



Smoke-Free Multi-Unit Housing: A Toolkit for Property Owners and Managers in Tolland County

A Toolkit Offered by Tolland County CHART





Dear Tolland County property owner and manager,

As health directors, our goal is to protect the public by promoting initiatives that address areas of concern such as tobacco use and to assure that prevention measures are set in motion to secure the public's health and well-being.

In 2011 Connecticut received funds from the Centers for Disease Control and Prevention for a Community Transformation grant to build capacity to implement broad evidence and practice-based policy, environmental, programmatic and infrastructure changes in our communities addressing three strategic directions: tobacco-free living, active living and healthy eating, and quality clinical and other preventative services.

Through this effort our work has included reaching key sectors that can make community-level changes. Smoke-free apartments are quickly becoming the standard for multi-unit housing in our country and smoke-free policies adopted in many states, including Connecticut are simple and straightforward. This tool kit was developed to help you understand how others have benefitted by their decisions to adopt smoke free policies in their properties, to show you how you can reduce your operating costs and to encourage you to contribute to the health of residents by eliminating their exposure to secondhand smoking.

Please contact the Eastern Highlands Health District (EHHD) at (860)-429-3325, visit www.EHHD.org or the North Central District Department of Health at (860) 745-0383 visit <http://www.ncdhd.org> for more information and assistance as you take your first step.

Sincerely,

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Reasons to Explore Smoke-Free Housing

The research is clear: the benefits of implementing smoke-free policies in multi-unit properties are undeniable, not only from a health perspective, but also from a financial perspective. Perhaps this is why **smoke free policies are increasingly becoming the standard**, rather than the exception, for multi-unit housing in the U.S.

The Tolland County Community Transformation Initiative Team is here to provide you with assistance as you seek to gather facts and consider implementing a smoke-free policy for the properties you own and/or manage. **Smoke free policies do not ban a smoker from renting or require the smoker quit**; they only **state that a smoker cannot smoke while on the property** or can only smoke **in designated areas**.

This document is for property owners, landlords, and property managers who are interested in exploring a smoke-free policy for their multi-unit buildings. Read on, if you are interested in a policy that can help you save money, reduce tenant complaints, improve the health of your tenants and building, and increase your market share.

Going smoke-free in your multiunit building is one of the best moves you can make for your tenants and your bottom line.

Reduces operating costs

- Thirdhand smoke residue builds up on surfaces over time and resists normal cleaning. It cannot be eliminated by airing out rooms, opening windows, using fans or air conditioners, or confining smoking to only certain areas of a home.
- Apartment maintenance and turnover costs can be two to seven times greater when smoking is allowed, compared to the cost of cleaning, painting, and maintaining a smoke-free unit. A study focused on smoke-free policies in U.S. public housing units estimated an approximate cost savings of \$154 million per year.¹
- Some insurance companies offer discounts on property casualty insurance for multi-unit owners with a 100% smoke-free policy.
- Smoking is a leading cause of residential fire and the number one cause of fire deaths in the U.S. It is estimated that implementing smoke-free policies in all U.S. public housing alone, would avert an estimated cost savings of \$72 million a year in smoking-attributable fire losses (not including costs associated with health care and/or legal expenses.)¹



Photo Credit 1: Google Images




Photo Credit 2: Google Images

The Monetary Impact

Cost to Rehabilitate a Unit Where Smoking is Prohibited vs. A Unit Where Smoking is Allowed

	Non-Smoking	Light Smoking	Heavy Smoking
General Cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1,425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
TOTAL	\$560	\$1,810	\$3,515



Data reflects surveys from housing authorities and subsidized housing facilities in New England. Collected and reported by Smoke-Free Housing New England, 2009

Photo Credit 3: National Center for Healthy Housing

Tenants prefer smoke-free housing

- A number of U.S. surveys have demonstrated that as many as 78% of tenants, including smokers, would choose to live in a smoke-free complex. And as many as 34% would be willing to pay more to live in one.^{2,3}
- Secondhand smoke complaints and requests for unit transfers tend to drop following the implementation of a smoke-free policy.
- Nationwide, less than 21% of the general population smokes, so it makes sense that a vast majority of tenants would prefer to live in a smoke-free environment.

