

South Dakota Smoke-Free Multi-Unit Housing Toolkit

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About this Toolkit

Purpose

The goal of the South Dakota Smoke-Free Multi- Unit Housing Toolkit is to provide information about why smoke-free multi-unit housing policies are important to improving community health, while also benefiting landlords and property owners. This toolkit provides the information and resources needed to begin working on smoke-free multi-unit housing efforts in your community.

Objectives

At the end of this toolkit, readers should be able to:

1. Define key terms related to smoke-free multi-unit housing
2. Explain the benefits of smoke-free multi-unit housing policies
3. Identify sample policies and resources to support smoke-free multi-unit housing efforts
4. Describe the steps to implement a smoke-free multi-unit housing policy



We respectfully acknowledge the variations in Lakota, Dakota, and Nakota traditions related to sacred tobacco. Please note that unless specified otherwise, the term “tobacco” refers to commercially produced tobacco products only and never the traditional tobacco of our Northern Plains American Indians.

Acknowledgements

This toolkit was funded by the South Dakota Department of Health, Tobacco Control Program (TCP). Writing support was provided by the Emory Centers for Public Health Training and Technical Assistance. The TCP would like to thank Fran Rice, Director of the Sioux Empire Coalition, for her input and expertise in reviewing this toolkit. If you find you have questions about any of the toolkit content, please email the South Dakota Tobacco Control Program at DOHTobaccoControl@state.sd.us.

QuitLine Information

When enacting any smoke-free or tobacco-free policy, it is important to provide cessation support to tobacco users who are affected by the policy. The South Dakota QuitLine provides free services to those who want to quit using tobacco products. Learn more at <https://www.sdquitline.com/>.

Definitions

Multi-Unit Housing (MUH): Any residential property containing more than one housing unit, like a duplex, townhome, or apartment complex.

Smoke-Free Multi-Unit Housing Policies: Policies put in place that do not permit smoking in multi-unit housing properties. This can include within individual units and indoor common areas. They may also apply to outdoor common areas and areas near doors or windows. (1)

Secondhand Smoke: Substance produced from burning tobacco products (e.g. cigarettes, cigars, or pipes) and the substance exhaled by the person smoking.

Thirdhand Smoke: Residual nicotine and other chemicals left on indoor surfaces by tobacco smoke.

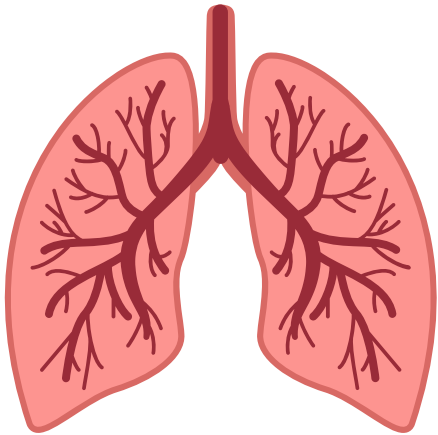
Tobacco Use: Use of any tobacco product.

E-Cigarettes: Any electronic smoking device or electronic nicotine delivery system (ENDS) containing or delivering nicotine or any other substance intended for human consumption that may be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. This includes electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, vape pens, or other similar products or devices. This does not include drugs, devices, or combination products authorized for sale as tobacco cessation products and marketed and sold solely for that purpose by the U.S. Food and Drug Administration.

Priority Populations: Population of particular focus for tobacco prevention and cessation because a tobacco-related health disparity exists and/or there is a potential for significant impact with this group. South Dakota's five priority populations for tobacco control are: American Indians, people with behavioral health conditions, people of low socioeconomic status, pregnant and postpartum women, and youth (under age 18) and young adults (age 18-24).

Why Smoke-Free Multi-Unit Housing

SECONDHAND AND THIRDHAND SMOKE ARE DANGEROUS



The CDC defines secondhand smoke as “the combination of smoke from the burning end of a cigarette and the smoke breathed out by a smoker.” (2)

Secondhand smoke has been shown to cause heart disease, stroke, and lung cancer, and other diseases in adults. Secondhand smoke can cause respiratory illness, ear infections, and asthma attacks in children, and sudden infant death syndrome in babies. There is no safe level of secondhand smoke exposure.

