

For landlords: An intro to smoke-free housing

What is smoke-free housing?

A home or residential building(s) where smoking is not allowed anywhere inside, including in individual apartments.

- Smoke-free housing includes areas around doors, entrances, porches, balconies, and windows, to keep smoke from getting inside
- A smoke-free “unit” is not the same as smoke-free “housing.” All units in a building need to be smoke free to prevent smoke from drifting into other units.

Is smoke-free housing legal?

Yes, completely legal. There is no legally protected “right to smoke” in multi-unit residential buildings and properties in Boston, the state of Massachusetts, or anywhere in the U.S.

Not discriminatory toward smokers

A no-smoking rule does not mean “no smokers.” Smokers are welcome to live, visit, and work in smoke-free residential buildings, as long as they follow the rules to not smoke in or near the building(s).

This is no different than requiring tenants or visitors to abide by a no pet rule* or a rule concerning quiet hours in the building (**does not apply to service animals for disabled tenants*).

What smoking products does a smoke-free policy include?

Anything that burns and is inhaled—tobacco, hookahs, and marijuana, and many landlords include e-cigarettes, e-pipes, and other vaped products

- **What about medical marijuana?** Landlords can prohibit the smoking of marijuana, including medical marijuana, under their smoke-free policy, based on Massachusetts law (105 CMR 725.650). Medical marijuana can be consumed in ways other than by smoking.
- **What about e-cigarettes?** Research about the health effects of e-cigarettes is ongoing. Many landlords are prohibiting the use of e-cigarettes in units and in common areas to avoid confusion and to make enforcement of their no-smoking policies easier. Currently, landlords do not need to accommodate e-cigarettes for any medical reasons, since e-cigarettes are not recognized as a medical device to help smokers quit.

Why make my building smoke-free?

It benefits everyone with clean air and is a good investment for owners and communities.

- **Save time, money, and effort:** Making residential buildings smoke-free is profitable and has many benefits, including saving time, money, and effort on maintenance and management, while providing a safer and healthier environment for tenants and staff.

- **Increase demand for your property:** Smoke-free housing is popular and in high demand among renters. More and more landlords and owners, both small and large, are making their buildings and homes smoke-free in Boston and across the country.

Free resources and help

If you are thinking about or planning to make your property smoke-free, the Boston Public Health Commission (BPHC) can help. BPHC offers free help and support with smoke-free housing, including:

- Answering questions and troubleshooting by phone any issues related to smoke-free housing
- Conducting trainings for building staff
- Attending resident meetings and speaking about health consequences of secondhand smoke exposure and resources for quitting smoking
- Providing sample materials like smoke-free lease addendums, resident notices and surveys, smoke-free building signs, and resources for quitting smoking

More information and help making your property smoke-free

Get our free landlord guide at www.BostonSmokeFreeHomes.org

Or contact us at:

- HealthyHomes@bphc.org
- 617-534-4718