

Smoke-Free Policy Adoption in Connecticut Multi-Unit Housing Developments

Amy K. Olfene

Smoke-Free Housing New England

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WHY ALL THE FUSS ABOUT “SMOKE-FREE”?

Why is there such concern about secondhand smoke in workplaces, public places, and living spaces?



SECONDHAND SMOKE IS DEADLY

- Surgeon General says there is NO “risk-free” level of exposure.
- SHS is a Group A carcinogen– a substance known to cause cancer in humans for which there is no safe level of exposure.
- No ventilation system is effective in the removal of toxins.
- In multi-unit residencies, 5-65% of air is exchanged between units.

U.S. Surgeon General report, June 2006, Center for Energy & Environment, 2004.

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SECONDHAND SMOKE IS DEADLY

According to the National Cancer Institute, among the 250 known harmful chemicals in tobacco smoke, at least 60 are known causes of cancer. These cancer-causing chemicals include the following:

Arsenic
Benzene
Beryllium
1,3-Butadiene
Cadmium
Chromium
Ethylene oxide
Nickel
Polonium-210
Vinyl chloride

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SECONDHAND SMOKE IS DEADLY

Secondhand smoke cannot be controlled by ventilation or air cleaning:

On June 30, 2005, the American Society of Heating, Refrigerating & Air-Conditioning Engineers (ASHRAE) issued their latest position document on secondhand smoke. It states: “At present, the only means of effectively eliminating the health risk associated with indoor exposure is to ban smoking activity.”

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SECONDHAND SMOKE IS DEADLY

A recent study (2010) from Washington University in St. Louis found that ventilation systems do not eliminate the risks associated with smoking in indoor establishments.

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SECONDHAND SMOKE IS DEADLY

- **Secondhand smoke (SHS) has immediate adverse effects on the cardiovascular system, and causes an estimated 46,000 premature deaths from heart disease among nonsmokers.**
- **Nonsmokers exposed to SHS at home or work increase their risk of lung cancer by 20-30%.**
- **For every eight smokers the tobacco industry kills, it takes one nonsmoker with them.**

CDC, "Health Effects of Secondhand Smoke," *Smoking and Tobacco Use*, 2010
Glantz, S.A.; Parmley, W.W. Passive Smoking and Heart Disease.
Epidemiology, Physiology, and Biochemistry; *Circulation* 1991, 83, 1-12.

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SECONDHAND SMOKE IS DEADLY

MORE deadly than vehicle exhaust, arsenic, lead, asbestos and a host of other toxins the government strictly regulates.

U.S. Surgeon General report issued June 2006.

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SECONDHAND SMOKE IS DEADLY

- **Infants, children, and the elderly are especially vulnerable to the negative effects of secondhand smoke.**
- **Children exposed to secondhand smoke in the home are 44% more likely to suffer from asthma.**
- **Exposure to secondhand smoke has been linked to several diseases and disorders, including lung cancer, heart disease, sinus infections, SIDS, and dementia in older adults.**

U.S. Surgeon General report issued June 2006, ARC Report 2006

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SECONDHAND SMOKE IS DEADLY

- **Secondhand smoke is of particular concern to elderly and disabled persons, especially those with heart or respiratory diseases or disorders such as emphysema, asthma, COPD, cardiovascular disease, or allergies.**
- **As little as 30 minutes of exposure to secondhand smoke has been found to trigger heart attacks in older persons with pre-existing heart conditions.**

U.S. Surgeon General report issued June 2006, J. Barnoya, MD, MPH; S.A. Glantz, PhD
“Cardiovascular Effects of Secondhand Smoke-Nearly as Large as Smoking,” *Circulation*

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BUT WHY SHOULD WE CARE?

Smoking damages residential property.

- Poses fire hazard (leading cause of residential fires deaths)
- Causes cigarette burn damage to carpets, counters, etc.
- Leaves smoke residue on walls and curtains





CIGARETTE BURNS—CARPETS





CIGARETTE BURNS—FURNITURE





CIGARETTE RESIDUE—WALLS



BUT WHY SHOULD WE CARE?



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BUT WHY SHOULD WE CARE?

