



SECONDHAND SMOKE
SMOKE-FREE HOUSING
TOOLKIT

Your Guide to Making Your Vermont
Property Smoke-Free



YOU CAN QUIT.
WE CAN HELP.





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Created by the Vermont Department of Health

This toolkit is for informational purposes only and not for the purpose of providing legal advice. For your specific legal questions and needs regarding your property, you should consult with a private attorney.





WHY MAKE YOUR PROPERTY SMOKE-FREE?

TODAY, MORE AND MORE PROPERTIES — FROM MARKET RATE HOUSING TO PUBLIC HOUSING — ARE GOING SMOKE-FREE. THAT'S BECAUSE A SMOKE-FREE PROPERTY IS:

Legal:

Vermont supports a landlord's right to create a smoke-free environment. And federal rules now require smoke-free public housing. People who smoke are not considered a protected class under the Fair Housing Act and there is no state or federal constitutional right to smoke.

In addition, going smoke-free can limit your liability. Residents can pursue legal action against a property owner, manager or other resident if they have a health problem they believe was caused or made worse by exposure to secondhand smoke.

While Vermont Act 86 eliminated penalties for possession of limited amounts of marijuana by adults age 21 and older, landlords may ban possession or use of marijuana or marijuana cultivation in lease agreements.

Healthy:

Secondhand smoke is bad for everyone. It causes heart disease, cancer and lung diseases in adults. It makes kids more likely to get sick. It causes and worsens asthma attacks, and it's been linked to SUIDS (sudden unexplained infant death syndrome).

According to the Surgeon General, there is no safe level of exposure to secondhand tobacco smoke. So by making your property smoke-free, you can make a big impact on the health of residents, staff and pets. Even people who smoke can benefit from living and working in a healthy, smoke-free environment that encourages them to smoke less or quit altogether.

Safe:

Smoking is a leading cause of fires resulting in a fatality. The risk of injury or death as well as property damage from accidental fires goes down when properties go smoke-free.

Cost effective:

Reducing fires reduces costs, as fire damage is very expensive. Smoke-free properties also require less maintenance, are easier and less expensive to turn over between tenants and are more attractive to many potential residents. In fact, surveys show that up to 80% of tenants, including those who smoke, would rather live in a smoke-free home.





GETTING STARTED

UNDERSTAND THE RULES FOR YOUR PROPERTY TYPE

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

Market Rate Housing

To create a smoke-free policy in a market-rate, multifamily housing property, simply write it into the lease. You can do this:

- When you rent a unit to a new tenant or
- When you renew an existing tenant's lease or
- In the middle of an existing lease term if the tenant agrees to the new policy. Just like with a pet policy, if a tenant doesn't agree, you'll need to wait until the lease comes up for renewal.

Public Housing Authorities (PHAs)

The U.S. Department of Housing and Urban Development (HUD) now requires PHAs to have a smoke-free policy. Policies were required to be in place no later than July 30, 2018.

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 that have converted to project-based rental assistance contracts under the Rental Assistance Demonstration Program
- Tribal housing

However, HUD encourages all property owners and managers to voluntarily go smoke-free.

You can review PHA-specific rules on what HUD requires for a smoke-free property throughout this guide. You can also learn about the steps you'll need to take to communicate any new changes in policy to your residents.

Section 8 Voucher Program

Properties participating in the voucher program must follow state and local legal requirements for amending a lease to include a smoke-free policy.

Just like with market rate housing, you can add your smoke-free policy:

- When you rent a unit to a new tenant **or**
- When you renew an existing tenant's lease **or**
- In the middle of an existing lease term only if the tenant agrees

