

Čanlí Coalition of CRST



Smoke Free Lease Addendum (printed on Landlord/Business Letterhead)

SMOKEFREE POLICY:

Due to the increased risk of fire, and the known health effects of secondhand tobacco smoke, smoking is prohibited in any indoor area of the property, both private (apartment) and common (halls, laundry and etc.). This policy applies to all owners, tenants, guests, and service persons.

Smoking: The term “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette or other tobacco product in any manner or in any form (including Hookah’s, e-cigarettes or etc.).

TENANT ACKNOWLEDGEMENT:

I hereby acknowledge the above smoking policy as part of the lease or month-to-month agreement of the _____ Apartments. I agree that I will not smoke in the areas of the property listed below. In addition, I will be responsible for enforcing this policy with all of my visitors, guests, and relatives who visit the premises. If I fail to abide by this policy, I agree to move out within 30 days.

SMOKEFREE AREAS:

- Entire Rental Unit/Apartment
- Halls
- Laundry Room
- All interior areas of the _____ Building

Primary Tenant

Printed Name: _____ Signature: _____

Mailing Address: _____

Telephone Numbers: _____

Additional Names & Signatures of Individuals Living in Rental Unit:

Printed Name: _____ Signature: _____

Printed Name: _____ Signature: _____

Printed Name: _____ Signature: _____

*****Before utilizing sample Smoke-Free Letters, Lease Addendums or other sample language landlords and/or other owners should consult with their own legal counsel.**

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Adapted from the Čanlí Coalition’s Tribal Tobacco Toolkit. Available at <https://www.findyourpowersd.com/toolkit/>.

USDA Optional Smoke-Free Housing Policy

In December, 2010 Rural Development issued an Unnumbered Letter (UL) providing guidance for Multi-Family Housing borrowers who wish to establish smoke-free housing policies.

Because Rural Development understands exposure to smoke, direct or secondhand, has been proven to cause adverse health conditions and according to the United States Fire Administration, is the number one cause of home fire deaths in the United States, Multi-Family Housing borrowers may choose to incorporate smoke-free housing requirements specific to their projects.

Keep in mind, when choosing to establish a smoke-free housing policy it:

- Must be in accordance with State and local laws;
- Should address smoking in tenant's unit, common areas, playground areas, areas near any exterior window or door, and areas outside a tenant's unit; and
- Should designate specific smoking areas and identify these areas with clear signage unless the Multi-Family Housing borrower established a totally smoke-free policy.

It must not have policies that:

- Deny occupancy to individuals whether they smoke or not if they are otherwise eligible;
- Allow borrowers to ask at the time of application or move-in whether the applicant or any members of their household smoke. However, if the borrower has established a smoke-free building as of a certain date, borrowers must inform applicants after that date that the building is completely smoke-free. Borrowers must not maintain smoking or non-smoking specific waiting lists for the property;
- Allow management to ask at the time of recertification, whether the tenant or any household member smokes; and
- Require existing tenants, as of the date of the implementation of the smoke-free housing policies, to move out of the property or to transfer from their unit to another unit.

Grandfathering in current tenants living at the property is an option; such as policies must be clearly defined (e.g. whether current tenants are allowed to smoke in their units) in the Occupancy Rules.

Smoke-free wings, buildings, floors, and/or units may be established. When a unit becomes available, regardless of where the unit is located, it must be offered to the first eligible household on the waiting list. Waiting lists must be maintained according to existing procedures found in 7 CFR 3560.154(f).

Borrowers must implement new smoking-related Occupancy Rules in accordance with 7 CFR 3560.157

Source: South Dakota USDA Spring/April 1, 2014 Multi Family Housing Quarterly Newsletter

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