Tenant health improves with smoke-free housing

- Secondhand smoke contains over 4,000 chemicals, including, among others, methanol, arsenic, ammonia, cyanide, carbon monoxide, cadmium, butane, and nicotine. There is no risk-free level of exposure to secondhand smoke and the EPA has identified secondhand smoke as a Class A carcinogen: the most toxic class of chemicals that are known to cause cancer in humans.^{4,2}
- Secondhand smoke is a leading trigger of asthma attacks and other respiratory problems, and a known cause of heart disease, lung cancer, Sudden Infant Death Syndrome (SIDS).^{4,2}



Photo Credit 4: CDC/Deborah Cartagena

- Secondhand smoke has been classified as a “toxic air containment” as have other substances such as asbestos, lead, vehicle exhaust, and a host of other chemicals strictly regulated in the U.S. ⁴
- Ventilation systems do not protect families from secondhand smoke. Most air filter systems are designed to remove odors, not the toxic particles from tobacco smoke. According to the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), “At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking.” ²
- Research demonstrates that up to 65% of air can be exchanged between units and that smoke travels through tiny cracks, crevices and chasing, involuntarily exposing individuals in adjacent units.
- Thirdhand smoke, which is the smoke-related toxic build-up that clings to clothing, cushions, furniture, walls, and flooring in a housing unit, has been proven to also be detrimental to human health, long after secondhand smoke has cleared the room. The residue includes heavy metals, carcinogens and even radioactive materials that people can get on their hands and ingest. This is especially true for young children if they’re crawling or playing on the floor. ⁵

Other policy benefits

Self-Enforcing Smoke-free policies are largely self-enforcing. Because tenants expect and tend to prefer a smoke-free environment, they will abide by the policy. Guardian Management, a group managing over 12,000 smoke-free units nationwide, recently released survey results showing that more than three-quarters of their residents are satisfied with the smoke-free policy.

Gain Green Building Credits Numerous “Green Building” programs, such as the U.S. Green Building Council’s LEED program and the Enterprise

Community Partner’s Green Communities Initiative, provide credit in their programs for smoke-free properties. ²



Photo Credit 5: Google Images



Photo Credit 6: Google Images

Existing Laws Allow for Smoke-Free Housing

- Smoke-free policies are legal, and are not considered discriminatory. Smokers are not a protected class under Connecticut or federal law: there is no constitutional right to smoke.²
- On the other hand, non-smokers with serious breathing disabilities or smoke allergies actually have legal protection under federal and state laws.
- There are no federal, state, or local laws that prohibit a landlord, housing authority or condominium association from adopting a 100% smoke-free policy. You can make your entire property smoke-free, including all apartment units and outdoor spaces.
- Smoke-free policies are like any other lease provision, such as trash disposal or pet restrictions, and should be implemented and enforced as any other lease policy.
- Both public and private facilities have the right to adopt smoke-free policies. If you are a public housing authority or owner of a subsidized facility, ensure your tenants receive adequate notice (30 days or more) of lease change and that HUD and/or your local housing authority approve of any changes to the model lease.
- Fair housing laws may be applicable when second-hand smoke infiltrates non-smoking housing units. For more information, see:
<http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>
- Enforcing a smoking policy is a lot less of a headache than mediating disputes between smokers and non-smokers without a policy in place.



Photo Credit 8: Google Images



Photo Credit 7: Google Images

Suggested Steps to Take to Adopt a Smoke-Free Policy

Adopting and implementing a smoke-free policy is usually a gradual process. Following are some suggested steps you may want to consider, as you begin your journey:

1) Survey Residents:

- Determine which units have smoking and nonsmoking tenants
- Ask tenants if they would like to live in a smoke-free building, and identify which buildings have the most tenants who want a smoke-free policy
- Evaluate tenants' overall views about exposure to secondhand smoke.



Photo Credit 9: CDC/Amanda Mills

2) Develop a plan of action:

- Hold a meeting of all tenants to discuss the survey results and to discuss plans to establish a smoke-free policy in some or all buildings.
- Use the meeting to do a presentation on the health hazards of secondhand smoke.
- Select the building(s) that will implement the smoke-free policy first, and select the timing for the policy and what the grandfather period will be, if any.



Photo Credit 10: Google Images

3) Adopt and Implement Policy

- Following tenant and other discussions vote to adopt smoke-free apartment policy
- In policy, decide on the length of the grandfather period for current smokers, if any.
- In policy, decide whether there will be an outside designated smoking area and where.
- Establish time frame for implementation and notify all tenants.
- Enforce smoke-free policies
 - Private and public multi-unit owners uniformly report that enforcement is not an issue. Residents consistently follow the rule.
 - Once you implement a policy, smoking will be so noticeable by other residents that you are likely to hear about it. Violators of the smoke-free rule are most likely to be violators of other rules. You must be prepared to follow through with consequences; for example, two warnings, and then termination of the lease.
 - Advertising the units as non-smoking will attract tenants who either don't smoke or smoke outside. Being upfront about the policy with prospective tenants will ensure fewer headaches down the road.

