

## MISmoke-Free Apartment

### Making Smoke-Free Multi-Unit Housing the Norm -- **Rapidly!!!**

Tobacco Free Michigan meeting July 19, 2007

## MISmoke-Free Apartment

Where there's smoke, there can also be a smoke-free apartment. How you can make it happen.



## MISmoke-Free Apartment

### MISmokeFreeApartment as an Example of a Voluntary Approach

**MISmokeFreeApartment Initiative** begun in Michigan in July, 2004 because:

- Other remedies, including legal, weren't getting the results we hoped for.
- We thought landlords would adopt smoke-free policies if they were sure it was legal.
- We didn't think a legislative approach would succeed at this time.

## MISmoke-Free Apartment

### Goal of MISmokeFreeApartment Initiative

**To make smoke-free multi-unit housing the norm in Michigan**

## MISmoke-Free Apartment

### The MISmokeFreeApartment initiative includes:

- MISmokeFreeApartment web site info & materials
- Assistance from SFELP & local partners
- Press releases and media initiatives
- Postcard mailings to landlords
- Surveys of smoke-free apartment availability
- Listing of smoke-free apartments on web site
- Radio ads
- Billboards

## MISmoke-Free Apartment

### The MISmokeFreeApartment partners include:

Local health departments and coalitions in: Chippewa, Delta and Menominee, Dickinson-Iron, District #10, Eaton, Genesee, Ingham, Jackson, LMAS, Marquette, Ogemaw, Washtenaw, and Western UP; Muskegon Comm Health Project; Benzie, Grand Traverse & Leelanau; FACED; Latino Family Services  
MDCH Tobacco Section  
Smoke-Free Environments Law Project (SFELP)

 **MI Smoke-Free Apartment**

**The MISmokeFreeApartment Initiative awarded:**

**Michigan Cancer Consortium's Spirit of Collaboration Award 2006**

*"All I can say is Wow! They made an impact from the UP to SE Michigan!" - Reviewer*

 **MI Smoke-Free Apartment**


**Smoke-free apartments in 2004?**

- Virtually no smoke-free apartments or condos could be found in Michigan in private or public housing
- Most landlords thought it was illegal to have a smoke-free policy
- Most newspapers thought it was illegal to allow ads saying "no smoking" or "SF"
- Most tenants didn't realize they had some rights to smoke-free housing

 **MI Smoke-Free Apartment**

**Smoke-free apartments in 2007?**

- Well over 10,000 units of SF market-rate apartments and condos in Michigan
- Well over 6,000 units of SF "affordable" multi-unit housing in Michigan
- 21 public housing commissions in MI have adopted SF policies (all in past 2 yrs)
- Most newspapers allow "no smoking" ads
- Some online apt listing services now have "no smoking" as an amenity item

 **MI Smoke-Free Apartment**

**All truth passes through 3 stages**

**1st: it is ridiculed**

**2nd: it is violently opposed**

**3rd: it is accepted as being self-evident**

*We avoided much of the first 2 stages by taking a voluntary approach, involving local partners, being knowledgeable, being accessible, using media, and working hard.*

 **MI Smoke-Free Apartment**

**Why Don't Landlords Adopt Smoke-Free Policies?**

**5 Major Reasons:**

- 1) They don't think it's legal to do so
- 2) Economic concerns that cut two ways: a) fear that they won't be able to rent all their units; but, b) knowledge that units with smokers cost much more to rehabilitate.
- 3) Not sure how to transition buildings with smokers to smoke-free status.
- 4) Questions about enforcement of smoke-free policies.
- 5) Inertia: housing industry is lagging behind the market and the desires of tenants for smoke-free housing.

