

# Smoke-Free Choice in Multiunit Housing

A stylized illustration of a city street. In the background, there are several multi-story buildings in shades of pink and white. The street is lined with green trees on both sides. In the center of the street, there is a circular plaza with a fountain and two benches. The sky is a light blue gradient.

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# Purpose & Agenda

*Purpose: to inform, create a platform for discussion, and help coalition members better understand the complexities of smoke-free housing.*

- Harmful Effects of Secondhand Smoke (SHS)
- Asthma & Secondhand Smoke
- Potential Solutions to Drifting Smoke
- Affordable Housing, Social Responsibility
- Review of Local & Statewide Action

# Smoke-Free Areas

## Smoke-Free Areas in California

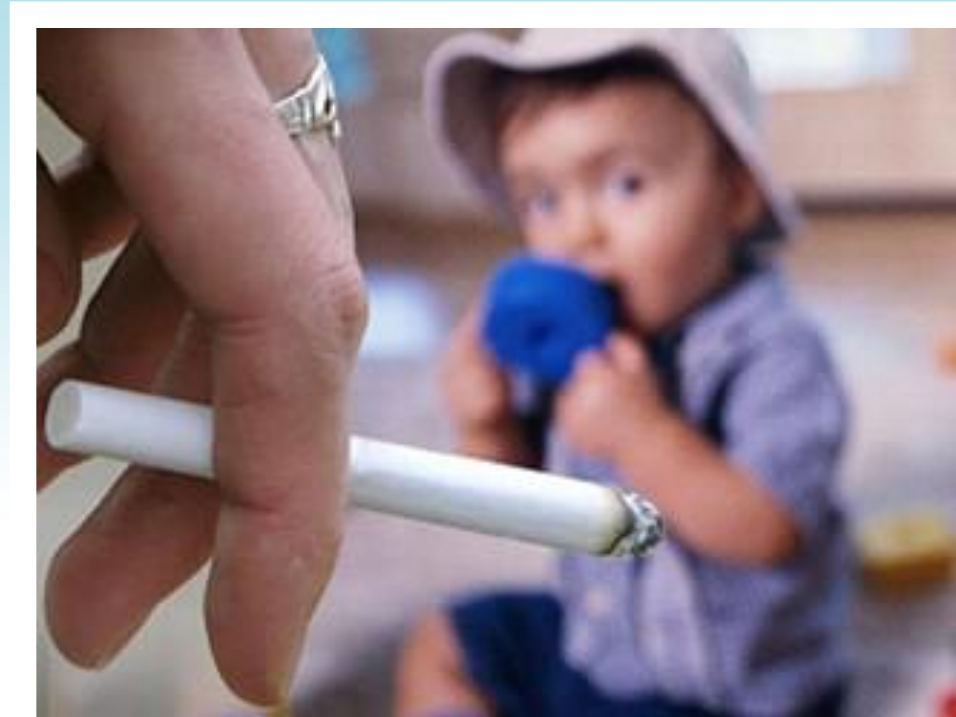
- Workplaces
- Restaurants
- Indoor public areas
- Parks & Beaches
- Outdoor dining
- Cars with kids