The Monetary Impact

Cost to Rehabilitate a Unit Where Smoking is Prohibited vs. a Unit Where Smoking is Allowed

	Non-Smoking	Light Smoking	Heavy Smoking
General Cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1,425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
TOTAL	\$560	\$1,810	\$3,515

Data reflects surveys from housing authorities and subsidized housing facilities in New England.
Collected and reported by Smoke-Free Housing New England, 2009.

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BUT WHY SHOULD WE CARE?

American Journal of Public Health, 10.2105/AJPH.2011.300170

Estimates of Smoking-Related Property Costs in California Multiunit Housing

Michael K. Ong, MD PhD, Allison L. Diamant, MD, MSHS, Qiong Zhou, MA, Hye-Youn Park, PhD and Robert M. Kaplan, PhD

“From 2008 to 2009, we surveyed California multiunit housing owners or managers on their past-year smoking-related costs and smoke-free policies. A total of 27.1% of respondents had incurred smoking-related costs (**mean \$4935**), and 33.5% reported complete smoke-free policies, which lowered the likelihood of incurring smoking-related costs. Implementing statewide complete smoke-free policies may save multiunit housing property owners **\$180,94,254 annually.**”

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NOW A WORD FROM A LANDLORD...

“I have a smoke-free building with 4 units. Requiring the building to be smoke-free attracts tenants who appreciate living in healthy surroundings. Being smoke-free also helps keep my units and building cleaner.” -*John D. Gwazdosky, private landlord*

“Auburn Housing Authority residents are already enjoying fewer conflicts with smokers as their numbers decline. Many smokers are smoking less, or even deciding to quit, due to the new smoke-free rule. These positive trends will save money for both residents and Auburn Housing Authority long term, as well as significantly improving our housing environments and the health of residents and staff.” -*Richard Whiting, Auburn Housing Authority Exec. Director, Maine*

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BUT WHY SHOULD WE CARE?

Fire in Connecticut Apartment Building Leaves 150 Homeless

Saturday, April 26, 2008
Associated Press



AP

April 26: Firefighters continue to douse the smoldering remains of a 120-unit apartment building in Norwich, Conn.



NORWICH, Conn. — A fast-moving fire swept through a large apartment complex in eastern Connecticut early Saturday, and authorities were looking for dozens of people who were unaccounted for.

No deaths had been confirmed, but Norwich Fire Chief Ken Scandariato said he couldn't rule out the possibility that some residents may not have escaped.

He said Saturday morning that 105 of the estimated 150 residents of the Peachtree Garden Apartments on Westledge Drive had been located. The American Red Cross said later in the day it was helping 114 residents of the complex.

Scandariato said some people may have gone to stay with friends and

relatives, but he added: "It's a question right now. It's in question."

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BUT WHY SHOULD WE CARE?



View this article online: <http://www.insurancejournal.com/news/east/2008/05/30/90476.htm>

'Smoking Materials' Blamed for Massive Connecticut Fire

May 30, 2008

A fire chief in Norwich, Connecticut says the blaze that **destroyed a large apartment complex last month** was accidental and started when a resident improperly discarded smoking materials.

Chief Kenneth Scandariato said the April 26 fire at the Peachtree complex started when the unspecified "smoking materials" ignited pine needles, foliage and a first-floor deck.

Scandariato did not disclose the resident's name, but said no charges would be filed.

More than 160 residents were displaced when the fire raced through the 120-unit complex, destroying both buildings. No injuries were reported, but tenants lost most or all of their belongings.

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BUT WHY SHOULD WE CARE?

Man's smoking most likely caused fatal fire

Genevieve Reilly, Staff Writer

Published 11:16 p.m., Tuesday, May 25, 2010

FAIRFIELD -- The fire that took the life of a Parish Court Elderly Housing resident was likely caused by smoking, according to the fire marshal's office.

Bob Jordan, 75, died May 21 in Bridgeport Hospital from injuries sustained in a fire that happened the day before.

According to Fire Marshal William Kessler, the fire was "most probably caused by the careless use or misuse of smoking materials by the victim." Residents of the housing complex on Warde Terrace said Jordan was a heavy cigar smoker who frequently smoked inside his apartment. A tenant living above Jordan's apartment said she smelled cigar smoke from his apartment that evening before she went to bed.