Thirdhand smoke is the chemical residue from tobacco smoke, which builds up on surfaces and furnishings over time. (3) Thirdhand smoke is absorbed into carpets, walls, and other surfaces, and returns to the air through dust. People are exposed to thirdhand smoke by inhaling, absorbing, or ingesting the residue. This exposure is linked to health problems like increased risk of respiratory illness. Because thirdhand smoke can linger for an extended period of time, its effects can, too. **Smoke-free multi-unit housing policies eliminate exposure to secondhand and thirdhand smoke.** (5)

EVERYONE DESERVES TO BREATHE CLEAN AIR

People who live in multi-unit housing are more likely to be exposed to secondhand smoke than those who live in single-family homes. Secondhand smoke can travel to a unit from other units and common areas in a multitude of ways, including through doorways, plumbing, and ventilation. Even if a family chooses for their own home to be smoke-free, secondhand smoke can still enter their unit from other areas where smoking is permitted. Nationally, the CDC estimates that 28 million people living in multi-unit housing are exposed to secondhand smoke that came from elsewhere in their building. (4,5) An estimated 44-53% of multi-unit housing residents who do not allow smoking in their residences report secondhand smoke entering their unit from elsewhere. (6) In 2021, almost a quarter of South Dakota’s middle school students can recall being exposed to secondhand smoke in their home or in a vehicle.

WHY SMOKE-FREE MULTI-UNIT HOUSING

Additional research has shown that some populations are disproportionately affected by the negative effects of secondhand smoke exposure. One study found that the prevalence of secondhand smoke exposure was greater for Black people, those living in rental housing, and those that lived below the poverty level. (8) This data shows that the impact of secondhand smoke unfortunately has a larger negative impact on people of low socioeconomic status, which is one of South Dakota's priority populations. There is also a notable disparity between the amount of white youth that have experienced secondhand smoke at home (11.4%), versus American Indian youth (21.4%). **Smoke-free multi-unit housing policies protect all residents from secondhand smoke, and can even help tobacco users quit. (5)**

National Smoke-Free Public Housing Rule

In July 2018, the US Department of Housing and Urban Development (HUD) adopted a policy requiring all public housing to be smoke-free. (9) This has assisted millions of people across the United States that live in public housing. However, this rule does not apply to privately owned buildings. HUD noted that at the time the rule was started, 55 communities in the state of California and over 30 state public housing authorities had already implemented smoke-free multi-unit housing policies. HUD suggests that more work can continue to be done in other parts of the nation to protect more multi-unit housing residents from secondhand smoke. (1)

SMOKE-FREE MULTI-UNIT HOUSING POLICIES ARE GOOD FOR BUSINESS

Smoke-free buildings are beneficial to property owners and managers. (10) These buildings are easier to maintain, clean, and turn over - cleaning and maintenance costs are reduced by nearly half in smoke-free facilities compared to those that permit smoking. Permitting smoking in multi-unit housing also increases risk of fire. In fact, an estimated 7,600 smoking-related fires happen in residential buildings each year. Some insurance providers even offer discounts for smoke-free policies. (10)

In addition, renters support these policies. One nationwide study found that 56% of multi-unit housing residents - smokers and non-smokers - would support smoke-free policies in their building. **Smoke-free multi-unit housing is a popular amenity increases the marketability of the property while saving money and reducing risks.**

WHAT CAN I DO?

Smoke-free multi-unit housing policies protect residents' health and safety, and save property owners and managers money and time. The benefits of implementing these policies will not only affect the residents, but will enhance the value of housing units, improve air quality, and eventually reduce smoking. Despite this, only around a third of people in the US living in multi-unit housing are currently protected by smoke-free policies. (2)



The good news is that property owners and managers that oversee privately owned housing can choose to implement smoke-free policies. Smoke-free multi-unit housing policies are legal. These policies do not prohibit anyone from renting a unit, they just set rules for what is permissible on the property. In South Dakota, property owners and managers are allowed to set their own voluntary policies about tobacco use on their property.