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

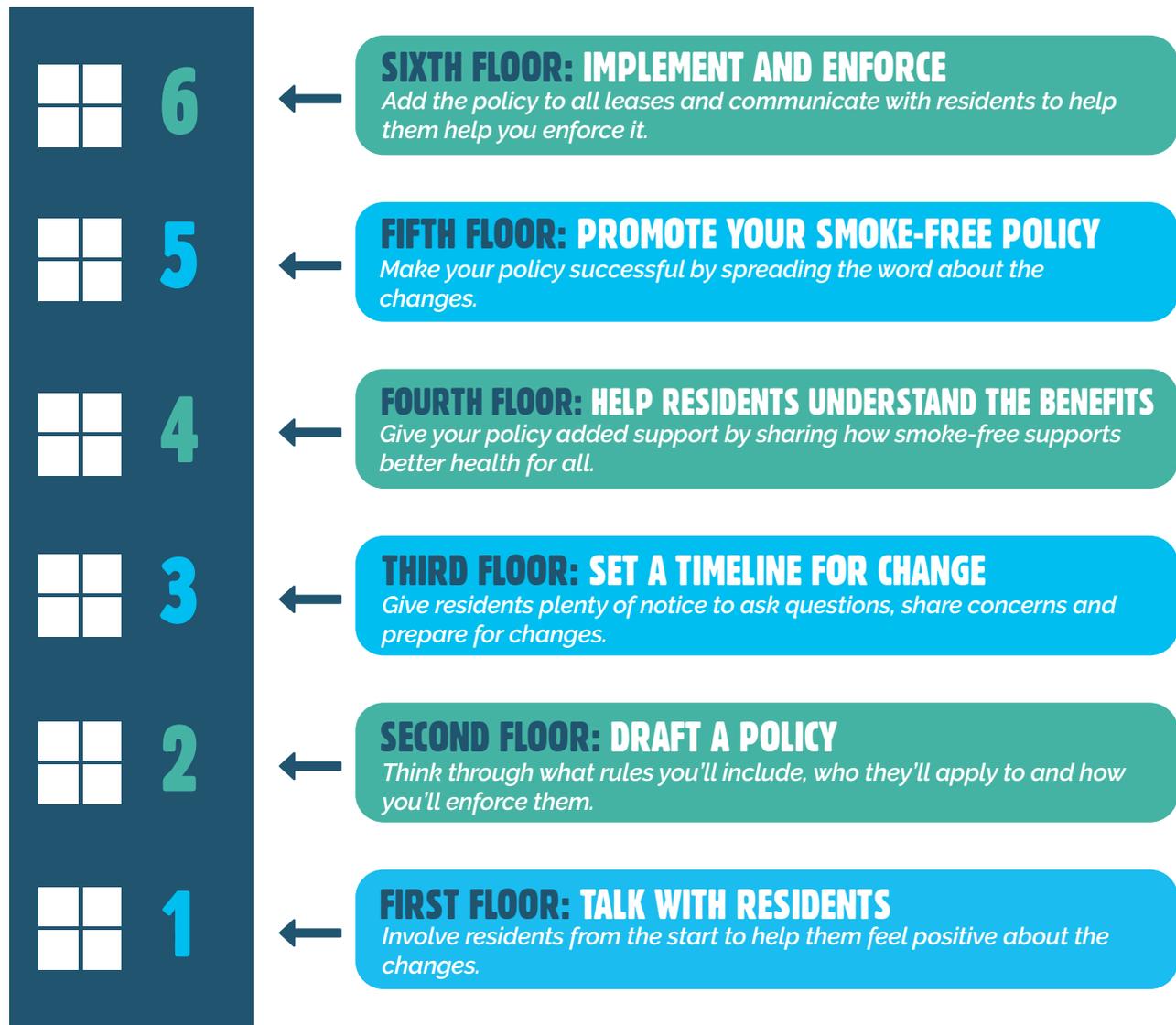




STEPS FOR SUCCESS

GOING SMOKE-FREE DOESN'T HAVE TO BE HARD.

With support from your [office of local health](#) and [community coalition](#), these steps can help you create, implement and enforce a smoke-free policy that works for you—and your residents.





STEPS FOR SUCCESS

FIRST FLOOR: 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 can help residents feel involved from the start, which can help them feel positive about the changes.

Your survey can ask residents questions like:

- Do you have experiences with smoking or secondhand smoke on this property that you'd like to share?
- If you or someone in your household smokes, do you allow smoking inside your home?
- If no one in your household smokes, do you allow guests to smoke in your home?

See the example surveys on page # for more questions. The survey can help determine what areas you'll need to cover in your policy.





STEPS FOR SUCCESS

SECOND FLOOR: DRAFT A POLICY

Now that you've heard from residents, you're ready to draft your policy. Be sure to address the questions below. You can get more ideas from the example policy in our Resources section, on pg. #.

What rules will you include in your policy?

Be sure to clearly define:

1. What you mean by "smoke-free". Keep the definition comprehensive and be specific on how you define smoking and what devices are included to help make the policy effective and easier to enforce.

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).

Even though the HUD rule doesn't apply to e-cigarettes and other electronic smoking devices, you can also decide to include these harmful products in your policy for any type of property. To include these, you can 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-free. You'll need to clearly identify these areas with easily visible signs. Depending on your type of property, they may include:

- **Individual living units:** PHAs covered under the HUD rule must make all individual living units smoke-free. But it's a good idea to do this for all buildings to help keep smoke from drifting between units.
- **Common areas:** In Vermont, all common areas must be smoke-free at all times. 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 all prohibited tobacco products in all 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.





STEPS FOR SUCCESS

SECOND FLOOR: DRAFT A POLICY

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

A note on designated smoking areas: If you choose to provide a designated smoking area, you'll need to make sure you comply with the Americans with Disabilities Act (ADA) rules for access.

3. Any other terms that people may need to know to understand the policy. For example:

- **Breach of lease:** When a renter or property owner breaks a rule or otherwise violates a rental agreement.
- **Building:** Usually refers to just the physical housing structure.
- **Eviction:** A court process to remove a resident or otherwise recover possession of real property by a legal process.

- **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) continues to apply for current renters while a new rule (e.g. no smoking) 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".





STEPS FOR SUCCESS

SECOND FLOOR: DRAFT A POLICY

Who will these rules apply to?

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

- Residents
- Guests
- Staff members
- Outside vendors (including any repair, delivery, sales or home health professionals)

Be clear that people who smoke are still welcome to live here. They simply cannot smoke in the specified areas. The purpose of a smoke-free building is to provide a cleaner, safer, healthier living environment for all residents, including smokers and their families. Residents may have a lot of misinformation and fears, so help address their concerns.

When will you put the policy 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 page #, as well as the timelines in the Resources section on page #, to make sure you're following all laws that apply to your property.

How will you enforce the policy?

You'll want to include:

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

The best way to address this is to look at other policies your property might have, such as a pet policy. A smoke-free policy should be looked at no differently.





STEPS FOR SUCCESS

THIRD FLOOR: SET A TIMELINE FOR CHANGE

To make your smoke-free policy legal, enforceable and successful, you'll need to give all residents enough time to share their opinions and 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 you're going smoke-free, and what that will mean for them. Be ready to answer questions like:

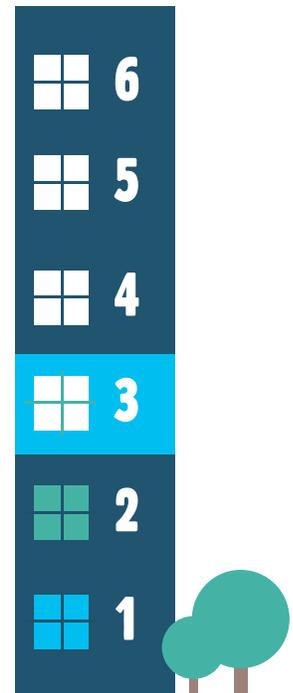
- What will change with the new policy?
- Will there be designated smoking areas?
- What happens if a resident breaks the rules?

You'll also need to notify all guests and staff, as well as all professionals who may come to the property. These include any:

- Outside maintenance staff or cleaning crews
- Delivery personnel (like those who deliver appliances or Meals on Wheels)
- Health care workers (like home health groups)
- Religious groups that may visit residents

Use our sample timelines on the pages to follow, depending on the type of policy you draft.

While the Vermont Department of Health does not enforce housing policies, please feel free to reach out to the Health Department's Tobacco Control Program for help with any steps in this process. You can reach program staff by phone at 802-863-7330 or 800-331-5622 (in Vermont) or by email at tobaccovt@vermont.gov.