Had it not been for timely notification from a monitored alarm system and rapid intervention by firefighters, Kessler said the fire would have "flashed over" and the entire contents of the apartment would have become engulfed in flames.

"Had that occurred, the apartments above would have likely sustained heavy fire damage and their occupants been placed in harm's way," Kessler said.

"This is another example of an automatic alarm notifying us of a tragic fire," Fire Chief Richard Felner said. "It's why we take every alarm seriously and respond accordingly."

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NOW A WORD FROM A LANDLORD...

“Last week, while outside of my building, I noticed smoke coming out from between two buildings three houses away. I went to check it out (I'm a firefighter) and saw that the building was indeed on fire. The fire department quickly put it out, but the cause of all the damage and displacement of tenants was a discarded cigarette. I told my wife when I got home later that that should never happen at our building. If only more people would know. That made me really glad that my building was a smoke-free one.” -Lou Morin, private landlord

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BUT WHY SHOULD WE CARE?

- **Possibly save on property-casualty insurance**
- **Larger share of the market wants smoke-free housing**
- **Liability**



PROPERTY CASUALTY INSURANCE

- **Travelers , Vermont Mutual and Concord insurance are carriers known to provide insurance discounts for “comprehensive” fire-safe plans, which include the adoption of written smoke-free policies.**
- **Best to ask insurance provider if you are eligible for a discount as part of a comprehensive fire-safe plan.**

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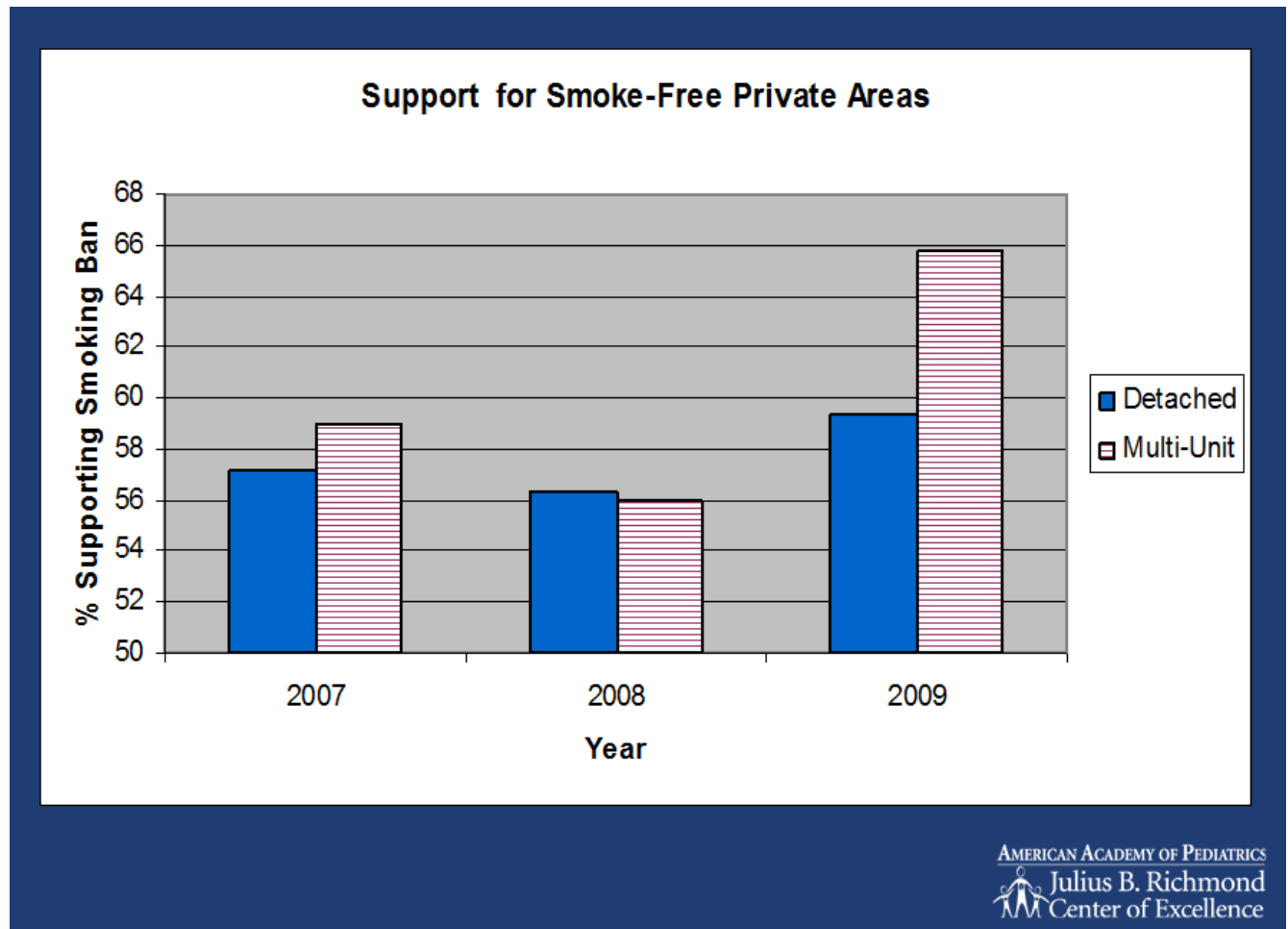
RESULTS FROM AROUND THE NATION

