




The slide has a blue header with the "MiSmoke-free Apartment" logo. Below the header, the word "Presenter" is written in white on a blue background. To the left of the text is a vertical image of clouds. The presenter's details are listed in black text: "Jim Bergman, J.D.", "Smoke-Free Environments Law Project", "The Center for Social Gerontology, Inc.", "Ann Arbor, Michigan", "734 665-1126", "jbergman@tcsg", "www.mismokefreeapartment.org", and "www.tcsg.org/sfelp/home.htm".

The slide features a blue header with the "MiSmoke-free Apartment" logo. Below the header, the title "Why smoke-free apartments?" is written in white on a blue background. To the left of the list is a vertical image of clouds. A bulleted list of reasons is provided in black text: "Cost savings are significant", "Fire risk and damage reduced", "Health risks of secondhand smoke", "Secondhand smoke cannot be controlled", "Tenants want smoke-free apartments", "Increasing numbers of complaints about secondhand smoke infiltration in apts", and "It's legal to do &amp; HUD says it's your choice".

The slide features a blue header with the "MiSmoke-free Apartment" logo. Below the header, the title "Why not smoke-free apartments?" is written in white on a blue background. To the left of the list is a vertical image of clouds. A bulleted list of challenges is provided in black text: "Requires a change in policies", "Have to address grandfathering issue", "Some residents will be opposed", "Possible enforcement problems", "Possible challenges to policies", and "Might deter some people from applying".

The slide features a blue header with the "MiSmoke-free Apartment" logo. Below the header, the title "Millions live in rental dwellings" is written in white on a blue background. To the left of the text is a vertical image of clouds. Three key statistics are listed in black text: "In the U.S., 34% of dwelling units are renter-occupied; % varies by state", "About 36 million units/households", and "Over 92 million people live in rental dwellings". A small source note at the bottom reads "— U.S. Census Bureau, 2000 Census".

The slide features a blue header with the "MiSmoke-free Apartment" logo. Below the header, the title "Millions of priority populations live in rental dwellings" is written in white on a blue background. To the left of the text is a vertical image of clouds. Two key statistics are listed in black text: "Almost 16 million of the 36 million rental households are minority households (45%)" and "About 4.1 million of all rental households are 65+; of these elders, 57% pay more than 30% of their incomes for rent, &amp; 34% pay more than 50% for rent". A small source note at the bottom reads "— America's Rental Housing, Joint Center for Housing Studies of Harvard Univ., 2006".



## MI Smoke-Free Apartment

**Millions of priority populations live in rental dwellings**

20% of all US renter households (7 million) earn less than \$10,000/yr;

of these households, 53% are White, 29% Black, 13% Hispanic

of these, 46% are under age 65 & working; 31% under 65 & not working; 23% are 65+

-- America's Rental Housing, Joint Center for Housing Studies of Harvard Univ., 2006



## MI Smoke-Free Apartment

**Smoke-free Households Are the Norm and Increasing**

In 2003, 72% of U.S. households were smoke-free

In 1998-99, 60% of U.S. households were smoke-free

In 1992-93, 43% of U.S. households were smoke-free

**An increase of 67% between 1992 & 2003, and it's growing every year**

-- Morbidity & Mortality Weekly Report, CDC, May 25, 2007




## MI Smoke-Free Apartment

**Smoke-free is the norm, but ...**

Smoke-free homes are the norm in the U.S., not the exception.

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

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



## MI Smoke-Free Apartment

**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 Cities (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 2006 surveyed apt owners: 67% favored a SF apt law when they learned it would protect people from SHS and could reduce their fire insurance premiums. In 2004 survey, 69% of renters favored requiring all apt buildings to have SF sections.

For opinion surveys: [www.tcs.org/sfelp/public.htm](http://www.tcs.org/sfelp/public.htm)



## MI Smoke-Free Apartment

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

About 80% of U.S. adults don't smoke

Over 90% of persons 65+ don't smoke

Non-smoking rates among minority populations: 77% of African Americans; 85% of Hispanics; 90% of Asians, excluding NH/PI

Many smokers don't want smoke in their home

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



## MI Smoke-Free Apartment

**Economics: Market is there**


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

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

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

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

-- 2005 Michigan BRES Estimates



**MI Smoke-Free Apartment**

### What's the problem?

**Secondhand smoke spreads throughout multi-unit dwellings:**

Air quality studies in apartment buildings show that anywhere from 5% to 60% of the air in apartment units comes from other units in the building.