STEPS FOR SUCCESS

60-DAY NOTICE TIMELINE

(Policy goes into effect after 60-day notice)

DAYS 31-60: DRAFT THE POLICY

- Decide what you'll include in your policy. View the sample lease agreement in the Resources section on page #.
- Have your legal representative review the policy to make sure it covers everything and fits all your property needs.

DAYS 91-120: EXISTING RESIDENTS BEGIN TO SIGN ON TO POLICY

- Invite your local tobacco control and prevention staff to talk with residents about the policy change, as well as local resources to help support any residents who may wish to quit smoking.
- Send a friendly 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.
- Order smoke-free signs to reinforce the policy and its benefits to residents. View sample signs in the Resources section on page #.
- Print smoke-free posters to put up around your property.

DAYS 121-150: POLICY GOES INTO EFFECT

- Continue posting smoke-free signs around your property.
- List the building as smoke-free in any web listings, advertisements or rental publications. Be sure to call out nonsmoking in the amenities.
- Host a smoke-free celebration for residents. The events can include information about resources to help residents who use tobacco quit. Check the Resources section on page #.

DAYS 1-30: SURVEY RESIDENTS

- Ask residents about their experience with secondhand smoke exposure on the property and their interest in living in a smoke-free building or complex. View the sample survey in the Resources section on page #.
- Contact the Health Department's Tobacco Control Program to discuss the results and get guidance on policy options, with policy options.

DAYS 61-90: NOTIFY RESIDENTS

- **Include the policy in all new leases.** Begin having all new residents sign a Lease Addendum with the new smoke-free policy as they move in.
- **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. You'll also need to post it in at least three easily visible places, including a central business location, in each building that will be affected.

You must give residents at least 30 days to review or comment on the policy, and consider all comments to make the policy effective. You must also update your local plan. For local plan updates, you'll need to provide a 45-day comment period, hold a hearing to discuss plan changes, and consider recommendations of the public housing Resident Advisory Board.

- **Offer support to any residents who wish to quit smoking.** View quitting and cessation options in the Resources section on page #.





STEPS FOR SUCCESS

PHASE-IN TIMELINE

(Policy goes into effect with existing lease renewals and new lease signings)

DAYS 91-120: EXISTING RESIDENTS BEGIN TO SIGN ON TO POLICY

- Invite your local tobacco control and prevention staff to give a talk about the policy change as well as available signage and resources.
- Send a reminder notice to residents, if needed.
- Order smoke-free signs. View the sign samples in the Resources section on page #.

DAYS 151-365: BUILDING BECOMES COMPLETELY SMOKE-FREE

- Ask residents to sign the Smoke-free Lease Addendum as they renew their leases.
- Assess how many residents still need to sign the Lease Addendum. (If residents voluntarily signed it early, then the building will be smoke-free sooner than expected.)
- Make sure that all residents are renting under the smoke-free policy by the end of the specified month.

DAYS 61-90: NOTIFY RESIDENTS

- Ask all new residents to sign a Lease Addendum with the smoke-free policy as they move in.
- Notify all existing residents of the policy change through letters and flyers. Inform them that the policy change will happen during lease renewals beginning in a specified month.
- Create an incentive to encourage existing residents to sign the Lease Addendum early.
- Offer cessation options to those residents who wish to quit using tobacco. Use posters to spread the word about the policy and its timeline.

DAYS 121-150: POLICY GOES INTO EFFECT

- Ask residents who renew their lease beginning in the specified month to sign the Smoke-free Lease Addendum.
- Post smoke-free signs around your property.
- List the building as smoke-free in any web listings, advertisements or rental publications.
- Host a smoke-free celebration for residents.





STEPS FOR SUCCESS

FOURTH FLOOR: HELP RESIDENTS UNDERSTAND BENEFITS

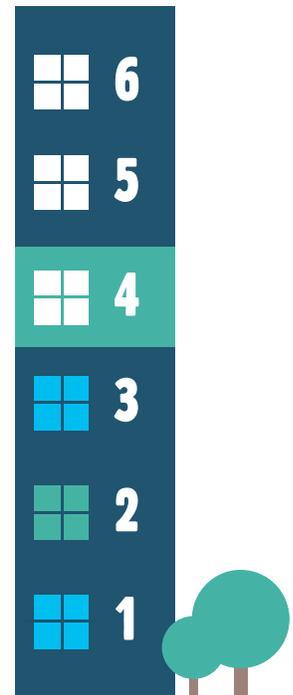
There are many reasons to go smoke-free. And it's important to share your reasons with those affected by your smoke-free policy.

When sharing reasons with residents and staff, remember to focus on the benefits from their perspective. For example:

- You're following state and federal laws. There is no state or federal constitutional right to smoke. Residents impacted by secondhand smoke have the right to seek legal action against owners who do not make adequate provisions to protect them. Also, under Vermont Act 86, landlords can still ban possession or use of marijuana or marijuana cultivation in lease agreements.
- Smoke-free buildings have significantly fewer accidental fires. This means residents and staff can feel safer in their homes and workplace.
- Smoke-free buildings are easier to maintain. This helps keep costs down for you, so you can pass those savings on to residents and staff.
- Smoke-free properties are healthier for everyone: Secondhand smoke makes people sick, and smoke can easily drift from one home to another in a multi-family building. It's known to cause cancer and heart disease in adults. It increases the risk and severity of asthma and other breathing problems in children. And it increases the risk of low birth weight, infections and even SUIDS (sudden unexplained infant death syndrome) in babies.

Also, consider holding an open meeting to talk about the changes, and any questions or concerns that residents may have. Remember to always have resources available to help new residents understand the benefits of the policy.

Go to the Resources section on page # for additional information about cessation resources for those who are considering quitting tobacco, or want to help a family member quit.

