

Make Your Vermont Property Smoke- and Vape-Free

Smoke- and Vape-Free Housing Toolkit

*A Property Owner, Landlord and Property Manager's Easy Guide
to Policy Creation, Implementation and Enforcement*



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WE CAN HELP.

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The Facts Are Clear

Explore the Reasons for Making Your Properties Go
Smoke- and Vape-Free



Clean indoor air housing policies are centered on the dangers of smoke, vape emissions, and secondhand and thirdhand smoke – not people who smoke or vape. Implementing equitable smoke-free housing policies ensures housing stability and access for all residents, including those who smoke.

Legal Facts

- People who smoke or vape are not a protected class under the Fair Housing Act.
- Federal laws require smoke- and vape-free public housing.
- Vermont supports every landlord's right to create a smoke- and vape-free environment.
- Going smoke- and vape-free can limit the property owner's legal liability.
- Residents can pursue legal action through the Fair Housing Act if they have a health problem worsened by exposure to secondhand smoke or vape emissions.
- Landlords may ban possession or use of cannabis or cannabis cultivation in [lease agreements](#).

Know Your Facts:

There is no state or federal constitutional right to smoke and/or vape.

Health Facts

- There's no safe level of exposure to secondhand smoke or vape emissions.
- Adults, children and pets can experience harm from secondhand smoke or vape emissions.
- Secondhand smoke causes heart disease, stroke, cancer and lung diseases in adults.
- Secondhand smoke causes and worsens asthma attacks in adults and kids.
- Secondhand smoke is linked to Sudden Unexplained Infant Death Syndrome.
- Vape emissions are toxic, exposing non-users to potential cancer-causing chemicals.
- Vape emissions may worsen asthma.
- Vape emissions may reduce immune system function.
- Both cigarette or cigar smoke and vape emissions cause thirdhand smoke.
- Thirdhand smoke is a health hazard to people, especially children and infants.

Know Your Facts:

Thirdhand smoke/emissions are the residual toxins that stay in the sheetrock, carpets, furniture, toys and clothing.

Safety Facts

- Smoking is a leading cause of fires resulting in a fatality in Vermont.
- Some vaping devices and batteries have been known to cause fires or explode, causing serious injury and property damage.

Know Your Facts:

For tips to avoid vape fires, visit the [FDA.gov website](https://www.fda.gov).

Cost Facts

- Smoke- and vape-free properties require less maintenance.
- Smoke- and vape-free properties are significantly less expensive to turn over between tenants.
- Thirdhand smoke and vape emission residues can last six months after a resident quits smoking or vaping.
- Thirdhand smoke and vape emission residues require expensive specialty cleaning, repainting and carpet and furniture replacement.

Know Your Facts:

90% of tenants, including people who smoke, prefer a smoke- and vape-free property.

What's Your Property Type?

Let's Start There



Making your property smoke- and vape-free starts with understanding the rules you need to follow based on the type of property.

Market Rate Multifamily Housing

Simply write the smoke- and vape-free policy into the lease when:

- You're renting a unit to a new tenant.
- You're renewing an existing tenant's lease.
- You're in the middle of an existing lease term only if the tenant agrees.

Public Housing Authorities (PHAs)

The U.S. Department of Housing and Urban Development (HUD) encourages all property owners and managers to voluntarily go smoke- and vape-free. HUD requires PHAs to have a smoke- and vape-free policy. This [rule](#) applies to public housing units, including scattered and single-family properties. This rule does not apply to:

- Dwelling units in mixed-finance projects.
- Section 8 housing.
- Properties converted to project-based rental assistance contracts under the Rental Assistance Demonstration Program.
- Tribal housing.

Section 8 Voucher Program

Properties participating in the voucher program must follow state and local legal requirements for amending a lease to include a clean indoor air policy. Just like with market rate housing, you can add your clean indoor air policy to the lease when:

- You rent a unit to a new tenant.
- You renew an existing tenant's lease.
- You're in the middle of an existing lease term only if the tenant agrees.