**MI Smoke-Free Apartment**

### Secondhand smoke problem

**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**

### Secondhand smoke problem

- 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**

### Secondhand smoke problem

- 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**



**MI Smoke-Free Apartment**

### The market & need are obvious ...

- Yet, in most states, very few smoke-free apartments or condos can be found in market-rate or affordable housing
- Many multi-unit property owners think it is illegal to have a smoke-free policy
- Some newspapers still think it is illegal to allow ads saying "no smoking" or "SF"
- Most tenants don't realize they have some rights to smoke-free housing



**MI Smoke-Free Apartment**

### Smoke-free apartments in 2004?

- Virtually no smoke-free apartments or condos could be found in **Michigan** in market-rate or affordable housing
- Most multi-unit property owners thought it was illegal to have a smoke-free policy
- Many 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 2008?**

- Hundreds of thousands of units of SF market-rate apartments and condos in **Michigan**
- Well over 15,000 units of SF "affordable" multi-unit housing in **Michigan**
- 27 public housing commissions in **Michigan** have adopted SF policies (all since 2005)
- Most newspapers allow "no smoking" ads
- Some online apt listing services now have "no smoking" as an amenity item, e.g., RentLinX



Medallion Management, Inc.

We Are a Family of Companies Serving the Needs of Families

### Medallion Management

834 King Highway, Suite 100  
 Kalamazoo, MI 49001  
 Phone: (269) 381-0350  
 Fax: (269) 381-3609

**Smoke-Free Properties:**  
 Galesburg Village Apartments  
 Grandview Apartments  
 Augusta Green Apartments



**Smoke-Free Properties:**  
 Pheasant Run Apartments  
 West Bridge Apartments  
 Bayberry Farms  
 The Cottages at Bayberry Farms  
 University Meadows  
 Riverwalk Meadows  
 Summerview  
 Trumbull Crossing

### KMG Prestige

Main Office  
 102 South Main Street  
 Mount Pleasant, Michigan 48858  
 989 772-3261



### First Centrum

21400 Ridgetop Circle, Suite 250  
 Sterling, VA, 20166  
 Phone: (703) 406-3471  
 Contact: Rob Couch, President

**All buildings smoke-free.**  
**Over 50 smoke-free**  
**buildings in 7 states; about**  
**20 in Michigan.**



## **HERITAGE SENIOR COMMUNITIES** Your home for today ... ... and for tomorrow.

### Heritage Senior Communities

Heritage Property Management  
 950 Taylor Avenue  
 Grand Haven, MI 49417  
 Phone: 616-846-4700  
 Fax: 616-842-8939  
 Email:  
 info@heritageseniorcommunities.com

**Smoke-Free Properties:**  
 Village at Appledorn, Holland  
 Village at Park Terrace,  
 Muskegon



Touching lives. Building community.



Smoke-free community:

### Country View Apartments & Town Homes

1928 East Britain Avenue  
 Benton Harbor, MI 49022

Telephone: (269) 926-8068







**Forest City Enterprises**  
1100 Terminal Tower  
50 Public Square  
Cleveland, OH 44113-2203  
Phone: 216-621-6060

**Smoke-free MI properties:**  
Frenchtown Place, Monroe



## WARREN PLAZA

### Preservation Management

707 Sable Oaks Drive  
S. Portland, ME 04106

Office: (207) 774-0501  
Office: (888) 553-2020

**Smoke-free MI properties:**  
Warren Plaza, Detroit



## Flo-Mar Apartments

**Flo-Mar Apartments**  
121 Perrin - Office  
Ypsilanti, MI 48197  
Phone: (734) 483-2240

**All 30+ properties  
smoke-free.**



*More Than A Place to Live...  
A Community.*

### Jewish Apartments & Services

15000 W. Ten Mile Road  
Oak Park, MI. 48237  
Phone: 248.592.1102

**All properties smoke-free;  
over 800 units.**



**Smoke-Free Properties:**  
Luther Community Manor  
Alison House



**Lutheran Social  
Services of Michigan**  
8131 E. Jefferson Ave.  
Detroit, MI 48214  
Telephone: 313 823-7700  
Email: [info@lssm.org](mailto:info@lssm.org)