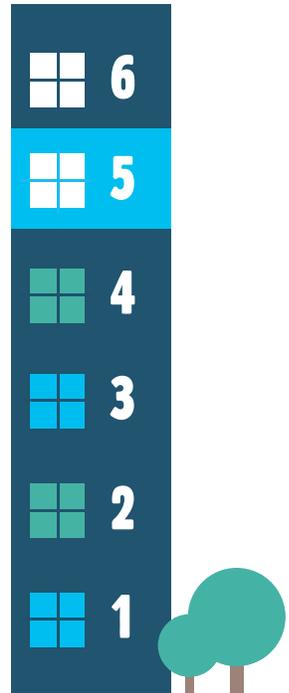




STEPS FOR SUCCESS

FIFTH FLOOR: PROMOTE YOUR SMOKE-FREE POLICY

- Post notices of the smoke-free policy in public places for residents and visitors to see.
- Provide resources to help support residents who may want to quit smoking or using other tobacco products.
- Update all web and publication listings and any other advertising to include "smoke-free" in the property description.
- Let the Health Department's Tobacco Control Program know so we can add you to our database of smoke-free properties across the state.





STEPS FOR SUCCESS

SIXTH FLOOR: IMPLEMENT AND ENFORCE

Implementation

Implementing a smoke-free policy is simple. 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.

You can notify residents by:

- Posting flyers in common areas
- Sending notices to each unit
- Including notices in rent statements
- Holding a meeting to talk about the policy with residents

If you decide to hold a meeting, here's what you'll want to do:

- Present your reasons for adopting a smoke-free policy.
- Share information on the health risks of secondhand smoke.
- Provide the results of your resident survey.
- Introduce and explain each item in the smoke-free policy.
- Explain how and when you'll implement the policy.
- Share information about resources to support residents who may want

to quit smoking and how residents can connect with these resources.

- Invite residents to share their opinions, questions and concerns.

Also be sure to train your staff to address questions or concerns residents, visitors or outside vendors may raise about the new policy. Train staff on how to follow the proper procedures if they observe a violation. See the Resident FAQs in the Resources section on page #.

Enforcement

Housing providers are responsible for enforcing their own smoke-free policies, but much information is available on how to both promote and enforce a new policy.

Make sure the policy change is officially added to leases or the house rules. Follow the same procedures for adopting and documenting the smoke-free policy — and for notifying residents about the policy — that are required for any other changes to lease provisions and house rules.

Just like any other resident policy, smoke-free policies are often self-





STEPS FOR SUCCESS

SIXTH FLOOR: IMPLEMENT AND ENFORCE

Just like any other resident policy, smoke-free policies are often self-enforcing. Most people want to live in a building where they are free from exposure to secondhand smoke and tend to speak up if they are being exposed — especially when they know a policy is in place and is being violated. Let residents know how they can report a suspected violation. Responding consistently to all violations will help current and future residents and staff understand that the policy applies to everyone and will be enforced.

Do not allow any residents — even longtime residents — to be exempt from the new policy. A smoke-free policy should be treated like any other lease provision or house rule. Follow through on all reported violations. More people will comply if residents know management takes the smoke-free policy seriously. Enforcement becomes more difficult if you decide to “grandfather” people, because other residents will not know who is grandfathered and who is not.

Record enforcement efforts. Add the smoke-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, neighbor reports drifting smoke on specific dates and times). Likewise, document warning letters sent to the resident notifying them of a violation and any responses from the resident.

Keep reading to get tips for enforcing your smoke-free policy.





STEPS FOR SUCCESS

SIXTH FLOOR: IMPLEMENT AND ENFORCE

Follow these tips to help make your implementation and enforcement efforts successful. Note that these may change depending on your specific policy.

- 1 Post smoke-free signs.** Most people do the right thing and comply with smoke-free policies without incident when they know what is expected. Posting signs in visible areas at building entrances and in common areas makes it clear to all residents exactly which areas are smoke-free. Use the Signage Order Form on pg. # to order free signs from the Vermont Tobacco Control Program.
- 2 If a resident violates the policy,** start by talking with them. Knock on the door and ask for a few minutes of their time. The resident doesn't have to talk with you or let you inside their home, but if they do, it's an opportunity to start with a friendly reminder about the policy. Be sure to keep a record of the visit and whether you smelled smoke inside the resident's home.
- 3 Follow up 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 a sample of a friendly warning letter in the Resources section on page #.
- 4 If the resident violates the policy after your visit, send a first written violation letter.** See a sample of a first written violation letter in the Resources section on page #.
- 5 If the problem continues, send a final written violation letter.** You can decide how many repeat offenses it will take to issue this final letter.
- 6 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.





RESOURCES: FACT SHEET FRONT



SECONDHAND SMOKE
SMOKE-FREE HOUSING

REASONS TO EXPLORE SMOKE-FREE HOUSING

This document is for property owners, landlords and property managers who are interested in exploring a smoke-free policy for their multi-unit buildings.

Today, more and more properties, from market rate housing to public housing, are going smoke-free. That's because a smoke-free property is:

Legal: Vermont supports a landlord's right to create a smoke-free environment. And federal rules now require smoke-free public housing (HUD Rule: Instituting Smoke-Free Public Housing). Smokers are not considered a protected class under the Fair Housing Act and there is no state or federal constitutional right to smoke.

In addition, going smoke-free can limit your liability. Residents can pursue legal action against a property owner, manager or other resident if they have a health problem they believe was caused or made worse by exposure to secondhand smoke.

While Vermont Act 86 eliminated penalties for possession of limited amounts of marijuana by adults age 21 and older, it also allowed landlords to still ban possession or use of marijuana or marijuana cultivation in lease agreements.

Healthy: Secondhand smoke is bad for everyone. It causes heart disease, cancer and lung diseases in adults. It makes kids more likely to get sick. It causes and worsens asthma attacks, and it's been linked to SUIDS (sudden unexplained infant death syndrome).

According to the U.S. Surgeon General, there is no safe level of exposure to secondhand tobacco smoke. By making your property smoke-free, you can have a big impact on the health of residents, staff and pets. Smokers themselves can benefit from living and working in a healthy, smoke-free environment that encourages them to smoke less or quit altogether.

Safe: Smoking is a leading cause of fires resulting in death. The risk of injury or death as well as property damage from accidental fires goes down when properties go smoke-free.

Cost-effective: Reducing fires reduces costs, as fire damage is very expensive. Smoke-free properties also require less maintenance, are easier and less expensive to turn over between tenants, and are more attractive to many potential residents. Surveys show that up to 80% of tenants, including those who smoke, would rather live in a smoke-free home.