- **Guardian Management-** Nearly 3/4 of all residents were happy or very happy with the no-smoking rule. Among smokers, 43% reported smoking less tobacco since the policy's implementation.
- **Maine-** Numerous surveys conducted between 2004 and 2006 showed that 78% of tenants, smokers and nonsmokers alike, prefer to live in a smoke-free environment. A survey done by private firm in 2011 found 47% of renters live in smoke free housing and 48% of landlords ban smoking in their buildings. The survey also found 43% of tenants were willing to pay more to live in smoke free housing.
- **Washington State-** nearly 70% of renters very interested or interested in living in smoke-free housing (2003)
- **Los Angeles-** Telephonic survey found 69% favor requiring all apartment buildings to offer nonsmoking sections (2004).
- **Oregon-** Portland metro-area survey found that 75% of renters say they would choose a smoke-free rental, "other things being equal".

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RESULTS FROM AROUND THE NATION



WHAT TENANTS SAY...

“I had to move out of the last apartment I rented because of the second-hand smoke that came in from the unit next to mine. I would wake up to the smell of smoke and in my living room and closets. I tried to prevent the filtering in by placing padding up against the baseboard and the flooring, however, the smoke still seeped through. After that experience, I will only rent at a building that has a smoke-free policy in writing.”-Michelle, tenant in privately owned multi-unit

“Since I've moved to a tobacco-free apartment complex I no longer need my inhaler. Its great to breathe clean air without the secondhand smoke from other apartments.”-Claude Lajoie, elderly tenant in subsidized housing facility

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BUT WHY SHOULD WE CARE?

- **Smoke-free living is becoming the norm, not the exception is the many venues we work, play and reside.**
- **Legal action taken against landlords who *allow* smoking in their buildings (ADA and FHA protections).**

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BUT, ISN'T SMOKING A "RIGHT"?

- There is **no legal right to smoke.**
- There is **NO** state or federal law prohibiting **smoke-free multi-unit policy implementation.**
- **Nothing stops a landlord or housing authority from prohibiting smoking on their property**

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IN FACT

Tenants negatively impacted by secondhand smoke actually have the right to seek legal action against landlords who do not make adequate provisions to protect them from secondhand smoke.

AND, THE ADA & FHA SAY

- **Persons cannot be discriminated against in workplaces, public places or in housing due to disability; severe breathing problems may constitute a disability.**
- **Facilities may be required to provide reasonable accommodations to persons with severe breathing disabilities, including possibly making the facility totally smoke-free.**

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CASE LAW

- ***U.S. Department of Housing and Urban Development (HUD) and Kirk and Guilford Management Corp. and Park Towers Apartments***, HUD Case No. 05-97-0010-8, 504 Case No. 05-97-11-0005-370 (1998). Tenant with a respiratory condition aggravated by secondhand smoke filed complaints against her (HUD subsidized) apartment management. The case settled, with management agreeing to implement a smoke-free policy by grandfathering in current residents and including an indoor smoking ban in all new leases.