Sample Smoke-Free Housing Survey for Tenants

[Date]

Dear Residents:

We are pleased that you have chosen to reside at [name of building/property]. The [name of management company or apartment building] has been studying changes that are occurring in apartment living. Many owners are deciding to prohibit the use of tobacco products within their properties.

Apartment building owners are adopting smoke-free policies for a number of reasons. Secondhand and third-hand smoke are health hazards, especially for children, the elderly, and persons with chronic illnesses. There is no safe level of exposure to secondhand smoke. In addition, smoking materials are the leading cause of residential fire deaths in the United States.

To ensure the health and safety of all persons living here, we are considering adopting a smoke-free policy for our building and individual units. We would like to hear from you! Let us know what you think about having rules about tobacco use in the building and on the grounds. Please fill out the short survey below and return it to [name of office, etc.].

Sincerely,

[Apartment Manager's name]

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Check all that apply:

Do you smoke in your unit?

- Yes, I smoke in my unit
- No, I do not smoke in my unit but do allow others to smoke in my unit
- No, I do not smoke nor do I allow others to smoke in my unit

Can you smell smoke in your unit?

- Yes, I can smell secondhand/third-hand smoke coming into my unit from another unit
- The smoke smell bothers me/The smoke smell makes me ill
- I'm worried about the effects the second and third-hand smoke has on my health or the health of people who live with me

Would you like to live in a smoke-free building?

- Yes, I would like our building to be smoke free; including the units and common areas
- No, I would like our building to continue to allow smoking in the units
- I have no preference
- Building Name: _____

Comments:

Optional Information:

Name: _____ Unit #: _____ Phone: _____

Adapted from Live Smoke Free: Smoke-Free Multi-Housing document and <http://smoke-freehousingnewengland.health.officelive.com/resources.aspx>

Communicating the new policy to tenants

Once you've decided to make your property a smoke-free environment, it will be helpful to have a clearly organized communication plan for talking to tenants. Here are some useful strategies and ideas to consider⁶:

- Establish when and where smoking is to occur. Decide if improvements need to be made to the existing building. You may decide to remove ashtrays and place receptacles for smoking materials at a reasonable distance from facility entrances. You may want to post "Smoke-free" or "No Smoking" signs accordingly, in conspicuous area.



- Modify all lease-related documents to reflect the changes in policy. Make sure that you are familiar with all aspects of the new smoke-free lease language, especially covenants, conditions, or terms that may prohibit persons living in the building from engaging in disruptive behavior.
- Educate employees on how to address questions regarding the new policy.
- Host information sessions about the upcoming change. Make sure you are clear regarding tenants' and your rights under the current leases. Have information available for tenants to bring home with them for later review.
- Reinforce the change to all tenants in the form of a letter. Require tenants to sign a copy stating their understanding and acceptance of the new policy.
- Begin advertising your smoke-free status to gain new tenants who appreciate a clean air environment.

Sample Tobacco-Free Housing Policy

The following is an example of a tobacco-free policy that property managers could adopt.⁷

Policy: Effective [DATE], the use of all tobacco and nicotine products (cigarettes, cigars, pipes, e-cigarettes and smokeless tobacco) is prohibited on all [DEVELOPMENT NAME] properties and grounds. This includes all indoor and outdoor areas (apartments, entry areas, walkways, grassed areas, picnic areas, parking lots, vehicles owned by the housing authority and private vehicles parked on housing authority property). This policy applies to all employees, visitors, residents, subcontractors, volunteers, and vendors.

Exception: Current residents who use tobacco products that have entered into a lease agreement prior to [DATE] will be permitted to continue to use tobacco products in their apartments for twelve months after the effective tobacco free policy is in effect. Therefore, on [DATE], all housing sites will be tobacco free and at that time all smokers will need to adhere to the set policy. This exception shall not extend to visitors or anyone other than the lease holder/occupant.

Purpose: Tobacco is the single greatest cause of disease and premature death in the United States. Our mission is to provide a safe and healthy living environment; therefore it is our responsibility to provide those surroundings, provide resources and model behavior that discourages the use of all tobacco products.

Responsibility: It is the responsibility of [DEVELOPMENT NAME] staff to educate residents and visitors about the tobacco free policy. Signage and printed material will be available for visitors at the main entrances at each of the housing complexes.