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RESOURCES: FACT SHEET BACK



SECONDHAND SMOKE
SMOKE-FREE HOUSING

FAST FACTS

- **Reduced Operating Expenses**
Apartment turnover can be two to seven times greater when smoking is allowed, compared to the cost of maintaining and turning over a smoke-free unit.
- **Tenants Prefer Smoke-free Housing**
Many statewide surveys from across the United States demonstrate that as many as 80% of tenants, including smokers, would choose to live in a smoke-free complex. According to the 2017 Behavioral Risk Factor Surveillance Survey, almost 83% of Vermonters choose not to smoke at all. Likewise, 87% of all Vermont adults do not allow smoking anywhere inside their home (2016 Vermont Adult Tobacco Survey).
- **Secondhand Smoke Is Deadly**
Secondhand smoke is a leading trigger of asthma attacks and other respiratory problems, and a known cause of SUIDS (sudden unexplained infant death syndrome).

Resources:

Department of Housing and Urban Development. Smoke-free Policy: Preparing for Your Smoke-Free Home.
Vermont State Legislature. Act 86 (18 V.S.A. 54230a(b)(2)(E)).
American Nonsmokers Rights Foundation. The Benefits of Smokefree Buildings. Smoke Free Housing Project. A Landlord's Guide to No-Smoking Policies.
Smoke-Free Housing Coalition of Maine. 2004-2006 Surveys. (Portland, ME: 2007).
Washington State Department of Health. Tobacco Prevention and Control Program. 2003 Tenant Surveys. (Olympia, WA: 2003).
Oregon Smoke Free Housing Project, 2006 Market Surveys. American Lung Association of Oregon. (Tigard, OR: 2006).
United States, Office of the Surgeon General. The Health Consequences of Involuntary Exposure to Tobacco Smoke. (Atlanta, GA: Department of Health and Human Services, 2006).



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RESOURCES: TENANT SURVEYS

SAMPLE TENANT SURVEY

Date

Dear residents of (building/complex/community):

I am writing to let you know that we are considering a smoke-free policy for (name of property). Like many other residential properties, workplaces and recreational facilities in Vermont and across the country, we are doing this to help protect you and other residents from the serious health risks of secondhand smoke.

Please respond to the questions below so that we may review this issue with your input.

Please slide responses under the office door (or provide other means of response) by the evening of (due date) so we can consider your comments.

Please circle “yes” or “no” and add comments at the bottom.

Are you a smoker? (i.e. cigarettes, e-cigarettes, or vape pens)	Yes	No
If yes, do you smoke in your unit?	Yes	No
Do you allow guests/family members or others to smoke or use e-cigarette or vape pens in your unit?	Yes	No
Can you smell tobacco smoke or vapor from e-cigarettes or vape pens from other units when in your apartment?	Yes	No
Can you smell tobacco smoke or vapor from e-cigarettes or vape pens when in the hallway/common areas?	Yes	No
Would you be in favor of a smoke-free policy for this building? (meaning people who use cigarettes, e-cigarettes or vape pens can still live in the building but cannot smoke in the building)	Yes	No

Comments:

DOWNLOAD RESOURCES AT
HEALTHVERMONT.GOV/SMOKE-FREEHOUSING





RESOURCES: TENANT SURVEYS

SAMPLE TENANT SURVEY

Dear Valued Tenant:

The (name of building management or property) is interested in the safety and comfort of tenants, and providing an enjoyable living experience for all. There is a growing body of evidence, summarized in the 2006 U.S. Surgeon General report on secondhand smoke, that confirms there is no risk-free level of exposure to secondhand smoke. According to the Surgeon General, exposure to secondhand smoke can be particularly dangerous to children, adults and children with asthma, and to people with heart or breathing problems. Exposure to secondhand smoke is linked to higher rates of obesity and diabetes, and puts people at a greater risk for strokes.

We have decided to review our smoking policy to determine if it should be revised in light of these findings. We value your tenancy and would appreciate your input so that we can design a policy that is equitable to our residents, and that provides guidelines as to where smoking will or will not be permitted. We believe a policy will reduce complaints from tenants and between neighbors about drifting secondhand smoke. All answers will be kept confidential.

Please fill in the blanks and circle "yes" or "no" where appropriate.

- How many years have you lived here? -----
- How many children under 18 years live in your home? -----
- How many people living in your home smoke (i.e. cigarettes, e-cigarettes or vape pens)? -----
- Do you allow visitors or workers (like repair professionals) to smoke (cigarettes, e-cigarettes or vape pens) in your home? Yes No
- Has secondhand tobacco smoke or vapor from e-cigarettes or vape pens drifted into your home? Yes No
If you answered "Yes": Please describe where the smoke or vapor is coming from (like a hallway, or a neighbor's home, porch or patio): -----
- Do you support making this building smoke-free (i.e. cigarettes, e-cigarettes or vape pens)? Please circle one: Yes No
Note: People who smoke or use e-cigarette or vape pens are still welcome to live here. Making the property smoke-free just means that they can't smoke or use e-cigarettes or vape pens indoors, including in common areas and private homes.
- Do you think we should have a designated area outside where residents and guests can go to smoke and use e-cigarettes or vape pens? Yes No
- Please list other areas of the building or grounds that you would like to see designated smoke-free: -----

Your Name (please print): -----

Your Unit Number: -----

Thank you.

Please slip completed forms under the management office door (or provide another method for return).

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HEALTHVERMONT.GOV/SMOKE-FREEHOUSING



YOU CAN QUIT.
WE CAN HELP.



RESOURCES: LETTERS TO RESIDENTS

SAMPLE VIOLATION WARNING LETTER

****The following warning letter can be used as a model to write your own letters to tenants who are violating the terms of your smoke-free policy. Please note that the letter is intended to be tailored according to the specifics of your smoke-free policy and the penalties associated with violating the contract.****

Date

Dear (name of resident),

We've been made aware that secondhand smoke has been drifting out of your home into common areas and/or others' homes (OR "Our staff has noticed a strong odor of cigarettes in your home."). I would like to remind you that, as stated in your lease agreement, (property name) has a smoke-free policy that states (insert non-smoking policy).