United States v. Seattle Housing Authority, Case No. C01-1133L, C01-1133L (W.D. Wa., 2002). Tenant with a respiratory condition aggravated by secondhand smoke requested to be relocated as a 'reasonable accommodation' under the Fair Housing Act. Court required Seattle HA to revise its accommodation policy and held that requested transfer would be a "reasonable accommodation." (Since, Seattle HA has adopted a comprehensive smoke-free policy)

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REASONABLE ACCOMMODATION

- **The Americans with Disabilities Act expressly provides that the Act does not require the accommodation of smoking.**
- **“Reasonable accommodation” vs. “preferred accommodation”**
- **If designated smoking areas are made available in outdoor areas the walkways must be properly maintained (i.e. cleared of ice and snow and other safety hazards) as one would walkways to any common area of the property.**



SMOKING AND MENTAL ILLNESS/SUBSTANCE ABUSE

- Persons with mental illness are stigmatized as not wanting to quit, needing to quit, or having to quit. People assume that, due to their high rate of smoking, persons with behavioral health issues don't want to live in a smoke-free environment.
- Recent studies prove that mentally ill residents want to quit and can quit successfully. <http://www.nejm.org/doi/pdf/10.1056/NEJMp1105248>
- Exposure to tobacco and tobacco smoke can exacerbate existing mental illness; claims that smoking provides a medicinal benefit to those with mental illness is categorically untrue.
- People who have been in treatment for alcohol addiction are more likely to die from smoking-related diseases than from alcohol-related problems.

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MEDICINAL MARIJUANA

- **Medicinal marijuana use has increased as more states begin legalizing its prescription and use.**
- **A CT legislative taskforce is currently looking at legalizing marijuana for medicinal use.**
- **Owners of federally-subsidized multi-unit properties may institute smoke-free policies that include a prohibition on the use of medical marijuana. Even in the absence of a smoke-free policy (tobacco), both the applicable federal statutes and the policy of HUD prohibit the use of any form of marijuana in public housing and other HUD-assisted housing.**
- **The difference between “reasonable accommodation” and “preferred accommodation.”**

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CONNECTICUT SPECIFIC INFORMATION

- Less than 16% of Connecticut's adult population smokes (lowest % in NE).
- Nearly 80% of Connecticut homes have voluntary smoke-free policies.



CONNECTICUT SPECIFIC INFORMATION

- Nursing homes, rest homes, homes for the elderly, home health care agencies, and college dormitories are all required to be smoke-free by State law.



WHO IS GOING SMOKE-FREE?

- Housing authorities
- Private developments (subsidized and market-rate)
- “Mom and Pop” landlords
- Condominium associations
- Behavioral health facilities
- Group homes and transitional housing developments
- Nursing and assisted living facilities

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GOVERNMENT SUBSIDIZED HOUSING

- Smoke-free housing messaging is part of the growing “Healthy Housing” and “Green Housing” movements.
- The smoke-free housing initiative is supported by key federal agencies, including the CDC, EPA and HUD.



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GOVERNMENT SUBSIDIZED HOUSING

- On July 17, 2009, the Department of Housing and Urban Development released NOTICE PIH-2009-21 (HA) titled, “Non-smoking Policies in Public Housing.” This official memo states: “This notice strongly encourages Public Housing Authorities (PHAs) to implement non-smoking policies in some or all of their public housing units.”
- On September 15, 2010, a similar notice was sent to all HUD affiliated housing providers.

