

Model Smokefree Policy provisions regarding excess wear and tear and annual inspections

Tenants who receive the temporary exemption and continue to smoke in their apartment are reminded that damage to units caused by smoking is the responsibility of the tenant and will not be considered normal wear and tear. Part or all of the security deposit may be withheld to cover the additional expense of repair prior to releasing the unit. Damage includes burn marks and nicotine stains to unit structure and furnishings. Damage in excess of the security deposit will be billed to the tenant.

It will be necessary for smokers to take additional steps to keep smoking residue from building up in units. This could include more frequent cleaning and wall washing. Annual inspections will check to ensure apartments are being maintained. Failure to keep an apartment free from build up of smoking residue could result in loss of the no smoking exemption.

This information is created by the Tobacco Control Policy and Legal Resource Center of New Jersey GASP, which provides expert information, guidance, and technical assistance about policy, legislation, and litigation, especially regarding smokefree air. Major funding for this service is provided by the New Jersey Department of Health and Senior Services (NJ DHSS). The information presented on this website is not intended as, nor to be construed, or used, as legal advice, and should not be used to replace the advice of your legal counsel.