Preemption in South Dakota

Preemption is when a higher level of government limits the authority of a lower level of government to legislate in a certain area. (11) South Dakota has preemptive legislation, meaning that local laws and ordinances stronger than state or federal law are not allowed. Preemption applies to policies related to the use, distribution, marketing, promotion, and sale of tobacco products. For example, local governments considering raising the minimum legal age for the sale of tobacco are prohibited by state law from doing so. However, communities can decide to voluntarily implement policies that affect their own businesses, healthcare facilities, and multi-unit housing properties.

Whether you are a multi-unit housing tenant, a landlord or property manager, or a community member concerned for the health of your neighbors, you can play a role in creating these important policies. The next section will explain the process for working on a smoke-free multi-unit housing policy in five main steps:

1. **Get connected** with decision makers, residents, and other community members.
2. **Engage current residents** by gathering their opinions and answering their questions.
3. **Make a policy plan** that clarifies what the policy covers, how it will be enforced, and the implementation timeline.
4. **Communicate the policy** and ensure residents sign a lease addendum agreeing to it.
5. **Implement and enforce the policy**, celebrating the change and following up on violations.

How to Work on Smoke-Free Multi-Unit Housing Policy

1.GET CONNECTED

Determine the decisions makers

- If you are not the landlord, property owner, or management company, you will need to determine who has the authority to create and change policies.
- Reach out to them with information on the benefits of smoke-free multi-unit housing and confirm what the current policy is.
- Request a meeting to discuss further and offer assistance.

Establish local connections

- Adopting a new policy usually requires more than one person, so think about who can support you. Residents, local professionals, government officials, public health workers, and other community leaders can play a major role.
- Consider how these individuals will contribute and who will support developing plans, providing additional connections, and helping residents with questions or concerns.
- Think about how to establish these connections and ensure they are mutually beneficial.
- If you need assistance, you can email the SD Tobacco Control Program at DOHTobaccoControl@state.sd.us.

Educate your partners

- As you develop your team, consider what education they may need, and what messages will be most compelling to each group. Messages about financial benefits may be important for landlords, while health benefits may be most relevant to residents and community members.
- You want to ensure everyone working to develop and promote this policy is on the same page and is aware of how to communicate its benefits and its need.
- The [Tools & Templates](#) and [For More Information](#) sections of the toolkit include some useful educational materials.

2. ENGAGE CURRENT RESIDENTS

Get residents' opinions

- In order to effectively serve a community, you must first understand what they want and need.
- Survey residents about current smoking and vaping habits, exposure to secondhand smoke in their units, and opinions on implementing a smoke-free policy.
- The results of this survey can serve as a “temperature check” of your community’s stance on this policy. Tenant surveys typically show high support for smoke-free policies.
- These results can be shared with decision-makers and residents. (13)
- Examples of resident surveys can be found in the [Tools & Templates](#) section of the toolkit.

Hold informational meetings for residents

- Hold educational events for residents within the facility or in the larger community.
- Explain the benefits of creating a smoke-free environment, including health benefits and cost savings, as well as the hazards of permitting smoking, like risk of fires.
- Make sure to give residents the opportunity to voice questions and concerns, and be prepared to clarify any misperceptions. (12)
- Some current residents may use tobacco, so it is critical to provide cessation information, such as South Dakota QuitLine resources, to assist those who want to quit. Free informational materials can be ordered from the South Dakota Department of Health.
- See the [Tools & Templates](#) and [For More Information sections](#) for further details.



3. MAKE A POLICY PLAN

Determine policy details

- The strongest policies prohibit smoking any tobacco product (cigarettes, cigars, etc.) and using e-cigarettes/vaping.
- The policy should apply to all units without exception, as well as common areas like community rooms, lobbies, laundry rooms, hallways, stairways, and elevators.
- Outdoor areas within 25 feet of buildings should also be covered by the policy, including balconies, decks, and patios.
- Policies may designate specific outdoor smoking areas or prohibit smoking/vaping on the grounds altogether. (14)

Determine how the policy will be enforced

- Enforcing smoke-free policies should be similar how other building policies are enforced, like those related to noise, pets, or trash.
- A graduated enforcement structure is recommended, as it provides residents with multiple opportunities to change their behavior and uses eviction as a last resort.
- This structure generally begins with verbal warning and referrals to cessation resources before escalating to written warnings and eventually, a request to vacate the premises.
- This multi-step process helps tenants adjust to the policy and prevents them from experiencing the brunt of eviction following one infraction. Graduated enforcement helps protect residents from both secondhand smoke exposure and housing instability. (15)
- See the [Tools & Templates](#) section for examples of graduated enforcement plans.