 **MI Smoke-Free Apartment**

**Why Don't Landlords Adopt Smoke-Free Policies?**

**We addressed each of the 5 Major Reasons in the following ways --**

**MI Smoke-Free Apartment Landlords Can Adopt Smoke-Free Policies**

- SFELP research demonstrated smoke-free policies were legal.
- Michigan Attorney General Opinion of 1992 states that **neither federal nor Michigan law prohibits a landlord from making his/her apartment building totally smoke-free.**

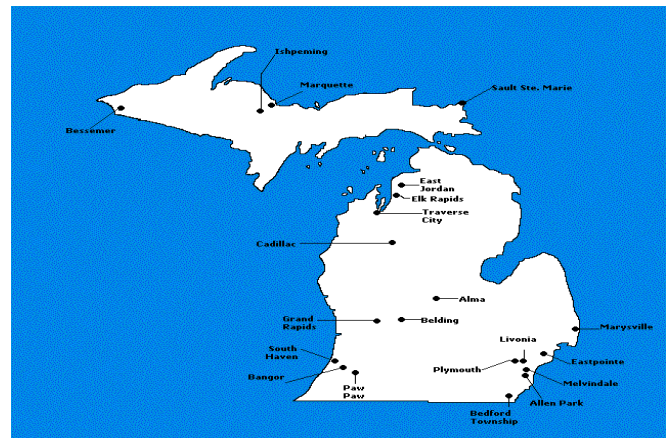
**MI Smoke-Free Apartment Landlords Can Adopt Smoke-Free Policies**

- HUD Legal Counsel letter of July, 2003 states that public housing operators are **free under federal & MI laws to make their buildings totally smoke-free**, so long as they “grandfather” current residents who are smokers.
- “Grandfathering” means for a reasonable period, such as until lease renewal.

**MI Smoke-Free Apartment Landlords Can Adopt Smoke-Free Policies**

- 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.”

### Smoke-Free Housing Commissions



**MI Smoke-Free Apartment Addressing economic concerns**

**26.2% of Michigan housing units are renter-occupied -- almost 1 million units**  
**That’s over 2.2 million people,**  
**22% of Michigan’s total population**

-- U.S. Census, 2000

**MI Smoke-Free Apartment Addressing economic concerns**

**In 2002, 58% of Michigan households were smoke-free** -- U.S. Surgeon General’s Report on Secondhand Smoke, 2006

**In 2005, 73.1% of Michigan adults said smoking was not allowed in their home**  
-- 2005 Michigan Adult Tobacco Survey

**In 2005, 81.8% of Michigan adults said no one had smoked in their home in last 7 days**  
-- 2005 Michigan Adult Tobacco Survey

 **MI Smoke-free Apartment**

**Addressing economic concerns**

**Smoke-free homes are the norm in Michigan, not the exception.**

**But, currently, most apartment & condo buildings are not smoke-free.**

**Tenants want housing that meets their desire to have a smoke-free home.**

 **MI Smoke-free Apartment**

**Addressing economic concerns**


**The market for smoke-free housing is huge**

About 80% of MI adults don't smoke

Over 90% of persons 65+ don't smoke

Many smokers don't want smoke in home

Most apartment buildings allow smoking -- **the marketplace is way behind demand**

 **MI Smoke-free Apartment**

**Addressing economic concerns**

**The market for smoke-free housing is huge, regardless of income level**

Almost 70% of people in MI households with incomes under \$20,000 don't smoke

About 75% of people in MI households with incomes between \$20,000 & \$75,000 don't smoke

Over 87% of people in MI households with incomes over \$75,000 don't smoke

-- 2005 Michigan BRFES Estimates

 **MI Smoke-free Apartment**

**Addressing economic concerns**

**The market for smoke-free housing is huge, regardless of race/ethnicity**

Michigan African Americans -- 76% don't smoke

Michigan Hispanics -- 72% don't smoke

Michigan whites -- 79% don't smoke


-- 2005 Michigan BRFES Estimates

 **MI Smoke-free Apartment**

**Addressing economic concerns**

**Smoking damages residential property:**

- Poses fire hazard
- Causes cigarette burn damage and stench to carpets, counters, etc
- Leaves smoke residue on walls and curtains

 **MI Smoke-free Apartment**

**Addressing economic concerns**

**Smoking residue increases cost of rehabilitating apartment when smoker moves out.**

Landlords estimate it costs \$500 to \$6,000 more to rehab an apartment in which a smoker lived than a non-smoker.

