

Smoke-Free Multi-Unit Housing: The New Frontier for Smoke-Free Air Initiatives

MISmoke-Free Apartment

States of Change: A Regional Tobacco Control Conference

Columbus, Ohio March 5-6, 2007



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Four billboards to set the stage.



Just because other tenants smoke doesn't mean you have to.

MISmokeFreeApartment.org





Dying to talk to your landlord?

MISmokeFreeApartment.org









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Why smoke-free apartments?

Smoke-free homes are the norm, not the exception.

But, most apartment & condo buildings are not smoke-free. A family with a smoke-free policy in their apartment or condo can easily have secondhand smoke intrusions.

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Tenants want smoke-free apts

- Healthy Androscoggin in Auburn, Maine surveyed 850 tenants; 76% would choose to live in a smoke-free apartment complex
- Twin Cites (MN): random sample survey -- 55% of renters said they had moved or would move from an apartment because of secondhand smoke seepage
- ALA-California in 2004 surveyed 602 apartment residents; 69% favored requiring all apt buildings to offer non-smoking sections

For opinion surveys: www.tcsg.org/sfelp/public.htm

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Apartment secondhand smoke seepage complaints increase

- SFELP now receives more complaints from individuals about secondhand smoke seepage in apartments than any other, including workplaces complaints
- Tenants beginning to realize they don't have to accept this problem
- Tenants aware of dangers of secondhand smoke

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Why All The Fuss?

 Why is there such concern about secondhand smoke in apartments, condominiums and other multi-unit residences?

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Secondhand Smoke is Deadly

 It is a Group A carcinogen -- a substance known to cause cancer in humans for which there is no safe level of exposure.

National Institute for Environmental Health Sciences Report, issued May 15, 2000. U.S. Environmental Protection Agency report, issued July, 1993.

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Secondhand Smoke is Deadly

 It is a Toxic Air Contaminant, putting secondhand smoke in the same category as the most toxic automotive and industrial air pollutants.

California Air Resources Board Report, issued January 26, 2006 by the California Environmental Protection Agency.

The Surgeon General has concluded: • There is no risk-free level of exposure to secondhand smoke. Breathing even a little secondhand smoke can be harmful. • The only way to fully protect yourself and your loved ones from the dangers of secondhand smoke is through 100% smoke-free environments. Surgeon General's Report on Secondhand Smoke, issued June 27, 2006

Why Should Landlords Care? Secondhand smoke cannot be controlled by ventilation or air cleaning: On June 30, 2005, the American Society of Heating, Refrigerating & Air-Conditioning Engineers (ASHRAE) issued their latest position document on secondhand smoke. It states: "At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity." www.ashrae.org

Mismoke-Free Apartment Why Should Landlords Care? Smoking damages residential property: Poses fire hazard Causes cigarette burn damage to carpets, counters, etc Leaves smoke residue on walls and curtains







Mismoke-Free Apartment The ADA and FHA Say: Persons cannot be discriminated against in workplaces, public places or in housing due to disability; and, having severe breathing problems constitutes a disability.



Other legal actions available... Common law remedies tenants may use: Breach of warranty of habitability and/or breach of warranty of quiet enjoyment Nuisance law violation Negligence, harassment, trespass, constructive eviction, intentional infliction of emotional distress, battery Violations of Housing or Health Codes







So, What Can Landlords Legally Do? • As the HUD Legal Counsel letter stated: "The right to smoke or not to smoke is not a right that is protected under the Civil Rights Act of 1964 because smokers are not a protected class under federal law."































"Setting the Standard Since 1932"...

Wednesday, July 21, 2004

(Click for Rental Application)

526 Linden, Ann Arbor, MI

Located near the intersection of South University and Washtenaw just minutes from the University of Michigan's central campus and the CCRB (Central Campus Recreation Building). This location offers one, two and two bedroom bi-level apartments with the following amenities:

- Furnished apartment, includes carpet, Air conditioning, vertical blinds and disposal
- Apartments (except #5) have portable dishwashers
- Each bedroom of the bi-level apartments have a balcony each living room of the bi-level apartments will have one or two balconies
- Laundry facilities on-site Heat, hot and cold water provided
- One parking space per apartment included in monthly rental rate
- This is a smoke free building
- Twelve month lease term
- Security deposit equals 1 1/2 times the monthly rental rate



Assistance from SFELP to ... • Help landlords adopt smoke-free policies • Help tenants seeking smoke-free apartments to know their rights & resources • Work in coordination with local tobacco reduction coalitions, health departments, landlord associations, & others to promote smoke-free apartment policies

Housing Authorities Have Adopted Smoke-Free Policies 33 public Housing Authorities in U.S. have adopted smoke-free policies. 12 are in Michigan, with over 1,400 apartment units that are either smokefree or will be shortly. MI has over 2,500 other affordable housing units that are either smokefree or will be shortly.

Other Affordable Housing With Smoke-Free Policies Dillon Hall in Kalamazoo, MI adopted SF policy for its 76 units of Section 8 housing Lutheran Social Services of WI & UP adopted SF policy for parts of Cherry Creek Village Apartments in Marquette; Most are Section 8 units First Centrum, a major national apartment development & management company, adopted a SF policy for 49 buildings in 6 states with 5,452 units; 15 buildings in MI with 1,526 units; Most are "affordable" housing Jewish Apartments & Services has over 800 SF units







- Over 600 SF apartment buildings identified, with over 6,000 apt units; web site listing grows weekly
- Assisted 12 public housing commissions in Mich. to adopt smoke-free policies & more coming
- Assisted a number of Section 8 MI Senior Citizen housing developments to adopt smoke-free policies

Was the MISmokeFreeApartment Initiative Successful? • Assisted a major national apartment development & management company to adopt a smoke-free policy for 49 buildings in 6 states with 5,452 units • Convinced newspapers that classified ads could say "no smoking" or "smoke-free" apartment • About 150 news reports in 24 months -- virtually all positive -- on TV, radio & newspaper, with a number of page 1 articles. Also national media. • Aired over 11,000 radio ads in 24 months • MISmokeFreeApartment site averaging over 25,000 hits per month and people are using the info



Was the MISmokeFreeApartment Initiative Successful? • Helped make smoke-free apartments the "new frontier" issue in tobacco control • Assisted many states in creating smoke-free multiunit housing initiatives and let them use MISmokeFreeApartment web site materials, e.g., Maine, Ohio, Oregon, New York & NYC, Colorado, Washington state, Maryland, etc. • Played major role in creating an international network of people working on smoke-free apts issues







Legislative Approaches to Get Smoke-Free Policies Adopted Utah Second Hand Smoke Amendments: cont. Provide that residents of condominiums, apartments, or private homes may seek injunctive relief or damage if exposed to nuisance tobacco smoke. Exempt rental units available for temporary rental, such as for vacations or available for only 30 days or fewer at a time from the nuisance tobacco provisions. Provide authority for an apartment renter to file a nuisance action even if a renter has signed away his rights to file a nuisance in the rental contract. Utah law enacted in 1997. Utah Dept. of Health http://www.tobaccofreeutah.org/aptcondoguide.html#smoke



Legislative Approaches to Get Smoke-Free Policies Adopted CA example of ordinance to regulate smoking in multi-unit residences includes: Findings Designates drifting smoke as "nuisance" anywhere in city No smoking in common areas of multi-unit housing Smoke-free buffer zones around non-smoking units Non-smoking units required in multi-unit residences Requires no smoking provision in lease