Month-To-Month Leases

If you have a property with a month-to-month agreement, you can add a smoke- and vape-free policy that takes effect 30 or more days after you provide notice to all residents.

Building A Smoke- And Vape-Free Action Plan

Steps For Success



Take these simple steps to create, implement and enforce a smoke- and vape-free action plan that works for you and your residents.

1 Talk with Residents

- Involve residents from the start to help them feel positive.
- Know the rules & be ready to answer questions.
- Educate residents about the dangers of secondhand smoke.
- Survey residents.

[See sample survey questions](#)

2 Draft a Policy

- Develop the rules.
- State who's affected by the rules.
- Clarify rule enforcement.
- Clearly identify smoke- and vape-free areas with visible signage.

3 Set a Timeline for Change

Give residents plenty of notice to:

- Ask questions.
- Share concerns.
- Prepare for changes.
- Get early buy-in from building managers and staff.

[See sample timelines](#)

4 Help Residents Understand the Benefits

- Share how smoke- and vape-free properties support better health for all.
- Share how smoke- and vape-free properties support safety for all.

5 Promote Your Smoke- and Vape-Free Policy

- Post notices of policy changes in public places.
- Update website and advertising to include smoke- and vape-free in property description.
- Update Health Department Tobacco Control Program and be added to a database of smoke- and vape-free properties. Email us at TobaccoVT@Vermont.gov
- Provide resources to help support residents who may want to quit smoking, vaping or using other tobacco products.

[See resources to quit smoking, vaping or using tobacco products](#)

6 Implement and Enforce

- Add the policy to all leases.
- Post flyers and signage in common areas.
- Send notices to each unit.
- Communicate enforcement policy with residents.

[See sample lease addenda](#)

1 Talk with Residents



To understand what might work best for your property, start by talking with the people who live there. Taking a survey can help you gather ideas and help residents feel involved and positive about the changes.

Sample Survey Questions

- Do you have experiences with smoking, vaping, secondhand or thirdhand exposure on this property you'd like to share?
- If you or someone in your household smokes or vapes, is it allowed inside your home?
- Do you allow guests to use tobacco or nicotine products in your home?

The survey is a tool that can help determine what areas you'll need to cover in your policy.

[See sample surveys.](#)



Be Sure to Clearly Define Your Policy Rules:

1. What Do You Mean by "Smoke- and Vape-Free"?

Keep the definition of smoking and vaping comprehensive, specific and inclusive of all devices to write a policy that is clear, effective and easily enforceable. For PHAs covered by the HUD rule, prohibited tobacco products include water pipes (also called hookahs) and any items that involve burning tobacco leaves (like cigarettes, cigars and pipes).

The HUD rule doesn't currently apply to e-cigarettes and other electronic smoking devices, however, these harmful products can be included in your policy for any type of property. To include these, define smoking as "inhaling, exhaling, breathing or carrying any lighted or heated cigar, cigarette or other tobacco product or similar lighted or heated product in any manner or in any form."

2. What Areas Will Be Smoke- and Vape-Free?

Clearly identify areas with easily visible signs. Depending on the type of property, they may include:

- **Individual Living Units:** PHAs covered under the HUD rule must make all individual living units smoke- and vape-free. It's a good idea to do this for all buildings to help keep smoke from drifting between units.
- **Common Areas:** At PHAs and in Vermont, all common areas must be always smoke- and vape-free. This includes any area where residents gather like hallways, laundry rooms, underground garages, rental offices, building entrances, exercise rooms, indoor swimming pool areas and party rooms.
- **Outdoor Areas:** PHAs covered under the HUD rule must prohibit the use of prohibited tobacco products in outdoor areas within 25 feet of any housing or administrative buildings or to the PHA's property boundary if less than 25 feet. These include outdoor living areas like balconies, decks, porches and patios.

