



Model Lease Provisions

The following language can be used to implement a smoke-free policy in multiunit housing. In apartment complexes, the provisions can be added to the lease. This is most easily done gradually as new individuals apply to become residents. For condominiums, the language can be added to the Conditions, Covenants, and Restrictions (CC&Rs) and implemented immediately or at a specified future date.

Include in the "Definitions" section of the lease or CC&Rs:

Smoking. The term "smoking" means:

- (a) the possession of any lighted or heated tobacco product in any form;
- (b) inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or hookah that contains:
 - (i) tobacco or any plant product intended for inhalation;
 - (ii) shisha or non-tobacco shisha;
 - (iii) nicotine;
 - (iv) a natural or synthetic tobacco substitute; or
 - (v) a natural or synthetic flavored tobacco product;
- (c) using an electronic cigarette.

The definition of smoking comes from the Utah Indoor Clean Air Act §26-38-2. When using this definition, it will encompass more than "any lighted or heated tobacco product"

Include in the restrictions section of the lease or CC&Rs:

SMOKING: Due to the increased risk of fire and the known adverse health effects of secondhand smoke, smoking is prohibited in any area of the property, both private and common, whether enclosed or outdoors. This policy applies to all owners, residents, guests, employees, and servicepersons.