you in developing and implementing a policy. DHCD staff is always available to provide assistance. LHAs are reminded that enforcement of no smoking in common areas, such as those listed above, is mandatory. (Please Reference M.G.L. Chapter 270, Section 22, Smoking in Public Places.)

Thank you for your housing authority's consideration of developing, adopting and implementing a smoke-free housing policy.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aaron Gornstein".

Aaron Gornstein, Undersecretary