

## Smoking in Common Areas of Multi-Unit Housing

**Q.** Are there any laws prohibiting smoking in multi-unit housing buildings?

**A.** Colorado's Clean Indoor Air Act law prohibits smoking in restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums, and other multi-unit residential facilities. However, it is perfectly legal for multi-unit housing facilities to implement their own smoke-free policies beyond the Colorado Indoor Air Act, including private resident units, outdoor areas, etc. (See next question)

Common areas in apartments, lodges, and retirement facilities are covered in these sections of the law:

25-14-204. General smoking restrictions.

(1) Except as provided in section 25-14-205, and in order to reduce the levels of exposure to environmental tobacco smoke, smoking shall not be permitted and no person shall smoke in any indoor area, including, but not limited to:

(p) Restrooms, lobbies, hallways, and other common areas in public and private buildings, condominiums, and other multiple-unit residential facilities;

(u) The common areas of retirement facilities, publicly owned housing facilities, and nursing homes, not including any resident's private residential quarters;

For more information about Colorado's Clean Indoor Air Act visit: [www.smokefreecolorado.com](http://www.smokefreecolorado.com)

**Q.** Is it Legal to Make Multi-Unit Housing Non-Smoking?

**A.** Yes, it is legal for multi-unit housing facilities to implement their own smoke-free policies, including private resident units, their grounds, parking lot, etc. There is no "right-to-smoke" according to the U.S. Constitution and no court has ever recognized smoking as a fundamental right nor has any court ever found smokers to be a protected class. "No Smoking" rules for apartment units or condominiums are in the same legal category as "no pets" or "no loud noise" rules. They are legal policies that reduce property damage and protect tenants' right of quiet enjoyment.

### Non-Smoking Policies Can Be Implemented

\* Federal anti-discrimination laws do not protect people who smoke.

\* It is legal to advertise a unit (residential or commercial) as "smoke-free."

\* It is legal to ask tenants to acknowledge in the lease or month-to-month rental agreement that they do not smoke and/or will not smoke in the unit they are renting.

\* Nearly 83% of Colorado adults do not smoke, and more than 85% smokers want to quit.

For additional information or assistance, please contact:

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