For any type of property, you can create smoke- and vape-free outdoor spaces (like playgrounds), limit smoking and vaping to designated areas only, or make your whole property smoke- and vape-free. This can help keep smoke and vape emissions from drifting inside through windows and doors and can reduce tobacco and device litter.

3. Should I Designate Smoking and Vaping Areas?

If you choose to provide a designated smoking/vaping area, make sure to comply with the Americans with Disabilities Act (ADA) rules for access.

4. Who Will These Rules Apply To?

Make sure to clearly state that your smoke- and vape-free policy applies to all:

<ul style="list-style-type: none"> ■ Residents ■ Guests 	<ul style="list-style-type: none"> ■ Staff members ■ Outside vendors (including but not limited to maintenance, repair, delivery, sales or home health professionals)
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Be clear that people who smoke or vape are still welcome to live here. They simply cannot smoke or vape in the specified areas. The purpose of a smoke- and vape-free building is to provide a cleaner, safer, healthier living environment for all residents, including people who smoke or vape and their families.

5. When Will the Policy Go Into Effect?

Determine when the rule will become effective and include the date or time frame in the policy. Remember different property types have different legal rules for effective dates.

See the sample timelines to make sure you're following all laws that apply to your property.

6. How Will the Policy Be Enforced?

Include language in the policy that clearly states:

- Who will make sure residents follow the rules.
- What happens if someone breaks the rules.

Include a glossary to define terms so residents can clearly understand the policy and you can easily enforce the policy. Example terms include:

- **Breach of lease:** When a renter or property owner breaks a rule and violates rental agreement.
- **Building:** Usually refers to the physical housing structure.
- **Eviction:** A court/legal process to remove a resident or recover possession of real property.
- **Federal Housing Act of 1968:** "The Fair Housing Act provides equal opportunities for people in the housing market regardless of disability, race, color, sex, religion, familial status or national origin, regardless of whether the housing is publicly funded or not."
- **Grandfathering:** An old rule (e.g. being allowed to smoke/vape) continues to apply for current renters while a new rule (e.g. no smoking/vaping) applies for new renters.
- **House rules:** Documents that some property owners, particularly for subsidized buildings, use in addition to a lease to outline the rules and regulations of the building. Typically, the lease itself states that all house rules must be adhered to but does not explicitly list the rules in the lease. Instead, the rules are listed in a separate document. House rules are just as enforceable as a lease.
- **Notification:** The legal length of time necessary before a manager can change a resident's lease.
- **Nuisance:** A condition or situation (such as loud noise or foul odor) that interferes with the use or enjoyment of property.
- **Property.** Refers to the apartment community's buildings and outdoor spaces. Properties may be made up of multiple buildings. This can also be referred to as an "apartment complex."

Set a Timeline for Change



To make the smoke- and vape-free policy legal, enforceable and successful, give all residents enough time to ask questions, share concerns, prepare to make changes in their homes, and even quit using tobacco products if they choose.

Be willing to set up meetings with residents to talk about why the property is going smoke- and vape-free, and what that will mean for them. Be ready to answer questions like:

- What will change with the new policy?
- Will there be designated smoking/vaping areas?
- What happens if a resident breaks the rules?

Notify all guests, staff, vendors and professionals who visit the property that a new smoke- and vape-free policy will be going into effect, and the policy will include them. Notifications should include:

- Outside maintenance staff or cleaning crews.
- Delivery personnel (Amazon delivery, U.S.P.S. or Meals on Wheels).
- Health care workers (Home health groups, visiting nurses or social workers).
- Religious groups that may visit residents.

While the Vermont Department of Health does not enforce housing policies, they are able to assist TobaccoVT@Vermont.gov

See sample timelines to get started.