Prepare lease addendum

- The addendum should include the purpose of the policy, key terms to understand the policy, the scope of the policy, enforcement information, and any relevant disclaimers.
- The addendum ensures all tenants are aware of the new policy and its provisions. (14)
- It is important that the policy language is fair to all and does not use discriminatory language or perpetuate disparities. (15)
- Model lease addendum policy language can be found in the [Tools & Templates](#) section of this toolkit.

Set a timeline for implementation

- There are two common strategies to implement a smoke-free multi-unit housing policy: Phase-In and Quit Date. (16) Either one of these methods can be used to assist in setting a specific amount of time to prepare for implementation.

Phase In Method calls for gradual change. New renters sign a smoke-free lease addendum immediately. Current residents sign the addendum at the time of their lease renewal. This process usually takes at least a year. It can take longer if the property has longer lease periods.

Quit Date Method sets a specific day that the property will become smoke-free. New renters sign a smoke-free lease addendum immediately. Current residents sign a smoke-free addendum by the smoke-free date. A 60 to 90-day timeline is recommended for this method to ensure residents have sufficient notice of the policy change and opportunity to sign the addendum.

Involve staff in planning

- Including staff in planning will help build community amongst leadership and ensure all are on one accord regarding the policy change.
- Make sure staff are trained on what the policy is, when it goes into effect, their role in enforcing the policy, and how to assist residents with more information and cessation resources.



4. COMMUNICATE THE POLICY CHANGE

Compose a notification letter regarding the policy

- Once the addendum has been developed, enforcement structure is in place, and timeline is set, it is time to notify residents.
- This notification letter will educate residents on the rationale for the policy and information about the implementation process and timeline. (16)
- An example notification letter can be found in the [Tools & Templates](#) section of the toolkit.



Get tenant signatures on leases/addendums

- To ensure there is an agreement between residents and property owners/managers, residents must sign the lease addendum.
- Set a specific timeframe to have residents sign the newly drafted addendums and have the leases on hand for future residents.
- Consider offering incentives for signing the policy early, such as a prize drawing, rent or parking discount, or extra perk (e.g. free community room rental). (16)



HOW TO WORK ON SMOKE-FREE MULTI-UNIT HOUSING POLICY

Inform service providers

- There may be other contractors or service providers that regularly visit the property, such as maintenance workers and groundskeepers.
- You may also wish to send them a letter similar to the resident letter to inform them of the policy change.

(13)



Think about the questions residents may ask and answer them

- You may wish to provide a list of frequently asked questions as part of the notification letters, and to have on hand to assist staff with answering questions.
- Having staff involved in the planning and trained on the policy is important to provide consistent response to questions and concerns.



Post signage

- To ensure both residents and visitors are aware of the smoke-free policy, place signage around the building(s), including at entrance/exit points.
- You can order window clings, door hangers, and metal signs from the South Dakota Department of Health, as described in the [Tools & Templates](#) section.



5. IMPLEMENT AND ENFORCE THE POLICY

Celebrate!

- Once the policy has been officially implemented, pause and celebrate!
- Consider hosting an event for the residents to mark the occasion.
- This is a positive step forward in ensuring the health and safety of residents is consistently prioritized. Congratulations!

Consider getting the word out through local media

Consider getting the word out through local media. You could amplify the work by sending out a press release or writing a letter to the editor to local news outlets. Many renters prefer smoke-free buildings, so this is also a way to generate interest in living there.

Enforce the policy

- While smoke-free housing policies are typically self-enforcing, in order for the policy to be successful and sustainable, it must be enforced when violations occur.
- Refer to your multi-step gradual enforcement structure to uphold the policy and ensure those that violate the policy understand the expectations and are given access to cessation resources.
- As enforcement continues, continue to celebrate the implementation of the policy!

For further assistance

Have questions? Need further support? Reach out to the South Dakota Department of Health Tobacco Control Program at DOHTobaccoControl@state.sd.us. The Sioux Empire Coalition out of Sioux Falls also has extensive experience in educating landlords and the community on smoke-free multi-unit housing and hosts an annual Multi-Unit Housing Summit. For more information, visit the [Sioux Empire Coalition website](#).

