



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—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 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 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

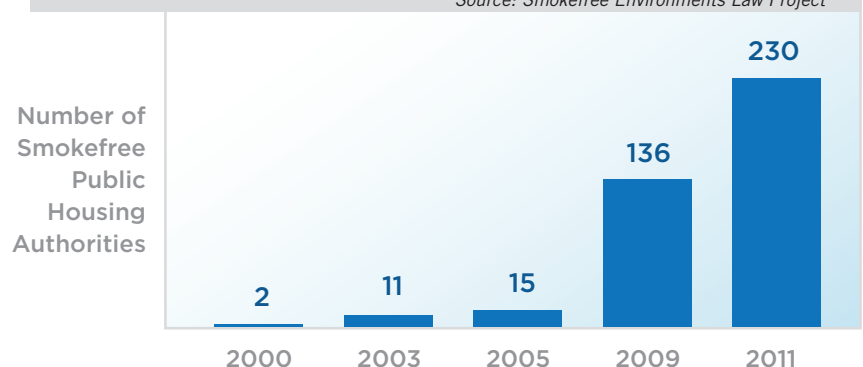
Smokefree Buildings and Properties

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



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](http://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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