It is the responsibility of supervisors to educate their employees about this policy. Violation of this policy will be treated like any other policy infraction as stated in the employee handbook.

It is the responsibility of housing managers to educate new residents about this policy. Violation of this policy will be treated like any other violation of lease.

All individuals associated with [DEVELOPMENT NAME] (employees and residents) have a responsibility to promote this policy and ensure that all visitors, vendors, subcontractors, new residents and fellow employees are aware [DEVELOPMENT NAME] maintains a tobacco free campus. New residents, visitors, vendors and subcontractors will be reminded of it and asked to adhere to the policy by any housing authority staff.

Cessation Resources:

All employees and residents will be offered information regarding cessation programs and provided with access to tools to assist them in quitting if they so choose, including how to contact the Connecticut Quitline: 1-800-QUIT-Now.

Effective Date:

Approved: _____

Sample Lease Addendum and Lease Provisions

Below are a Sample Lease Addendum which can be considered for addition to existing leases, and Model Lease Provisions which can be considered for inclusion in new or existing leases or in condominium Conditions, Covenants and Restrictions.⁶ Before utilizing this model language, landlords and/or condominium owners should consult with their own attorney.

Model Smoke-Free Lease Addendum

Tenant and all members of Tenant's family or household are parties to a written lease with Landlord (the Lease). This Addendum states the following additional terms, conditions, and rules which are hereby incorporated into the lease. A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

1. Purpose of No-Smoking Policy. The parties desire to mitigate (i) the irritation and known health risks from secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; and (iii) the increased risk of fire from smoking.
2. Definition of Smoking. The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, or other tobacco product or similar lighted product in any manner or in any form.
3. Smoke-Free Complex. Tenant agrees and acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a smoke-free living environment. Tenant and members of Tenant's household shall not smoke anywhere in the unit rented by Tenant, or the building where the Tenant's dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental community, nor shall Tenant permit any guests or visitors under the control of Tenant to do so.
4. Tenant to Promote No-Smoking Policy and to alert Landlord of Violations. Tenant shall inform Tenant's guests of the no-smoking policy. Further, Tenant shall promptly give Landlord a written statement of any incident where tobacco smoke is migrating into the Tenant's unit from sources outside of the Tenant's apartment unit.
5. Landlord to Promote No-Smoking Policy. Landlord shall post no-smoking and/or smoke free signs at entrances and exits, common areas, hallways, and in conspicuous places adjoining the grounds of the apartment complex.
6. Landlord not a guarantor of smoke-free environment. Tenant acknowledges that Landlord's adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, do not make the Landlord or any of its managing agents the guarantor of Tenant's health or of the smoke-free condition of the Tenant's unit and the common areas. However, Landlord shall take reasonable steps to enforce the smoke-free terms of its leases and to make the complex smoke-free.

Landlord is not required to take steps in response to smoking *unless* Landlord is put on notice of the presence of cigarette smoke, via agent, personal knowledge, and/or written notice by a Tenant.

7. Other Tenants are Third-Party Beneficiaries of Tenant's Agreement. Tenant agrees that the other Tenants at the complex are the third-party beneficiaries of Tenant's smoke-free addendum agreements with Landlord, meaning that Tenant's commitments in this Addendum are made to the other Tenants as well as to the Landlord. A Tenant may sue another Tenant for an injunction to prohibit smoking or for damages, but does not have the right to evict another Tenant. Any suit between Tenants herein shall not create a presumption that the Landlord breached this Addendum.
8. Effect of Breach and Right to Terminate Lease. A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease. A material breach of this Addendum by the Tenant shall be a material breach of the lease and grounds for immediate termination of the Lease by the Landlord. Landlord acknowledges that in declaring this building(s) (or portion of the building) to be smoke-free, the failure to respond by Landlord to a complaint filed by the tenant shall be treated as equivalent to a request for maintenance. Connecticut law governing repair and deduct, the implied warranty of habitability, and the covenant of quiet enjoyment shall be understood to include the right to be smoke-free contingent upon cooperation of both Tenant and Landlord. These provisions shall also be construed to result in a constructive eviction if Landlord fails to timely respond to Tenant's complaints regarding smoke with the respective remedy reserved to the Tenant in such instance.
9. Disclaimer by Landlord. Tenant acknowledges that Landlord's adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, does not in any way change the standard of care that the Landlord or managing agent would have to a Tenant household to render buildings and premises designated as smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas or Tenant's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of this Addendum is dependent in significant part on voluntary compliance by Tenant and Tenant's guests. Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Addendum than any other landlord obligation under the Lease.
10. *(Optional Paragraph for existing rental communities that adopt "no-smoking policies")*: Effect on Current Tenants. Tenant acknowledges that current tenants residing in the complex under a prior lease will not be immediately subject to the Nosing Policy. As current tenants move out, or enter into new leases, the smoke-free policy will become effective for their unit or new lease.