Tools and Templates

Get Connected

Landlord letter templates

- Sample Letter to Your Landlord from Smoke Free Housing NY:
<https://www.smokefreehousingny.org/wp-content/uploads/Sample-Landlord-Letter.pdf>

Resources to educate property owners

- Why Smoke/Vape/Drug Free Housing from Sioux Empire Coalition (South Dakota) (see page 1):
https://www.healthconnectsd.org/files/ugd/1e484a_d9f8fab863964664b0bfd6d1afc0edf8.pdf
- The Monetary Impact Table from the US Department of Housing and Urban Development (HUD) (see page 12):
<https://www.hud.gov/sites/documents/SMOKEFREEACTIONGUIDE.PDF#:~:text=Smoke-Free%20Policies.%20If%20enacted%2C%20a%20smoke-free%20housing%20policy,areas%20within%2025%20feet%20of%20windows%20or%20doors>
- Join the Movement infographic from Live Smoke Free (Minnesota):
<https://mnsmokefreehousing.org/wp-content/uploads/2019/06/ManagerInfographic.pdf>

Engage Current Residents

Tenant survey templates

- Sample Resident Survey from North Carolina Department of Health and Human Services (NCDHHS) : https://smokefreehousingnc.dph.ncdhhs.gov/docs/prepare-for-change/sfh_sampletenantsurvey_20125eee.doc
- Sample Cover Letter from NCDHHS:
https://smokefreehousingnc.dph.ncdhhs.gov/docs/prepare-for-change/sfh_samplesurveycoverletter_20125eee.docx
- Sample Resident Letter and Secondhand Smoke Survey from Live Smoke Free (Minnesota): <https://mnsmokefreehousing.org/wp-content/uploads/2019/04/sample-surveys-and-letters.pdf>
- Tenant Survey from Sioux Empire Coalition (South Dakota) (see page 4):
https://www.healthconnectsd.org/files/ugd/1e484a_d9f8fab863964664b0bfd6d1afc0edf8.pdf

Tools and Templates

Engage current residents (cont.)

Resident educational resources

- Secondhand Smoke in Housing infographic from Americans for Nonsmokers' Rights Foundation (ANRF): <https://no-smoke.org/wp-content/uploads/pdf/Secondhand-Smoke-in-Housing-Infographic.pdf>
- Going Smokefree Matters fact sheet from the Centers for Disease Control and Prevention: https://data.cdc.gov/Policy/Going-Smokefree-Matters-In-Your-Home-Infographic/k4xj-uge6/about_data
- Do You Smell Smoke? video from the American Lung Association: <https://www.youtube.com/watch?v=j21hKUAex7A>
- Tips for Housing Providers: Talking with Residents about Your Building's Smokefree Policy from ANRF: <https://no-smoke.org/wp-content/uploads/pdf/tips-for-housing-providers-talking-with-residents.pdf>

Make a policy plan

Sample lease addendum policy language

- Multi-Unit Housing Model Smoke-Free Lease Addendum from the South Dakota Department of Health: https://quittobaccosd.com/resources/advocacy-tools/policy-support-materials/multi-unit-housing-policy_

Sample implementation timeline

- Smoke-Free Apartment Building Policy Adoption Timeline from Live Smoke Free (Minnesota): <https://mnsmokefreehousing.org/wp-content/uploads/2019/04/timelines-and-checklists.pdf>
- Sample Time Table for Implementing Smoke-free Policy in Multi-Unit Housing from Smoke Free Multi-Unit Housing North Carolina: <https://smokefreehousingnc.dph.ncdhhs.gov/docs/prepare-for-change/time-table-smokefree-policy-implement-final.pdf>

Graduated enforcement plan

- Smoke-Free Multi-Unit Housing Equitable Enforcement Strategies from the Public Health Law Center (examples are on pages 4-8): <https://www.publichealthlawcenter.org/sites/default/files/resources/SF-MUH-Equitable-Enforcement-Strategies.pdf>

