



Smoke-free Apartments and Condos: How to Go Smoke-free

Tips and Sample Lease Language

There are a number of ways to implement a new smoke-free policy at an existing building or complex. The most common transition plans involve one of the following options:

1. As leases turn over, have current tenants sign a non-smoking lease addendum
2. Make units non-smoking as new tenants move in; grandfather current tenants until they move out

Regardless of which transition plan you choose, you will need to update your lease with language that includes the specifics of the new policy. Common ways to do this are by writing your smoke-free policy into the “Other rules” section of the rental agreement, or by adding a lease addendum to the lease contract itself.

When writing the policy into your lease agreement, try to be as specific as possible. Define terms and describe where smoking is permitted, if at all, on the property.

Sample language for your policy:

No Smoking: Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, smoking is prohibited in private and common areas of the property, all indoor areas, and within 25 feet of the building(s) including entryways, balconies and patios. This policy applies to all owners, tenants, guests, and service persons. Tenants are responsible for ensuring that family members, roommates and guests comply with this rule.

Definition of “smoking”: The term ‘smoking’ means any inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any manner or form.

If you are “phasing in” the policy: All new and renewed leases in the building prohibit smoking. Please be aware that, until all leases have been renewed, you may have neighbors whose current lease does not prohibit smoking.

Depending on the language and standards of your lease, you may be able to adopt a smoke-free policy in as little as 30 days. If you have a standard lease that stipulates that changes can only be made at the time of renewal, you must follow this contract stipulation. Some leases include a provision allowing you to amend the lease with as little as 30 days notice. Or, in some cases with a month-to-month lease, you must give at least 30 days notice of the lease change.

As you implement your new policy, remember that smoke-free policies are like any other policy change; they should be treated in the same way as if you were amending such policies as trash disposal, pets or rent payment.