This decision is to protect the health of all tenants from the adverse effects of secondhand smoke, a known health hazard associated with lung cancer and heart disease. The decision was also made to promote safety in our building and for our tenants by reducing damage to units and risk of fire.

Tenants who violate the terms of their lease are subject to the penalties outlined in the lease agreement. If you violate the terms of the lease again, we may take appropriate action, including issuing a monetary fine or terminating your lease. (Include further details about your enforcement procedures of warnings, fines, etc.)

(If you have an outdoor designated smoking area, provide details on where it is and ask the tenant to smoke only in the designated area[s].)

Thank you for your cooperation in this matter. Please don't hesitate to contact us at (insert contact information) if you have questions or concerns.

If you are interested in quitting smoking, help is available through 802Quits at www.802quits.org or 1-800-QUIT-NOW. Services are free and include information, counseling, a personalized quit plan, local quit coaches, nicotine replacement therapy (patches, gum, lozenges) and quit kits that contain pedometers and other stress relievers to boost success.

Sincerely,

Name

Title

Company

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RESOURCES: LEASE ADDENDA

SAMPLE LEASE AGREEMENT

****The portions of this addendum that have been included in parentheses may be adjusted depending upon the scope of your smoke-free policy.****

Resident and all members of the resident's family or household are parties to a written lease with Property Owner/Manager (the Lease). This addendum states the following additional terms, conditions, and rules that are incorporated into the lease. A breach of the lease addendum shall give each party the rights contained herein, as well as the rights provided for in the lease.

- 1. Purpose of Smoke-Free Housing:** The parties' desire to mitigate (i) the irritation and known health effects caused by secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; (iv) the cost of fire insurance for non-smoke-free buildings.
- 2. a. Definition of Smoking:** "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other smoking device for using tobacco.
b. Definition of Electronic Cigarette: The term "electronic cigarette" means any electronic device that provides a vapor of liquid nicotine and/or other substance 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:** Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident's household have been designated as a smoke-free living environment. Resident and members of Resident's household shall not smoke anywhere in the unit rented (or owned, if coop or condo) by Resident, in the building where the Resident's dwelling is located, or in any of the common areas or any adjoining grounds, terraces, balconies, or other parts of the residential community, nor shall Resident permit any guest or visitors under the control of Resident to do so. The use of vaping devices, including e-cigarettes is also prohibited in all mentioned areas as well.
- 4. Resident to Promote No-Smoking Policy and Alert Landlord of Violations:** Resident shall inform Resident's guests of the smoke-free policy. Further, Residents shall promptly give Property Manager/Owner written statement of any incident where secondhand smoke is migrating into the Resident's unit from sources within the building.
- 5. Property Manager/Owner to Promote No-Smoking Policy:** Property Manager/Owner shall post no-smoking signs at the entrances and exits, common areas, and hallways (and in conspicuous places on the grounds of the building/complex).

(continued on following page)





RESOURCES: LEASE ADDENDA

- 6. **Property Manager/Owner Not Guarantor of Smoke-Free Environment:** Resident acknowledges that Property Manager/Owner's adoption of the smoke-free living environment, and the efforts to designate the residential building/complex as smoke-free, do not make the Property Manager/Owner or any of its managing agents the guarantor of Resident's health or of the smoke-free condition of the Resident's unit and the common areas. However, Property Manager/Owner shall take reasonable measures to enforce the smoke-free terms of its leases and to make the (designated areas of the) building/complex smoke-free. Property Manager/Owner is not required to take steps in response to smoking unless Property Manager/Owner knows of said smoking or has been given written notice of said smoking.
- 7. **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 provided for in the Lease. A material breach of this Addendum by the Resident shall be material breach of the Lease and grounds for termination of the Lease by the Property Manager/Owner. Property Manager/Owner acknowledges that in declaring the building (or portion of the building and outdoor areas) to be smoke-free, the failure to respond by Property Manager/Owner to a complaint filed by the Resident shall be treated as equivalent to failure to respond to request for maintenance.

Paragraph for existing residential communities that adopt smoke-free policies and phase in the policy:

- 8. **Effect on Current Residents:** Residents acknowledge that current residents residing in the complex under a prior lease will not be immediately subject to the smoke-free policies. As current residents terminate occupancy, or enter into new leases, the smoke-free policy will become effective for those units.

Resident

Date

Property Manager/Owner

Date

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RESOURCES: SIGNAGE ORDER FORM



Signage Order Form

Contact Information

Primary Contact:

Full Name:

Organization:

Phone:

Email:

Address:

Ship To (If Different):

Full Name:

Organization:

Phone:

Email:

Address:

Is the signage for the *Ship To* organization? Yes No

If **No**, what organization is the signage for?

Additional comments (optional):

Instructions

Cost: Orders of 1 to 5 signs are **free**. Approval is required for orders of 6 or more signs. Please contact tobaccovt@vermont.gov to inquire about approval.

Sizes: Available in two sizes: 8.5"x11" and 12"x18".

Customizing: Can be customized with your organization or business logo. If you would like to add your own logo to any sign, please email a high-quality image file (print-ready PDF or high-resolution JPEG) to tobaccovt@vermont.gov

Please designate your preferences in the order form.
Send completed order forms and logo files (optional) to tobaccovt@vermont.gov or fax at 802-651-1634

OFFICE USE ONLY: Approval granted for additional signs.

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RESOURCES: SIGNAGE ORDER FORM

Sign 1

Smoke- and Vape-Free building policy with intention of reducing tobacco, e-cigarette and marijuana use.



Size	Quantity	Custom Logo?*	
8.5"x11"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12"x18"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Notes (optional)

*If yes, email a high-quality image file (print-ready PDF or high-resolution JPEG) to tobaccovt@vermont.gov

Sign 2

Smoke- and Vape-Free zone with intention of reducing exposure to tobacco and marijuana smoke and vapor.



Size	Quantity	Custom Logo?*	
8.5"x11"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12"x18"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Notes (optional)

*If yes, email a high-quality image file (print-ready PDF or high-resolution JPEG) to tobaccovt@vermont.gov

Sign 3

Substance-Free building policy with intention of reducing alcohol, tobacco and marijuana use.