## CHERRY CREEK VILLAGE

**Smoke-Free Properties:**  
Cherry Creek Village,  
Marquette  
Other buildings in Upper  
Peninsula and Wisconsin

**Lutheran Social Services  
of Wisconsin and Upper Michigan, Inc.**  
647 West Virginia Street  
Milwaukee, Wisconsin 53204  
Telephone: 414-281-4400  
E-Mail: [info@lsswis.org](mailto:info@lsswis.org)



*Affordable Housing for  
Older Adults*



"Address Of Distinction"

**Tourville  
Apartments**  
910 Lincoln Avenue  
Marquette, MI 49855

Phone: (906) 288-9284

**All properties are  
smoke-free.**

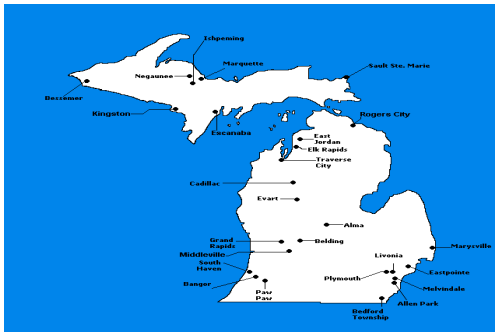


## Kokomo Housing Authority



Adopted 100% smoke-free policy on May 21, 2007.  
Went into effect at that time for all new residents.  
Went into effect for all current residents on January 1, 2008.  
Covers all 6 apartment buildings, with 510 units, and all 45 scattered site houses.

## Smoke-Free Housing Commissions



### Smoke-Free Housing Authorities Nationwide

Dec. 31, 2004: about 14 housing authorities in 9 states had smoke-free policies for some or all their buildings.

Sept. 30, 2008: about 94 housing authorities in 17 states.

**An increase of 570% in 45 months. About 1.8 new housing authorities per month**

### MI Smoke-Free Apartment Reasons for Adopting Smoke-Free Policies

#### 5 Major Reasons:

- 1) It's legal to do.
- 2) Economics: a) the market supports smoke-free; b) costs more to rehabilitate smokers' units; c) fire safety.
- 3) Transitioning buildings to smoke-free status isn't that difficult.
- 4) Enforcement of smoke-free policies isn't difficult.
- 5) The housing industry is lagging behind the market and the desires of residents for smoke-free housing.

### MI Smoke-Free Apartment Smoke-Free Policies are Legal

- Legal research demonstrated smoke-free policies were legal in market-rate and affordable housing, including HUD-subsidized.
- Neither federal nor state law prohibits an owner from making their apartment building totally smoke-free.

## MI Smoke-Free Apartment

### Smoke-Free Policies are Legal

- Many HUD letters state that public & subsidized housing operators are **free under federal & state laws to make their buildings totally smoke-free**, so long as they adhere to state law notice requirements.
- Grandfathering only required for as long as the state law requires.

## MI Smoke-Free Apartment

### Smoke-Free Policies are Legal

- As the HUD letters have 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."*

## MI Smoke-Free Apartment

### Costs of allowing smoking

#### Smoking damages residential property:

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

## MI Smoke-Free Apartment

### Costs of allowing smoking

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

Owners estimate it costs \$500 to \$8,000 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

### Costs of allowing smoking

- 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**

### Legal Liability

- Residents negatively impacted by secondhand smoke actually have the right to **seek legal action against owners** who do not make adequate provisions to protect them from second hand smoke.
- Fair Housing Act complaints can be filed seeking a "reasonable accommodation".
- Possible violation of warranty of habitability or peaceful enjoyment.

## **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 no smoking provisions to the leases for apartment complexes or to the "house rules" in public Housing Authority buildings

## **MI Smoke-Free Apartment**

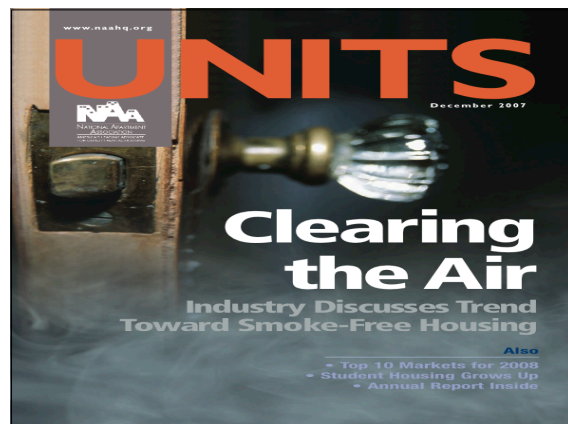
### Enforcement of Smoke-Free Policies

- Private and public multi-unit owners 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