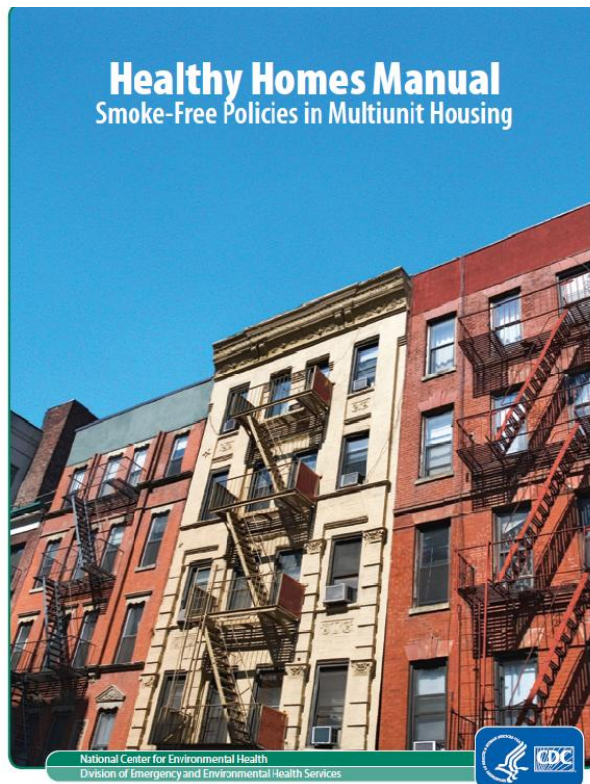


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GOVERNMENT SUBSIDIZED HOUSING



The Federal CDC released, in 2011, a Healthy Housing Manual related to smoke-free policies in multiunit housing. The document can be found in PDF format online at:

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

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WHAT CAN LEGALLY BE DONE?

HUD Handbook 4350.3 Rev-1 states:

- “Owners are free to adopt reasonable rules that must be related to the safety and habitability of the building and comfort of the tenants. Owners should make their own informed judgment as to the enforceability of house rules.”

GOVERNMENT SUBSIDIZED HOUSING

To adopt a smoke-free policy in subsidized housing:

- Add a smoke-free clause to house rules. As long as the smoke-free policy meets the standard HUD criteria for house rules, this policy change does not require HUD approval **OR**
- Make a smoke-free policy a condition of the lease. Those using HUD's model lease are required to seek HUD approval before any lease changes can be made **OR**
- Adopt a lease addendum.

HUD requires at least 30 days notice of lease change or adoption of a house rule. A tenant's lease may not be changed without their consent before the date of lease renewal, unless otherwise specified in the lease.

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GOVERNMENT SUBSIDIZED HOUSING

- As of November 2011, 265 public housing authorities nationwide have adopted smoke-free policies.
- The types of policies vary from housing authority to housing authority.
- Range from urban properties to rural properties.

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WHAT ARE THE STEPS INVOLVED IN ADOPTING A SMOKE-FREE POLICY?

1. **Make a plan.** Start by creating a plan to make the entire residence smoke-free.
2. **Hold a Meeting.** Gather with tenants to discuss the change. There may be resistance, but remember, non-smoking tenants have rights under their leases, too.
3. **Inform Tenants.** Review the legal information concerning your rights and your tenants' rights.
4. **Amend New Leases.** Change the language of your lease to include your new smoke-free policy. When new tenants sign on, your policy will be crystal clear.
5. **Promote Your Status.** Begin advertising your smoke-free status to gain new tenants who appreciate a clean air environment.



HOW DO LANDLORDS EFFECTIVELY COMMUNICATE A SMOKE-FREE POLICY WITH THEIR TENANTS?

- **Meetings**
 - Scheduling group meetings, especially at large developments, is an efficient way to notify all your residence of policy change
- **Letters**
 - Notification should always be in writing so that both you and the tenant of record of communication about the policy
- **Signage**
 - Tenants, and especially their guests, will need to be reminded that there is no smoking in your building. Post no-smoking signs around so everyone is aware

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WHAT ABOUT GRANDFATHERING?

- As long as tenants are grandfathered, people are still being exposed to secondhand smoke.
- Grandfathering clauses are meant to help transition current, smoking tenants into the policy, not as a permanent provision of the smoke-free policy.
- There is no reason a tenant should be grandfathered for more than 6 to 12 months. When leases are renewed, all tenants, should be expected to obey the smoke-free policy for the health, and benefit, of all parties.

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WHAT ABOUT ENFORCEMENT?

- **Pre-policy anxiety is much worse than reality.**
- **Tenants want this! They will be the enforcers.**
- **People are used to ‘taking it outside’.**

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WHAT ABOUT ENFORCEMENT?