Size	Quantity	Custom Logo?*	
8.5"x11"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12"x18"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Notes (optional)

*If yes, email a high-quality image file (print-ready PDF or high-resolution JPEG) to tobaccovt@vermont.gov

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RESOURCES: SIGNAGE ORDER FORM

Sign 4

Substance-Free zone with intention of reducing exposure to alcohol, tobacco and marijuana smoke and vapor.



Size	Quantity	Custom Logo?*	
8.5"x11"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12"x18"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Notes (optional)

*If yes, email a high-quality image file (print-ready PDF or high-resolution JPEG) to tobaccovt@vermont.gov

Sign 5

Tobacco-Free zone with focus on reducing tobacco use.



Size	Quantity	Custom Logo?*	
8.5"x11"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12"x18"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Notes (optional)

*If yes, email a high-quality image file (print-ready PDF or high-resolution JPEG) to tobaccovt@vermont.gov

Sign 6

Smoke-Free zone with focus on reducing cigarette use.



Size	Quantity	Custom Logo?*	
8.5"x11"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12"x18"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Notes (optional)

*If yes, email a high-quality image file (print-ready PDF or high-resolution JPEG) to tobaccovt@vermont.gov

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RESOURCES: SIGNAGE ORDER FORM

Sign 7

Tobacco-Free buffer, showing support for quit attempts.



Size	Quantity	Custom Logo?*	
8.5"x11"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
12"x18"	<input type="text"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Additional Notes (optional)

*If yes, email a high-quality image file (print-ready PDF or high-resolution JPEG) to tobaccovt@vermont.gov

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RESOURCES: POSTERS



SECONDHAND SMOKE
SMOKE-FREE HOUSING

TIPS TO QUIT SMOKING AND VAPING



MAKE A QUIT PLAN.

Your chances of successfully quitting smoking and vaping are better when you have a plan. Learn your triggers and ways to avoid them by building your personalized quit plan at 802quits.org.



TRY FREE PATCHES, GUM & LOZENGES.

Whether you quit on your own or talk with a Quit Coach, using free patches, gum and lozenges from 802Quits increases your chances of successfully quitting.



DELAY A CRAVING!

If you feel a craving, tell yourself to wait 10 minutes. Then do something to distract yourself. Put together a "stress relief bag" with mints, drinking straws and a stress ball to keep your hands busy during cravings. Order free distraction tools at 802quits.org.



REDUCE STRESS.

To improve your mood, practice deep breathing or talk to friends, family and counselors. For an energy boost, get regular exercise and have healthy snacks throughout the day.



A SLIP IS JUST A SLIP

It takes most people multiple times to quit successfully. A slip doesn't mean you're a smoker, vaper or tobacco user again. The key is to get right back on track.

FIND THE PATH THAT'S RIGHT FOR YOU.



YOU CAN QUIT.
WE CAN HELP.

802quits.org
1-800-QUIT-NOW

DOWNLOAD RESOURCES AT
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YOU CAN QUIT.
WE CAN HELP.



RESOURCES: POSTERS

Improve your success in quitting tobacco with 802Quits

Find help and support, tips, tools and quit medications. Keep trying until you find what works for you.

Quit Your Way

By Phone	In Person	Online
 1-800-QUIT-NOW One-on-one coaching <small>(for age 13 and older)</small>	 VT Quit Partners Small group peer support <small>(for age 18 and older)</small>	 802Quits.org You navigate your quitting <small>(for age 13 and older)</small>
FREE	FREE	FREE
Coaches 24/7 Email and text support	Available throughout the state. Weekly meetings of 4-6 weeks	Quit on your own, with help from online tools and resources like chat rooms
Free Quit Medications Annually 16 weeks of patches or gum or lozenges OR 8 weeks of patches AND gum or lozenges <i>Ordered by your Quit Coach</i>	Free Quit Medications Annually 16 weeks of patches or gum or lozenges OR 8 weeks of patches AND gum or lozenges <i>Ordered by your VT Quit Partner</i>	Free Quit Medications Annually 4 weeks of patches or gum or lozenges OR 2 weeks of patches AND gum or lozenges <i>You order online</i>

Find the path that's right for you.



**802
QUITS**
YOU CAN QUIT.
WE CAN HELP.
VERMONT DEPARTMENT OF HEALTH
1-800-QUIT-NOW | 802quits.org

DOWNLOAD RESOURCES AT
HEALTHVERMONT.GOV/SMOKE-FREEHOUSING



**YOU CAN QUIT.
WE CAN HELP.**



RESOURCES: POSTERS

**SECONDHAND SMOKE
SMOKE-FREE HOUSING**

IN THE INTEREST OF THE HEALTH OF OUR TENANTS,
THIS FACILITY IS GOING SMOKE-FREE ON:

**IF YOU WANT TO QUIT SMOKING OR VAPING,
FREE SUPPORT IS AVAILABLE.**

802Quits offers tips, tools and quit medications to help you quit cigarettes, e-cigarettes,
vape pens, chewing tobacco, dip, hookah or another tobacco product.

QUIT YOUR WAY

BY PHONE
1-800-QUIT-NOW
One-on-one coaching
(for age 13 and older)
FREE

IN-PERSON
Vermont Quit Partners
Small group peer support
(for age 18 and older)
FREE

ONLINE
802quits.org
You navigate your quitting
(for age 13 and older)
FREE

**FIND THE PATH THAT'S RIGHT FOR YOU AT
802QUITS.ORG**

**802
QUITS** YOU CAN QUIT.
WE CAN HELP.

Feel free to use any of the posters included or contact us and we can connect you to someone in your area who can help with local cessation resources.

DOWNLOAD RESOURCES AT
[HEALTHVERMONT.GOV/SMOKE-FREEHOUSING](https://healthvermont.gov/smoke-freehousing)





SECONDHAND SMOKE SMOKE-FREE HOUSING

RESOURCES: RESIDENT FAQ



SECONDHAND SMOKE SMOKE-FREE HOUSING

RESIDENT FAQ

COMMON RESPONSES TO RESIDENTS OR OTHERS ABOUT A SMOKE-FREE POLICY

These responses may change depending on what your specific policy includes.

Excuse me, sir (ma'am). All (property name) property, grounds and parking areas are smoke-free. You may only smoke/vape in the designated area. Would you please extinguish your cigarette/cigar/pipe/e-cigarette/e-cigar/e-pipe now? Thank you.