Recommended Timeline



Days 1-30: Survey Residents

- Survey residents about their exposure with secondhand and thirdhand smoke or vape emissions on the property as well as their interest in living in a smoke- and vape-free building or complex.
[See Sample Survey](#)
- Email the Health Department Tobacco Control Program to discuss the results and get guidance on policy options at TobaccoVT@Vermont.gov

Days 31-60: Draft the Policy

- Decide what to include in the policy. [View Sample Lease Addenda](#)
- Have your legal representative review the policy to make sure it covers everything and fits all your property needs.

Days 61-90: Notify Residents

- Include the smoke- and vape-free policy in all new leases. Require all new residents to sign a lease addendum with the new smoke- and vape-free policy. [View Sample Lease Addenda](#)
- Notify existing residents of the new policy through letters and flyers. Clearly state the policy's effective date in these notices.
- For PHAs: Mail the draft policy or deliver it in person to each resident. Post it in at least three easily visible places, including a central business location.
- Give residents at least 30 days to review or comment on the policy and consider all comments to make the policy effective. Update your local plan and provide a 45-day comment period. Hold a hearing to discuss plan changes and consider recommendations of the public housing Resident Advisory Board.
- Provide local resources to help support any residents who may wish to quit smoking or vaping.
[Find 802Quits Tobacco Treatment Resources](#)

Days 91-120: Sign on Existing Residents to Policy

- Invite your local community coalition or Tobacco Control Program staff to talk with residents about the policy change.
- Send a reminder notice to residents.
- Ask current residents to sign the lease addendum by the first day of the month in which the policy will go into effect.
- Print smoke- and vape-free [posters](#) to put up around your property.
- Order smoke- and vape-free signs to reinforce the policy and its benefits to residents.
[See Signage Order Form](#)

Days 121-150: Policy Goes Into Effect

- Post smoke- and vape-free signs around your property.
- List the building as smoke- and vape-free in any web listings, advertisements or rental publications. Be sure to call out clean indoor air amenities.
- Host a smoke- and vape-free celebration for residents. The event can include information about resources to help residents who want to quit using tobacco.

[Find 802Quits Tobacco Treatment Resources](#)

Days 151-365: Building Becomes Completely Smoke- and Vape-Free

- Ask residents to sign the smoke- and vape-free lease addendum when they renew leases.
- Assess how many residents still need to sign the lease addendum. If residents voluntarily signed it early, then the building will be smoke- and vape-free sooner than expected.
- Make sure all residents are renting under the smoke- and vape-free policy by the end of the specified month.

Help Residents Understand the Benefits



There are many reasons to go smoke- and vape-free with your properties. It's important to share your reasons with those affected by your smoke- and vape-free policy. When sharing reasons with residents and staff, remember to focus on the facts and the benefits:

It's the Law

- Federal laws require smoke- and vape-free public housing.
- There is no state or federal constitutional right to smoke and/or vape.
- Landlords may ban possession or use of cannabis or cannabis cultivation in [lease agreements](#).

It's Healthier for Everyone

- There's no safe level of exposure to secondhand or thirdhand smoke or vape emissions.
- Secondhand smoke causes heart disease, stroke, cancer and lung diseases in adults.
- Secondhand smoke causes and worsens asthma attacks in adults and kids.
- Secondhand smoke is linked to Sudden Unexplained Infant Death Syndrome.
- Vape emissions are toxic, exposing non-users to potential cancer-causing chemicals.
- Vape emissions may cause an increase of asthma attacks.
- Vape emissions may reduce immune systems.
- Both cigarette or cigar smoke and vape emissions cause thirdhand smoke.
- Thirdhand smoke and vape emissions are the indoor pollution that stays in carpets, walls, furniture, and clothing.
- Thirdhand smoke is a potential health hazard to people, especially children and infants.

It's Safer for Everyone

Smoke- and vape-free buildings have significantly fewer accidental fires. This means residents and staff can feel safer in their homes and workplace.

You Will Be Protecting All Residents

Residents deserve to live in a smoke- and vape-free home and those impacted by secondhand smoke have the right to seek legal action against owners who do not make adequate provisions to protect them.