Landlord

Tenant

Model Lease Provisions

The following language can be used to implement a smoke-free policy in a multiunit dwelling. In apartment complexes, the provisions can be added to the lease. This is most easily done gradually, as new individuals apply to become tenants. For condominiums, the language can be added to the Conditions, Covenants, and Restrictions (CC&Rs) and implemented immediately or at a specified future date.⁶

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

SMOKING: The term "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, or other tobacco product in any manner or in any form.

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, tenants, guests, employees, and servicepersons.

Questions Raised by Local Property Managers

How about e-cigarettes? Do they present the same hazards as regular cigarettes?

Electronic or e-cigarettes are devices designed to mimic cigarettes. The metal tubes are designed to look like real cigarettes and contain a cartridge filled with a nicotine-laced liquid that is vaporized by a battery-powered heating element. The nicotine aerosol is inhaled by smokers when they draw on the device, as they would a regular cigarette. Most e-cigarettes claim to contain nicotine, and some claim to also sell nicotine-free cartridges. They come in a variety of flavors, nicotine levels, and varieties, all claiming to be a less dangerous alternative to smoking cigarettes, and are flooding the market.⁸

A great deal of studies are in progress but among those who have already looked into the comparison between e-cigarettes and regular cigarettes seem to agree that e-cigarettes are just as harmful for smokers as they are for people around smokers. Their aerosol contains nicotine, ultrafine particles and low levels of cancer causing toxins. The aerosol from e-cigarettes is a new source of pollutants that are emitted into the environment and their long-term effects have not been completely studied at this time. The one factor that most can agree on is that they are not purely water vapor as most commercials indicate.

How about dealing with tenants who are from other countries where smoking is not regulated in the same fashion as in the USA?

In many other parts of the world, tobacco control policies remain weak. Many countries outside the USA do not have laws that prohibit smoking in public places or in housing complexes. Taking into account that smokers are not a legally protected group or class, and that smoking is a chosen behavior, not an inherent characteristic, like sex, race, or ethnicity, landlords and property managers have the right to adopt policies that protect their investment and the health of other tenants. Some property managers who rent properties to people who come from other countries have been successful in adopting a gradual ban or even designating a particular area within the housing complex as a smoking area for those who are not prepared to quit.⁹

Smoke-free Multi-Unit Housing: Policy Brief Presented by the American Lung Association⁹



SMOKEFREE MULTI-UNIT HOUSING BRINGING HEALTHY AIR HOME

Smokefree Policies in Multi-Unit Housing: Steps for Success

The American Lung Association's web-based smokefree multi-unit housing course offers expert guidance and tools on how to plan and implement a successful smokefree multi-unit housing policy.

Designed for property managers, residents and public health advocates, Smokefree Policies in Multi-Unit Housing – Steps for Success is available at

www.lung.org/smokefreehousing

Secondhand smoke exposure poses serious health threats to children and adults. According to the U.S. Surgeon General, there is no safe level of secondhand smoke exposure. Eliminating indoor smoking is the only way to protect nonsmokers from the harmful effects of tobacco smoke.¹ For residents of multi-unit housing (e.g., apartment buildings and condominiums), secondhand smoke can be a major concern given that it can migrate from other units and common areas and travel through doorways, cracks in walls, electrical lines, plumbing, and ventilation systems.^{1,2}

In the last decade, the availability of smokefree multi-unit housing has skyrocketed as a result of greater awareness of the dangers of secondhand smoke, increased consumer demand, state and local advocacy efforts, and recommendations issued by federal authorities including the U.S. Department for Housing and Urban Development (HUD) and Environmental Protection Agency (EPA). Smokefree multi-unit housing policies are beneficial for both residents and property owners. Going smokefree promotes residents' health by protecting them from secondhand smoke while improving a property manager's bottom line through reduced turnover costs and decreased fire risks.