Where am I allowed to smoke/vape? Only in the designated smoking area (if policy allows). (property name) has a smoke-free property policy that does not allow smoking or the use of vaping devices, such as e-cigarettes, in any indoor areas including units and common areas. You must now smoke/vape only (outside of the XX-foot perimeter; or areas not covered by smoke-free policy; or in the areas marked as designated smoking areas). We appreciate your help in protecting the health of everyone on the property.

Why can't I smoke in my apartment? For your health and the health of others, (property name) is a smoke-free property. Secondhand smoke is dangerous for everyone. It has been proven that there is no safe level of exposure to secondhand tobacco smoke. (Property name) feels it is important to provide all residents, staff, pets and guests an environment free from the effects of secondhand smoke.

Why can't I vape/Juul/use vape pens/use e-cigarettes? For your health and the health of others, (property name)'s smoke-free policy includes electronic cigarettes, defined as any electronic device that provides a vapor of liquid nicotine or other substance that is inhaled by the user as she or he simulates smoking. E-cigarettes, including personal vaporizers, vape pens, e-cigars, e-hookah and vaping devices, have been proven to expose users to some of the same toxic chemicals found in combustible cigarette smoke.

I smoked/vaped last time I was here, why can't I smoke/vape now? In an effort to promote health and for your benefit and others around you, we no longer allow smoking/vaping on any (property name) property. Smoking/vaping is only permitted (outside of the _____ foot perimeter; or in areas not covered by smoke-free policy; or in the areas marked as designated smoking areas).

Are you saying I have to quit smoking/vaping? You do not have to quit smoking/vaping, however you can't smoke/vape/use e-cigarettes in the common areas or in an apartment. Smoking/vaping is only permitted in the outdoor designated smoking area (or as policy permits). Smoking/vaping is not allowed in any indoor area. If you would like to quit, I have information on how to access free help to quit.



YOU CAN QUIT.
WE CAN HELP.

802quits.org

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HEALTHVERMONT.GOV/SMOKE-FREEHOUSING



YOU CAN QUIT.
WE CAN HELP.



RESOURCES: THE YEAR AFTER GUIDE

IN THE BEGINNING

What you may experience:

- Smokers start complaining.
- Resident champions offer enthusiastic support.

Recommended actions:

- Announce smoking cessation classes or other ways to support people who want to quit.
- Follow up on all complaints and don't ignore violations.

AFTER 3-6 MONTHS

What you may experience:

- Smokers no longer complain.
- Nonsmokers' vocal support and enthusiasm begin to wane.
- Things quiet down; there are regular violators; nonsmokers are quiet except when they complain about the smokers.
- Reasonable accommodation requests may be received from smokers interested in continuing to smoke in their units.

Recommended actions:

- Continue to communicate about the policy. Celebrate small successes in newsletter stories or other communications.
- Highlight stories of residents who changed their smoking behavior or quit.
- Meet with residents who resist complying with the policy.
- Enforce the policy fairly, uniformly, and with compassion.
- Announce smoking cessation classes or other ways to support people who want to quit.
- Address every request for reasonable accommodation according to your policies. Smoking is not a protected behavior.

AFTER 6-12 MONTHS

What you may experience:

- Resident complaints make enforcement feel challenging.
- Enforcement process is put to the test. Although housing providers do not like the idea of pursuing an eviction, at this point there may be a resident with multiple violations. Remember that presenting a solid eviction case depends on evidence that a fair and consistent multistep enforcement process was followed.





SECONDHAND SMOKE SMOKE-FREE HOUSING

AFTER 6-12 MONTHS (CONTINUED)

Recommended actions:

- Management and staff need to talk about staying focused, and to be diligent and consistent in enforcement. Remind staff that this is a culture change that takes adaptation; there is no quick solution.
- Continue to schedule and attend resident meetings to build support for the policy. Ask residents for help with peer-to-peer encouragement.
- Announce smoking cessation classes or other ways to support people who want to quit.

FIRST YEAR ANNIVERSARY

What you may experience:

- A subculture of healthier living led by staff and resident champions encourages compliance.
- News about issued violations gets around; residents realize the consequences are real and seek help with behavior modification if they are worried about being able to comply.

Recommended actions:

- Host a celebration event to mark each anniversary of being a smoke-free building or property.
- Announce smoking cessation classes or other ways to support people who want to quit.
- Conduct a survey about the smoke-free policy to determine:
 - > *Are residents happy with the policy?*
 - > *Is the policy being followed?*
 - > *For smoking residents, have they quit smoking or decreased the number of cigarettes they smoke since implementation of the policy?*
 - > *For nonsmoking residents, has unwanted exposure to secondhand smoke decreased since implementation of the policy?*
 - > *Have residents detected any health improvements as a result of the policy?*
- Try to calculate the cost savings from unit turnovers and consider using a percentage of the savings in a visible manner that will directly benefit residents, such as making improvements to common areas or on the grounds, based on resident suggestions.

DOWNLOAD RESOURCES AT
[HEALTHVERMONT.GOV/SMOKE-FREEHOUSING](https://healthvermont.gov/smoke-freehousing)



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WE CAN HELP.



RESOURCES: OTHER SMOKE-FREE HOUSING INITIATIVES

SMOKE-FREE HOUSING NEW YORK

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

TOBACCO POLICY CENTER

<https://tobaccopolicycenter.org/tobacco-control/tobacco-free-housing/>

MINNESOTA SMOKE-FREE HOUSING

<http://mnsnsmokefreehousing.org/resources/property-managers/>

HUD SMOKE-FREE HOUSING TOOLKIT

https://www.hud.gov/program_offices/healthy_homes/smokefree

PUBLIC HEALTH LAW CENTER

<https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/smoke-free-tobacco-free-places/housing>

OREGON SMOKE-FREE HOUSING PROJECT

<http://www.smokefreehousinginfo.com/pages/LandlordTools.html>





SECONDHAND SMOKE **SMOKE-FREE HOUSING**



CONTACT

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Burlington, VT 05402

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This toolkit was adapted with permission from Smoke-Free Housing Indiana.