 **MI Smoke-free Apartment**

### Cigarette-caused Fires

**Nationally:**

- Smoking was the cause of just 9% of apartment fires, but
- Smoking was the cause of 40% of deaths from apartment fires, and
- Smoking was the cause of 16% of injuries from apartment fires

NFIRS, 2002

 **MI Smoke-free Apartment**


### Addressing economic concerns

- Fire damage can cause apartment units to go off-line for months
- Water and smoke damage to adjoining units can take them off-line, as well
- Former residents have to find alternative housing and probably won't return

 **MI Smoke-free Apartment**

### Addressing economic concerns

- Tenants negatively impacted by secondhand smoke actually have the right to **seek legal action against landlords** who do not make adequate provisions to protect them from second hand smoke.

 **MI Smoke-free Apartment**


### Transitioning to Smoke-Free

- To implement a smoke-free policy in a multi-unit dwelling where smoking residents already reside:
  - Establish a date on which all new residents must not smoke inside
  - Decide how much time current resident smokers will have before their lease will include the smoke-free requirement, i.e., grandfathering

 **MI Smoke-free Apartment**

### Transitioning to Smoke-Free: Adopt New Lease Language

- To implement a smoke-free policy in a multi-unit dwelling:
  - Add smoke-free provisions to the leases for apartment complexes or to the "house rules" in public Housing Authority buildings

 **MI Smoke-free Apartment**

### Enforcement of Smoke-Free Policies

- Private and public landlords uniformly report that enforcement is not an issue
- Residents consistently follow the rule
- Violators of the smoke-free rule are most likely to be violators of other rules
- Eviction possible; rarely, if ever, occurs

 **MI Smoke-Free Apartment**

### Addressing marketplace inertia

- Major media efforts, including in housing trade publications
- Joining apartment and property management associations and attending meetings & conferences
- Promoting word-of-mouth among housing leaders about value of SF policies

 **MI Smoke-Free Apartment**

### Addressing marketplace inertia

- Working with online apartment listing operators to add “smoke-free” as an amenity item on their listings
- Promoting “smoke-free” as an amenity item that should be used in marketing by apartment owners/managers

**"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
- \* No pets
- \* **This is a smoke free building**
- \* Twelve month lease term
- \* Security deposit equals 1 1/2 times the monthly rental rate

 **MI Smoke-Free Apartment**

### Key secondhand smoke messages


**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](http://www.ashrae.org)

 **MI Smoke-Free Apartment**

### Key secondhand smoke messages

- 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.

 **MI Smoke-Free Apartment**

### Key secondhand smoke messages

- 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**

 **MISmoke-free Apartment**  
**Smoke-free apartment listing site**  
[www.mismokefreeapartment.org/listing.html](http://www.mismokefreeapartment.org/listing.html)



 **MISmoke-free Apartment**  
**Smoke-free Apartment Decal**



**Welcome to Our SmokeFree Building**  
**All Apartments are Smoke-Free!**

 **MISmoke-free Apartment**  
**You Have Resources Online**

**MISmokeFreeApartment web site:**  
[www.mismokefreeapartment.org](http://www.mismokefreeapartment.org)  
**Smoke-Free Environments Law Project site:**  
[www.tcsg.org/sfelp/home.htm](http://www.tcsg.org/sfelp/home.htm)  
**SFELP Apartments site:**  
[www.tcsg.org/sfelp/apartment.htm](http://www.tcsg.org/sfelp/apartment.htm)  
**SFELP Condominium site:**  
[www.tcsg.org/sfelp/condos.htm](http://www.tcsg.org/sfelp/condos.htm)

 **MISmoke-free Apartment**  
**To contact SFELP**

- [www.mismokefreeapartment.org](http://www.mismokefreeapartment.org)
- **Smoke-Free Environments Law Project**  
[www.tcsg.org/sfelp/home.htm](http://www.tcsg.org/sfelp/home.htm)
- **Smoke-Free Environments Law Project**  
 The Center for Social Gerontology, Inc.  
 2307 Shelby Avenue  
 Ann Arbor, Michigan 48103  
 734 665-1126
- [jbergman@tcsg.org](mailto:jbergman@tcsg.org)