SMOKEFREE MULTI-UNIT HOUSING - BRINGING HEALTHY AIR HOME

01

SMOKEFREE COMMUNITIES PROJECT

Smokefree Multi-Unit Housing—Why It’s Important

Health effects

Secondhand smoke is a significant cause of disease and premature death.³ A recognized cause of lung cancer, secondhand smoke is also associated with heart disease and respiratory problems in nonsmoking adults.¹ Children are especially vulnerable to the health effects of secondhand smoke given their developing bodies and lungs.^{1,3} Children exposed to secondhand smoke are at increased risk of sudden infant death syndrome (SIDS), respiratory infections, asthma, and ear infections.⁴ One study found that children living in nonsmoking households in multi-unit dwellings had a 45 percent increase in cotinine levels (a metabolite caused by exposure to tobacco smoke) compared with children living in detached homes. This was due to potential seepage through walls and shared ventilation systems.⁴ Even at very low levels, tobacco smoke exposure is associated with decreased reading and math scores and higher rates of behavioral problems in children.⁴

Multi-unit housing residents at risk

Approximately 40 million Americans live in multi-unit housing properties, which account for 31.5 percent of all housing units in the United States. The home is a major source of secondhand smoke exposure for both adults and children.⁶ Because people spend a considerable amount of time at home, smokefree policies in residential settings can significantly reduce exposure to secondhand smoke. While the proportion of households with voluntary no-smoking rules has increased since the early 1990s, nonsmoking residents in multi-unit housing are not adequately protected from the infiltration of secondhand smoke into their units. For example, a recent study of low-income Boston apartments found detectable air nicotine levels in 89 percent of the units occupied by nonsmokers.⁷ In some studies, nearly 50 percent of multi-unit housing residents report secondhand smoke infiltration from other units.^{1,8} A study of multi-unit housing residents in New York State found 73 percent of tenants did not allow smoking in their units, however, 46 percent experienced secondhand smoke infiltration from other units during the past year.⁹ In a survey of Minnesota apartment renters, 48 percent reported secondhand smoke exposure from other units and of those, 37 percent said the smoke bothered them enough to consider moving.⁶

Increased attention and demand

Approximately 80 percent of Americans do not smoke and 85 to 90 percent of adults say no one is allowed to smoke anywhere inside their home.^{10,11} Public opinion surveys indicate smokefree policies enjoy wide support among multi-unit housing residents. The majority of renters prefer smokefree housing and some are willing to pay more or move to avoid secondhand smoke.^{6,12}

While owners and property managers increasingly recognize the benefits of smokefree policies, some are afraid such policies will increase their vacancy rates.¹³ However, owners and property managers that have implemented smokefree policies report mostly positive or neutral effects on vacancies, turnover, and time required to manage the buildings.⁸ Concerns about how to enforce a smokefree policy are also unfounded as the majority of landlords with smokefree policies report little to no problems with enforcement.⁶ These findings indicate a need for increased education among owners and property managers about how to successfully implement smokefree policies. This information should help alleviate some of their concerns and increase the adoption of smokefree multi-unit housing policies.



SMOKEFREE MULTI-UNIT HOUSING - BRINGING HEALTHY AIR HOME

02

SMOKEFREE COMMUNITIES PROJECT

Smokefree Multi-Unit Housing Policies—A Win-Win Proposition for Residents, Owners, and Property Managers

Smokefree multi-unit housing policies have primarily been adopted voluntarily. Smokefree multi-unit housing policies are legal and relatively easy to implement. There is no legal right to smoke, therefore designating multi-unit housing as smokefree is not discriminatory. By adopting smokefree policies, multi-unit housing communities can:

Protect residents and employees from secondhand smoke.

Eliminating smoking indoors is the only way to fully protect nonsmokers from secondhand smoke.¹ Studies show smokefree air laws decrease secondhand smoke exposure among nonsmokers, reduce heart attack and asthma hospitalizations, and encourage smokers to quit.¹

Encourage healthy behaviors in residents and employees.

In addition to protecting residents and employees from secondhand smoke, smokefree policies create healthy environments that encourage people who smoke to quit or attempt to quit. One study of a smokefree property management company found that among smokers, 43 percent reported smoking less since the policy's implementation.¹⁴ Additionally, nearly half of respondents who smoke reported making an attempt to stop smoking since the company enacted the policy, and two-thirds of those cited the policy as one of the reasons for their quit attempt.

Respond to market demand for smokefree multi-unit housing.

The demand for smokefree multi-unit housing cuts across socioeconomic groups and owners of both small and large residential buildings have adopted these policies.¹⁵ The published studies that have assessed multi-unit housing residents' attitudes toward smokefree building policies have consistently found a large majority of residents favoring smoke-free policies in their buildings

(64 percent Hennrikus, Pentel, and Sandell (2003); 70 percent Hewett, Sandell, Anderson, and Niebuhr (2007); and 55.6 percent, King, Cummings, Mahoney, Hyland (2010)).^{3, 8, 13} Properties that prohibit smoking indoors are well positioned to take advantage of increased consumer demand for smokefree multi-unit housing.