- Multi-unit housing associations and their publications are now focusing on the benefits of smoke-free policies, e.g.,
  - UNITS magazine, Dec., 2007
  - MultiFamily Executive, Nov., 2006
  - Assisted Housing Management Insider, March, 2007



# Smoke-Free Apartment

## Addressing marketplace inertia

- Print and electronic media focusing increasing attention on SF policies in multi-unit housing -- virtually all positive stories:  
New York Times, Los Angeles Times, USA Today, CNN, Christian Science Monitor, Toronto Star, Detroit News, & many other local newspaper, TV and radio stories.

# Smoke-Free Apartment

## Addressing marketplace inertia

- Online apartment listing companies are adding “smoke-free” as an amenity item on their listings, e.g., RentLinx
- “Smoke-free” is becoming more common as an amenity item in marketing by apartment owners/managers

# Smoke-Free Apartment

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

[Landlords](#)
[Tenants](#)

### Tenants' Rights

Your Resources  
Smoke Free  
Apartment Listing  
Useful Links  
Quick Fixes

Did You Know

Contact Us

### Your Resources

Smoke-Free Apartment Living

### Find a Smoke-Free Apartment

Use the form below to search for smoke-free rental housing in Michigan.

Location:  (city, zip code or exact address)

Min Bedrooms:  Any Number

Max Rent:

Keywords:

Amenities: ☒ Smoke Free ☐ Dogs Allowed ☐ Cats Allowed

### List a Smoke-Free Apartment

Property managers, list your smoke-free rental housing on our website for free. Our apartment listing is powered by RentLinx, the Rental Housing Multi-List.

- [Instructions to list your smoke-free property](#)

### Smoke-Free Apartment Listing

The following is a listing of Michigan rental properties whose owners have stated that they are entirely smoke-free dwellings. This listing is updated regularly, with new smoke-free rental units added almost weekly.

## Parkside Commons Apartment Homes

Parkside Plan  
Apartment Features  
Amenities  
100% Smoke Free

Chetsea's Red Blog

## 100% smoke-free environment

The demand for smoke-free environments is rising, and Parkside is listening.

Parkside Commons will be a 100% smoke-free environment, making it one of Massachusetts' premier smoke-free rental communities, inside and out. Smoking is banned in all common areas, on the grounds, and in the apartments themselves. Why 100%? Cigarette smoking is hazardous to your health and it's the number one preventable cause of death. Second-hand smoke can be just as deadly. Cigarette smoke and its very noticeable odor travels farther than most of us realize, permeating rooms and getting into walls, ceilings, carpeting, drapes and clothing. At Parkside, you have a right to fresh and pure air.

Parkside welcomes residents who care about themselves. Our non-smoking policy is simply another way to support our commitment to creating a clean, healthy, active community for all.

## Changing Lives One Home at a Time

### Sault Ste. Marie Housing Commission

Are you or a loved one ready to make the move to convenient, low-maintenance housing? Comfortable apartments, duplexes, and quadraplexes are perfect for seniors, near elderly and those dealing with disabilities. Our facilities offer a number of favorable features and amenities, including:

- \* 24 hour emergency maintenance
- \* Secure units with extra safety precautions
- \* Conveniently located near grocery stores, medical offices, & area churches
- \* Spacious Parking
- \* Carpeted Units with Curtain Rods provided
- \* Kitchen stove and refrigerator provided
- \* Barrier Free Units
- \* Laundry Facilities or Laundry Hook-up
- \* Emergency Call System in Each Unit
- \* Hard-wired smoke detectors provided
- \* Cable T.V. at a Reduced Rate
- \* Lovely Community Room with Kitchen Facilities
- \* Patio & Container Gardening space
- \* Smoke-free buildings for senior & disabled housing

# Smoke-Free Apartment

## Smoke-free Apartment Decal

Welcome to Our SmokeFree Building

All Apartments are Smoke-Free!



 **MI Smoke-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)

 **MI Smoke-Free Apartment**

**To contact SFELP**

- **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)
- [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)