- **Provide adequate signage to remind both tenants and guests of the policy.**
- **Offer tenants information or access to cessation/treatment programs available.**

CT Quitline at 1-800-784-8669

- **For properties with high smoking rates, and land, create outdoor designated smoking areas.**

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TIPS FOR COMMUNITY COALITIONS

- **Engage stakeholders**
- **Create “friendly” partnerships**
- **Use consistent, market-friendly messaging.**

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TIPS FOR COMMUNITY COALITIONS

- **Success is found through collaboration:**
 - Public Health Community
 - Public Housing
 - Subsidized Housing Programs
 - State Housing Financers
 - Landlord Associations
 - Private Market Housing
 - Condos, vacation/seasonal
 - Fire Department and State Fire Marshal
 - Social Services
 - Homeless Services
 - Immigrant and New Family Services
 - Behavioral Health Community
 - In-patient and transitional housing facilities
 - Environmental Health and Healthy Housing programs

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TIPS FOR COMMUNITY COALITIONS

- **Building strong connections with your State and/or Local Housing Authorities**
- **Turn smoke-free landlords and housing developments into your champions**
 - Always follow up
 - Provide incentives for landlords' public support

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TIPS FOR COMMUNITY COALITIONS

- **Messaging is Key:**
 - Smoke-free living is becoming the norm, not the exception.
 - Connecticut laws protect people from involuntary exposure to secondhand smoke at work and in public places but not in the place people spend the majority of their time: the home.
 - Tenants want this! Between 65-85% of tenants nationwide want to live in a smoke-free environment.
 - Smoke-free housing saves property managers and landlords **MONEY**—it costs two to six times as much to turn over a unit where smoking is allowed as opposed to a unit where smoking is not allowed.

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TIPS FOR COMMUNITY COALITIONS

Marketing techniques that work:

- Direct mail is the best way to reach landlords.
- Look to cost-effective outreach methods, such as e-banners, e-blasts and public access television.
- Have a central resource, preferably web based in which you can send your audience/target population.

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TIPS FOR COMMUNITY COALITIONS

- Focus on your housing, not tenant, population first...
 - Empowering tenants early on can result in high demand with no existing supply to direct renters to...

TIPS FOR COMMUNITY COALITIONS

- If you are dealing with a tenant who is suffering exposure (i.e. client/patient), support their effort to live smoke-free...
 - Supply smokers with information and recourses on quitting
 - Talk to parents about “taking it outside”
 - Provide tenants with resources to share with their landlord on the benefits of adopting a smoke-free policy

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TIPS FOR COMMUNITY COALITIONS

Reach populations where they are:

- Landlords
 - Landlord association meetings, public housing authorities, realty groups, finance authorities, local media outlets, etc.
- Tenants
 - Laundromats, grocery stores, coffee shops, college campuses, libraries, doctor's offices/clinics, on the web (i.e. Facebook, Twitter, Craigslist, etc).

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TIPS FOR COMMUNITY COALITIONS

- **Craft your message for your audience...**

TIPS FOR COMMUNITY COALITIONS

- **Landlords:** “Smoke-free policy adoption can save you hundreds, even thousands, of dollars a year in maintenance costs.”
- **Public Housing:** “A smoke-free policy will dramatically reduce maintenance expenses and time spent dealing with complaints from your tenants.”

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TIPS FOR COMMUNITY COALITIONS

- **Tenants:** “A smoke-free policy does not require anyone to quit, rather asks smokers to take their smoking outside for the health of residents and guests, and the safety of the property.”
- **Elected Officials:** “In Connecticut, smoke-free living is becoming the norm, not the exception. Encouraging smoke-free policy adoption protects our citizens from involuntary exposure to the deadly toxins in secondhand smoke.”

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REMEMBER...

Smoke-free policies are about the smoke, not the smoker!

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CONTACT Us

- www.smokefreehousingNE.org
- Amy.smokefreehousingne@gmail.com
- Sample leases, tenant surveys and communication
- Fact sheets, talking points and technical assistance

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CONTACT Us

- **Connecticut Department of Public Health**
- **<http://www.ct.gov/dph/cwp/view.asp?a=3137&Q=484786&PM=1>**