Reduce turnover costs.

Units that have been smoked in are considerably more expensive to turn over for the next resident than nonsmoking units and smoking units also tend to remain on the market longer.¹⁶ Units that housed smoking tenants incur additional expenses to clean and repaint walls and replace carpets, flooring, countertops, drapes and fixtures damaged by cigarette burns or smoke exposure.¹⁷ Adopting smokefree multi-unit housing policies can save property managers and owners hundreds and even thousands of dollars in building maintenance and turnover costs.¹⁶

Lower fire risks and related insurance costs.

Smoking-related fires are the leading cause of fire deaths, and account for 17 percent of fire deaths in residential buildings and \$303 million in property loss each year.¹⁸ Smokefree policies reduce fire risks for residents, owners, and property managers. In some states, multi-unit property managers/owners, and condominium associations with smokefree policies are eligible for discounts on fire, life and property insurance.¹⁷



SMOKEFREE MULTI-UNIT HOUSING - BRINGING HEALTHY AIR HOME

03

SMOKEFREE COMMUNITIES PROJECT

Smokefree Multi-Unit Housing Policies—A Win-Win Proposition for Residents, Owners, and Property Managers
cont'd

Reduce legal actions related to secondhand smoke exposure.

Nonsmoking tenants can bring legal action against owners and smoking tenants on the bases of several legal grounds including breach of covenant of quiet enjoyment, negligence, nuisance, and breach of warranty of habitability. Additionally, nonsmoking tenants with lung disease may pursue legal action under the Fair Housing Act and the Americans with Disabilities Act for failure to provide reasonable accommodations that protect these residents from secondhand smoke.¹⁹

Enhance environmental or “green” initiatives.

Tobacco smoke is a pollutant containing more than 7,000 chemical compounds, of which hundreds are toxic and at least 70 are known to cause cancer.²⁰ Many of these chemicals linger in the air and on walls and other surfaces long after smoking has ceased.¹⁶ As new and rehabilitated properties invest in environmentally friendly construction materials, prohibiting smoking is a natural step to promote green living. No-smoking policies prevent nicotine and other smoking-related stains, thus allowing investments in “green” construction materials to have a longer life span and higher return.

Take advantage of new financial incentives.

Some states offer financial incentives to real estate developers that adopt smokefree housing policies. In California, for example, 38 out of 74 public housing authorities have received tax credits for making their units smokefree. Additionally, the Low-Income Housing Tax Credit program is being used by cities and states including California, Maine, Minnesota and New Hampshire to encourage developers to include smokefree policies in new building projects.¹⁴

Types of Smokefree Multi-Unit Housing Policies

Smoking Disclosure Laws

The American Lung Association in Oregon, along with their legislative partners, advocated for the country’s first statewide landlord smoking public disclosure law, which went into effect January 1, 2010. Several cities, including Oakland, California, Buffalo, New York and Duluth, Minnesota have enacted similar policies. Smoking disclosure laws do not mandate smokefree units or buildings but require owners to inform prospective residents of smoking policies and the location of smoking and nonsmoking units.¹⁷

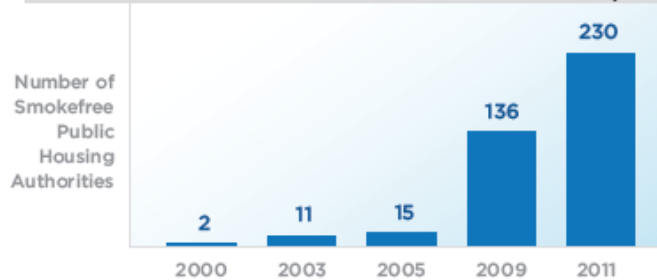
Smokefree Buildings and Properties

Smokefree multi-unit housing policies vary, with properties prohibiting smoking only in common areas, in certain units and buildings, or everywhere onsite, including outdoors. Property owners and managers often transition their properties to being smokefree by including the policy in the lease when new tenants move in and amending leases for existing tenants upon renewal, or by setting a date when all residents will be expected to comply with the new policy.