Tools and Templates

Communicate the Policy

Sample resident notification letters

- Sample Letter to Notifying Residents of Smoke-Free Building Policy from Live Smoke Free (Minnesota): <https://mnsmokefreehousing.org/wp-content/uploads/2019/02/Resident-Notification-Letter.pdf>
- Resident Notification Letter from Sioux Empire Coalition (South Dakota) (see pages 8-10): https://www.healthconnectsd.org/files/ugd/1e484a_d9f8fab863964664b0bfd6d1afc0edf8.pdf
- Sample Letter Notifying Tenants of Lease and Rule Change from the Massachusetts Smoke-Free Housing Project: <https://makesmokinghistory.org/wp-content/uploads/2015/01/Sample-Letter-Notifying-Tenants-of-Lease-and-Rule-Change.pdf>

Signage

The South Dakota Department of Health Tobacco Control Program (TCP) can provide signs free of cost.

- To order window clings and door hangers, use the online educational materials catalogue here: <https://apps.sd.gov/ph18publications/secure/puborder.aspx>
- Metal signs for outdoor use can be ordered through a TCP staff member with proof of a policy. Two 12 X 18" signs will be provided per property; additional signs may be provided with justification. Youth & Community Engagement and Disparities grant applicants can also request funding for metal signs in their grant applications. Find your local Tobacco Prevention Coordinator here: <https://quittobaccosd.com/about/tobacco-prevention-coordinators>.

Tools & Templates

Implement the policy

Cessation resources

- The South Dakota QuitLine is a great resource to support residents who want to quit: <https://www.sdquitline.com/>

Enforce the Policy

Enforcement resources

- Enforcement Tips for Building Managers and Maintenance Staff from ANRF: <https://no-smoke.org/wp-content/uploads/pdf/enforcement-tips-for-building-managers-and-maintenance-staff.pdf>

For More Information

The following organizations provide excellent information and resources about smoke-free multi-unit housing, and were used as primary sources for this toolkit. They are good places to start if you need additional details, facts, or templates to continue work on smoke-free multi-unit housing policy.

American Lung Association

<https://www.lung.org/policy-advocacy/tobacco/smokefree-environments/multi-unit-housing>

- The Smokefree Policies in Multi-Unit Housing webpage gives an overview of the importance of smoke-free housing and tools and resources on the topic, including an online course called Smokefree Policies in Multi-Unit Housing: Steps for Success.

Americans for Nonsmokers' Rights Foundation

<https://no-smoke.org/at-risk-places/homes/>

- ANRF's At Risk Places: Homes- Multi-Unit Housing webpage provides comprehensive information on the issue of tobacco use in multi-unit housing. It includes specific information and resources for property owners and managers, public housing agencies, residents, and employees. These resources include fact sheets, tips, and templates.

Association for Nonsmokers - Minnesota

<https://mnsmokefreehousing.org/>

- Minnesota's Live Smoke Free website shares information, resources, and tools to support smoke-free multi-unit housing policies. There are resources for property managers, renters, and advocates, including step-by-step information and downloadable resources.

Centers for Disease Control and Prevention

<https://www.cdc.gov/tobacco/secondhand-smoke/going-smokefree-matters/multi-unit/index.html>

- The Going Smokefree Matters: Multiunit Housing webpage from the CDC provides basic facts about the hazards of secondhand smoke, exposure in multi-unit housing, and benefits of smoke-free housing. This page also links to others that describe secondhand smoke and smoke-free policies in more detail.

Massachusetts Department of Public Health

<https://makesmokinghistory.org/smoke-free-environments/smoke-free-housing/>

- Massachusetts' How to Go Smoke-Free: A Toolkit for Multi-Unit Housing toolkit gives an overview of the key steps in implementing a smoke-free multi-unit housing policy as well as sample materials to use along the way.

North Carolina Department of Health and Human Services

<https://smokefreehousingnc.dph.ncdhhs.gov/index.html#.ZFEjWXZKhPY>

- North Carolina's Smokefree Multi-Unit Housing website provides information, resources, and templates for landlords, condo owners, and renters.

Sioux Empire Coalition

<https://www.healthconnectsd.org/set-free-coalition>

- The Sioux Empire Coalition, based in Sioux Falls, South Dakota, has extensive experience in educating landlords and the community on smoke-free multi-unit housing. They host an annual Multi-Unit Housing Summit and have developed useful tools like the Smoke & Drug-Free Multiunit Housing How-to Guide.

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