

MYTHS & FACTS

For Property Owners and Managers



Myth: Smoke-free policies are illegal.

Fact: Adopting a smoke-free policy is legal.

- There is no constitutional “right to smoke”. The U.S. Constitution does not extend special protection to smokers. Since there is no protected right to smoke, property owners and landlords are free to adopt a smoke-free policy.¹
- Landlords not only have the right to prohibit smoking, but may also be liable under a variety of legal theories for failure to prohibit smoking when a tenant is affected by secondhand smoke.²
- If you manage public housing property, you should know that on July 17, 2009, the U.S. Department of Housing and Urban Development issued recommendations strongly encouraging public housing authorities to enact smoke-free policies in their public housing units.³

Myth: I will lose money if I put a smoke-free policy in place.

Fact: You can actually save money by having a smoke-free policy.

- Smoke-free policies reduce damage to units, lower turnover costs, and increase building resale value.^{4,5}
- Smoking is the leading cause of home fire deaths in the United States. Smoke-free policies reduce the risk of fire in your units.⁶

Myth: I will lose tenants if I put a smoke-free policy in place.

Fact: Surveys from around the country have shown a preference for smoke-free apartments.⁷

- In Franklin County, almost 80% of the population are nonsmokers.⁸
- A recent survey of 160 Minneapolis/St. Paul renters found that 55% said they have moved or would move from an apartment because of secondhand smoke seepage. No one said they would move because of smoke-free air policy.⁹
- By going smoke-free you will be able to attract new tenants who are looking for a healthy living community.⁹

Myth: Installing ventilation systems will keep the air healthy.

Fact: The only way to eliminate the health risks associated with indoor exposure is to eliminate smoking in indoor areas.

- Ventilation technology does not exist that can control health risks from secondhand smoke exposure.¹⁰
- The U.S. Surgeon General’s 2006 Report concludes that eliminating smoking in indoor places fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.¹¹

1. Graff, Samantha K. There is No Constitutional Right to Smoke (March 2008). Tobacco Control Legal Consortium. Available at: <http://www.tobaccolawcenter.com/documents/constitutional-right.pdf>.
2. Fact Sheet: Legal Options for Tenants Suffering from Drifting Tobacco Smoke. April 2007 (Revised June 2008). Public Health Law & Policy, technical assistance legal center. Available at: <http://www.phlpnet.org/tobacco-control/products/tenantsdriftingsmoke>.
3. U.S. Department of Housing and Urban Development notice (July 17, 2009). Available at <http://www.hud.gov/offices/pih/publications/notices/09/pih2009-21.pdf>
4. Save Money, Save Your Building (2009). Smoke-Free Housing Coalition of Maine. Available at: <http://www.smokefreeforme.org/landlord.php?page=Save+Money%2C%3Cbr%3ESave+Your+Building>.
5. New York Times, “Real Estate & Secondhand Smoke: On Tobacco Road, It’s a Tougher Sell,” February 8, 2004.
6. Facts About Smoking and Home Fires (2007). U.S. Fire Administration Publication – 306, June, 2007. Available at: <http://www.usfa.dhs.gov/downloads/pdf/smoking/GeneralAudienceFactSheet.pdf>.
7. Myths vs. Reality (2009). Smoke-Free Housing Coalition of Maine. Available at: <http://www.smokefreeforme.org/landlord.php?page=Myths+vs.+Reality>.
8. Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2007.
9. Smoke-Free Housing Coalition of Maine. Retrieved from power point presentation, 2009. Available at: http://www.smokefreeforme.org/presentation/survey_results.pdf.
10. ASHRAE Report. Environmental Tobacco Smoke, Positional Document, Approved by ASHRAE Board of Directors, June 30, 2005.
11. U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.



Franklin County Board of Health