Due to the wealth of data that show how easily secondhand smoke can migrate within a building, the American Lung Association advocates for 100 percent Smokefree Building or 100 percent Smokefree Property policies. HUD has strongly encouraged multifamily housing managers and agents to adopt smokefree policies at all or some of their properties and recently issued two notices that provide implementation guidance.¹⁷ To effectively protect residents from secondhand smoke, the Centers for Disease Control and Prevention (CDC) recommends that policies, at a minimum, designate all units and common areas in a building as smokefree.¹ As of January 2011, at least 230 local housing authorities in 27 states have adopted smokefree policies. A 2009 survey of market-rate multi-unit housing companies across the country reported 49 properties with smokefree policies for all buildings.²¹

A Decade of Growth: Public Housing Authorities’ Adoption of Smokefree Policies

Source: Smokefree Environments Law Project



SMOKEFREE MULTI-UNIT HOUSING - BRINGING HEALTHY AIR HOME

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SMOKEFREE COMMUNITIES PROJECT

Moving Forward—Bringing Smokefree Policies Home

Smokefree multi-unit housing policies reduce the burden of respiratory diseases and protect residents, employees and communities from the harmful effects of secondhand smoke. To encourage adoption of smokefree multi-unit housing policies, public health advocates can take several steps including:

- 1 Collecting data on local smokefree multi-unit housing policies.**
Health and human service departments, voluntary public health organizations, tenant associations, and other organizations should survey multi-unit housing owners and property managers to assess the availability of smokefree housing and the types of policies that are currently in place.
- 2 Educating and polling residents about smokefree policies and tenant rights.**
Building tenant support is essential since multi-unit housing residents will be directly affected by the new policies. Smokefree multi-unit housing advocates should survey residents about their preferences for smokefree policies and provide information about the effects of secondhand smoke. All tenants, especially those with lung disease (such as COPD, asthma, allergies), should be informed of their rights including provisions for reasonable accommodations under the Fair Housing Act and the Americans with Disabilities Act.
- 3 Educating owners and property managers about the benefits of smokefree policies.**
While the trend toward smokefree multi-unit housing is encouraging, communicating the benefits of these policies to owners and property managers will help reduce concerns about implementation and enforcement. Findings from tenant surveys, guidelines on policy implementation, and examples of smokefree lease agreements should be included in toolkits provided to multi-unit housing operators.
- 4 Organizing a smokefree multi-unit housing coalition.**
Many states and local communities already have coalitions working on passing smokefree

laws in public places and workplaces. Creating a subcommittee within an existing organization or establishing a new coalition to focus on multi-unit housing are both viable options. Members of the coalition should represent a broad base of stakeholders and may include residents, representatives from tenant associations, fair housing agencies, community health organizations, health and social welfare agencies, multi-unit housing owners and landlord associations, and local fire departments.

- 5 Passing ordinances and policies that require smokefree multi-unit housing.**
Advocates and policymakers can work together to ensure that all multi-unit housing buildings are smokefree within a jurisdiction. These efforts can include advocacy and legislation at the local, state and federal level. HUD can continue to show leadership in this area by moving beyond voluntary guidelines and requiring all federally-funded public housing to be smokefree.

CONCLUSIONS



Because people spend so much time in their homes, making multi-unit housing smokefree plays an important role in reducing exposure to secondhand smoke. While residents of multi-unit housing can prohibit smoking in their own units, adopting a 100 percent smokefree policy for a building or property will ensure that secondhand smoke does not threaten the lives and health of tenants. Smokefree policies are a win-win proposition for multi-unit housing residents, owners, and property managers. The American Lung Association encourages multi-unit housing owners/property managers to go smokefree for the health of tenants as well as for the cost savings to their bottom line.



Resources

American Lung Association in Oregon

www.smokefreehousingnw.com

American Academy of Pediatrics, Julius B. Richmond Center of Excellence

www.aap.org/richmondcenter/SmokeFreeHousing.html

Americans for Nonsmokers' Rights

www.no-smoke.org/goingSmokefree.php

U.S. Environmental Protection Agency Smoke-free Homes and Cars Program

www.epa.gov/smokefree/

Smoke-Free Environments Law Project

www.tcsg.org/sfelp/home.htm

Tobacco Control Legal Consortium

www.tclconline.org

U.S. Department of Housing and Urban Development (HUD) Healthy Homes Program

www.hud.gov/healthyhomes

Help Residents Quit Smoking

Residents who smoke should be provided information and resources to quit smoking.

The American Lung Association's Freedom From Smoking® program offers in-person clinics, online and phone options, as well as self-help options. For more information, call (800) LUNG-USA or visit www.Lung.org/stop-smoking

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