It Costs Less

Smoke- and vape-free buildings are easier to maintain. This helps keep costs down so you can pass those savings on to residents and staff.

Hold an open meeting to talk about the changes and to address any questions or concerns from residents. Remember to always have resources available to help new residents understand the benefits of the policy.

Promote Your Smoke- and Vape-Free Policy



Going smoke- and vape-free helps protect residents from the dangers of secondhand smoke and vape emissions. Consider promoting your policy by:

- Posting smoke- and vape-free signs around your property.
- Providing resources to help support residents who may want to quit smoking, vaping, or using other tobacco products. [Find 802Quits Tobacco Treatment Resources](#)
- List the building as smoke- and vape-free in any web listings, advertisements or rental publications. Be sure to call out smoke- and vape-free amenities.



Implementation Tips

Once you've decided on the date your policy will go into effect, you'll need to make sure residents know about the new rules and how to follow them. Communicate the date and new rules by:

- Posting smoke- and vape-free signs in common areas. [See Signage Order Form](#)
- Sending notices to each unit and in rent statements.
- Holding a resident meeting to talk about the policy.

Sample Resident Meeting Agenda:

- Present your reasons for adopting a smoke- and vape-free policy.
- Share information on the health risks of secondhand smoke and vape emissions.
- Provide the results of your resident survey.
- Introduce and explain each item in the smoke- and vape-free policy.
- Explain how and when you'll implement the policy.
- Share information about 802Quits resources to support residents who may want to quit smoking/vaping and how residents can connect with these resources.
- Invite residents to share their opinions, questions and concerns.

Train your staff to address questions or concerns that residents, visitors or outside vendors may raise about the new policy. [See Resident FAQs](#)

Enforcement Tips

Housing providers are responsible for enforcing their own smoke- and vape-free policies.

Follow These Tips to Help Make Sure Your Enforcement Efforts are Successful:

- Officially add policy change to leases or the house rules.
- Let residents know how they can report a suspected violation.
- Respond consistently to all violations, this will help current and future residents and staff understand the policy applies to everyone and will be consistently enforced.
- Train staff on how to follow the proper procedures if they observe a violation.
- Do not allow any residents exemption from the new policy. Enforcement becomes more difficult if you decide to "grandfather" people, because other residents will not know who is grandfathered and who is not.
- Follow through on all reported violations. More people will comply if residents know management takes the smoke- and vape-free policy seriously.
- Once the policy is in place, record all enforcement efforts.

- Add the smoke- and vape-free policy to a standard lease violation notification form and any other standard procedures already in place.
- Document each reported violation and evidence of the violation (cigarette butts, ashtrays, vape pods and disposable devices, neighbor reports drifting smoke on specific dates and times).
- Document all warning letters sent to the resident notifying them of a violation and any responses from the resident.
- Follow up conversations with a letter. If the resident was willing to talk with you, thank them for their time and remind them of what you agreed on. If they weren't home or refused to talk with you, remind them of the policy in the letter. [See sample](#) of a friendly warning letter.
- Send a written violation letter if the resident violates the policy after your first visit. [See sample](#) of a first written violation letter.
- Send a final written violation letter if the problem continues.
- If the resident violates the policy again, you can issue a termination notice. If the resident starts complying for a while to avoid eviction, but then begins violating the policy again, you may be able to terminate their lease right away or serve them with an eviction notice if you note another violation within a certain time frame. Refer to your policy for more detail.

Remember, most people want to live in a building where they are free from exposure to secondhand and thirdhand smoke and tend to speak up if they are being exposed — especially when they know a policy is in place and is being violated.

If you need assistance dealing with reported violations, contact the state's Smoking Violations Team at 802-489-7344 or TobaccoVT@Vermont.gov



Access more resources at
HealthVermont.Gov/HousingToolkit



Contact

Tobacco Control Program

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