

MI Smoke-free Apartment

Smoke-Free Affordable Multi-Unit Housing Is Coming - Now!

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MI Smoke-free Apartment

Presenter

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MI Smoke-free Apartment

Why smoke-free apartments?

- SHS in apts affects millions of people
- Tenants want smoke-free apartments
- Secondhand smoke cannot be controlled
- Health risks the same as elsewhere
- Increasing numbers of complaints about secondhand smoke infiltration in apts
- It's legal to do
- Good deal for landlords

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Millions live in rental dwellings

In the U.S., 34% of dwelling units are renter-occupied; % varies by state

Over 35.6 million units/households

Over 92.3 million people live in rental dwellings

-- U.S. Census Bureau, 2000 Census

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Millions of priority populations live in rental dwellings

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

53% are White, 29% Black, 13% Hispanic

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

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

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Millions of priority populations live in rental dwellings

Almost 16 million of the 35.6 million rental households are minority households (45%)

About 4.1 million rental households are 65+; 57% pay more than 30% of their incomes for rent, & 34% pay more than 50% for rent

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



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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

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




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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 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.



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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 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.tcsg.org/sfelp/public.htm



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The market for smoke-free housing is huge

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

About 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; 32% of Native Americans & Alaskans

Many smokers don't want smoke in home

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



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Economics: Market is there

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 BRFs Estimates



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Economics: Market is there

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 BRFs Estimates



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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.



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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



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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.



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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



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The market & need are obvious ...

- Yet, in most states, virtually no 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



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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

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Smoke-free apartments in 2008?

- Hundreds of thousands of units of SF market-rate apartments and condos in **Michigan**
- Well over 10,000 units of SF "affordable" multi-unit housing in Michigan
- 25 public housing commissions in MI 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



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Contact: Rob Couch, President

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buildings in 7 states; about
20 in Michigan.



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Smoke-Free Properties:
Village at Appledorn, Holland
Village at Park Terrace,
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Benton Harbor, MI 49022

Telephone: (269) 926-8068



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Southfield, MI 48076
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Smoke-free Properties:
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Southfield, Michigan 48076
Telephone: 248 642-2500

Lexington Village
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Detroit, Michigan 48202
Telephone: (313) 872-1260



FORESTCITY

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

Smoke-free MI properties:
Frentchtown 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



WilsonWhite Management



Wilson White Management

Wilson White Management
2008 South State St
Ann Arbor, MI 48104
Phone: 734 995-9200

Many smoke-free properties.



Harwood's

Harwood Properties, Inc.

453 W. Three Mile Road
Sault Ste. Marie, MI 49783

Phone: (906) 632-9047

Smoke-Free Properties:
Woodfield Terrace Apts.
Bingham Ave. Apts



Flo-Mar Apartments

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

**All 30+ properties
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*More Than A Place to Live...
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15000 W. Ten Mile Road
Oak Park, MI. 48237
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**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



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



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**All properties smoke-free
inside and outside.**



Village Green Companies

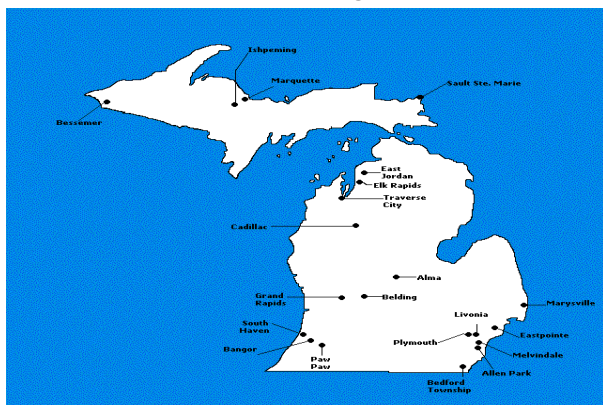
Corporate Offices
30833 Northwestern Hwy.,
Farmington Hills, MI 48334

Telephone: (248) 851-9600

Smoke-free MI properties:
Village Green/Kiwanian, Lincoln
Park



Smoke-Free Housing Commissions



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MI SmokeFreeApartment Initiative
 uses a voluntary approach

MI SmokeFreeApartment Initiative begun in Michigan in July, 2004 because:

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

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The MI SmokeFreeApartment initiative includes:

- MI SmokeFreeApartment web site info & materials
- Assistance from SFELP & local partners
- Press releases and media initiatives
- Postcard mailings to multi-unit property owners
- Surveys of smoke-free apartment availability
- Listing of smoke-free apartments on web site
- Radio ads
- Billboards

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

Landlords

Tenants



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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.



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Smoke-Free Policies are Legal

- Legal 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.**



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Smoke-Free Policies are Legal

- HUD Legal Counsel letter of July, 2003 states that public & subsidized 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.



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Smoke-Free Policies are Legal

- 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."




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Costs of allowing smoking

Smoking damages residential property:

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



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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.



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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



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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



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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.



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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



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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



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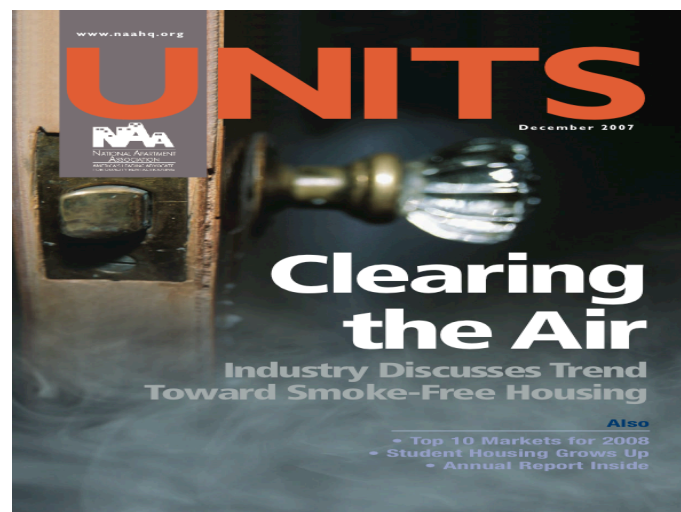
Enforcement of Smoke-Free Policies

- 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


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Addressing marketplace inertia

- Multi-unit housing 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




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Addressing marketplace inertia

- Apartment and property management associations are having sessions at meetings & conferences on SF policies
- Multi-unit housing organizations are doing policy analyses and articles for members on SF policies, e.g., PMAWM, PMAMM, NMHC, NAA, etc.


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Addressing marketplace inertia

- Public housing associations, e.g., NAHRO, are having sessions at conferences & meetings on SF policies and are promoting SF policies with colleagues as a marketing amenity and money saver


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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.


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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