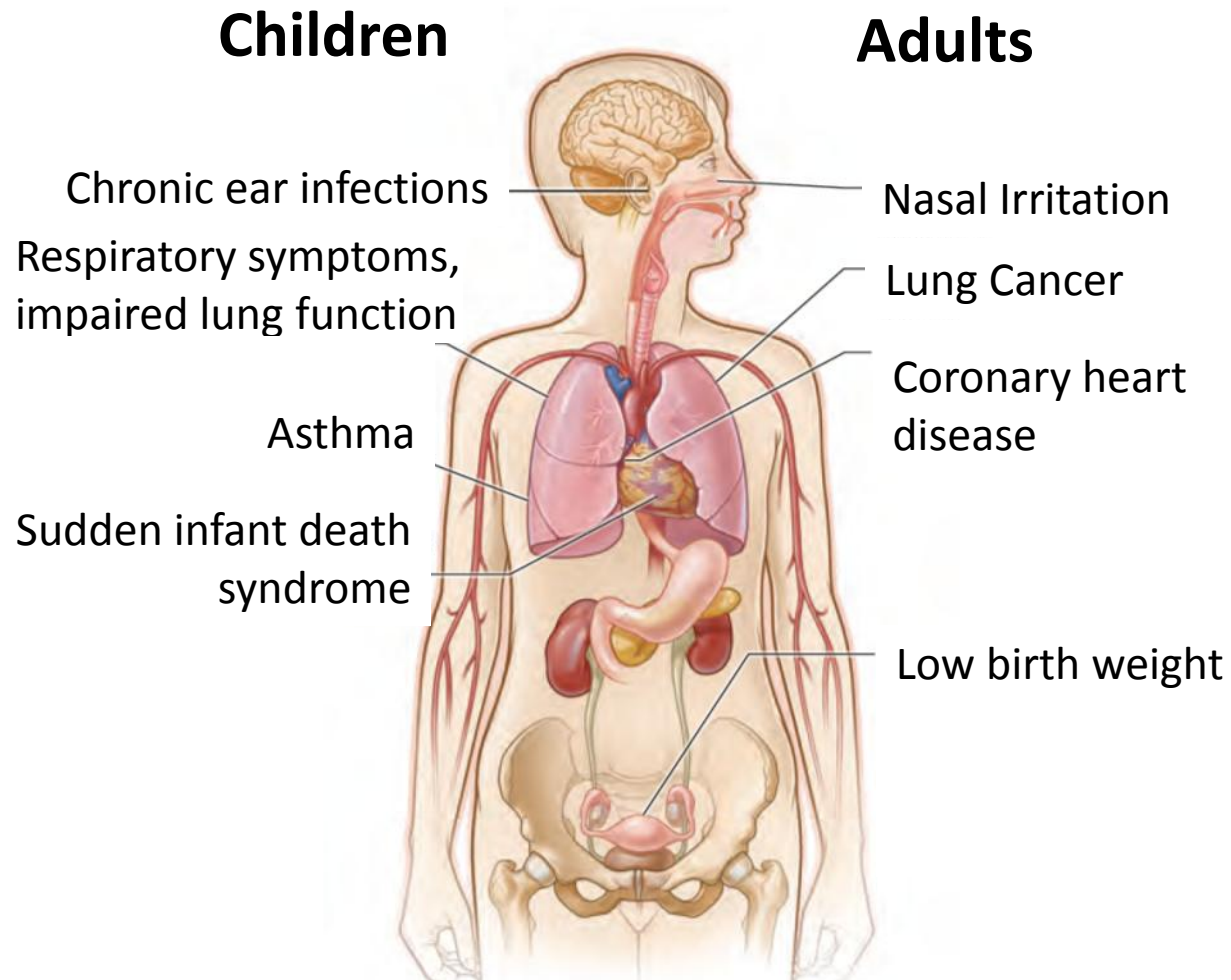
# Secondhand Smoke

Secondhand smoke is:

1. The smoke exhaled by the person who is smoking.
2. The smoke burning off the tip of the cigarette.



# Health Consequences of Secondhand Smoke





**26,000 kids get asthma  
from secondhand smoke  
every year.**

# Asthma & Smoke-Free Housing

- Secondhand smoke is not only an asthma trigger, but a cause of asthma in kids.
- When a parent smokes, children with asthma
  - Have more emergency room visits
  - Use more medication
- Smoking bans related to 18% reduction in asthma hospitalizations.

# U.S. Surgeon General's 2006 Report

**The home remains the most serious place for secondhand smoke exposure.**

In the U.S.:

- Almost 60% of children ages 3-11 (approx. 22 million children) are exposed to SHS.
- 25% of children ages 3-11 live with at least one smoker.
- Smokefree homes protect children, pregnant women, nonsmoking adults, esp. with health conditions, and set a good example for kids.



# How Does Secondhand Smoke Get Into Your Home?

Smoke drifts through:

- Walls
- Ceiling crawl spaces
- Shared ventilation systems
- Electrical outlets
- Balconies & patios
- Doorways
- Windows



# A Known Carcinogen

- Secondhand smoke (SHS) is in the same category as the worst industrial air pollutants.
- SHS has higher levels of toxins than those found in inhaled cigarette smoke.
  - 4,000 chemicals
  - 250 are toxic
  - At least 69 can cause cancer



# Children Living in Apartments

Children show levels of exposure to tobacco smoke more than **twice** those of adults.

## American Academy of Pediatrics (2010)

1. **84%** of children living in apartments tested positive for cotinine (a substance formed by the breakdown of nicotine.)
2. Children living in apartments had **45%** higher levels of cotinine than those living in detached houses.



# Affordable & Public Housing



## July 2009 Joint Memo

- U.S. Department of Housing & Urban Development
- Office of Public and Indian Housing
- Office of Healthy Homes and Lead Hazard

**“Strongly encourages Public Housing Authorities (PHAs) to implement non-smoking policies in some or all of their public housing units.”**

# Affordable & Public Housing

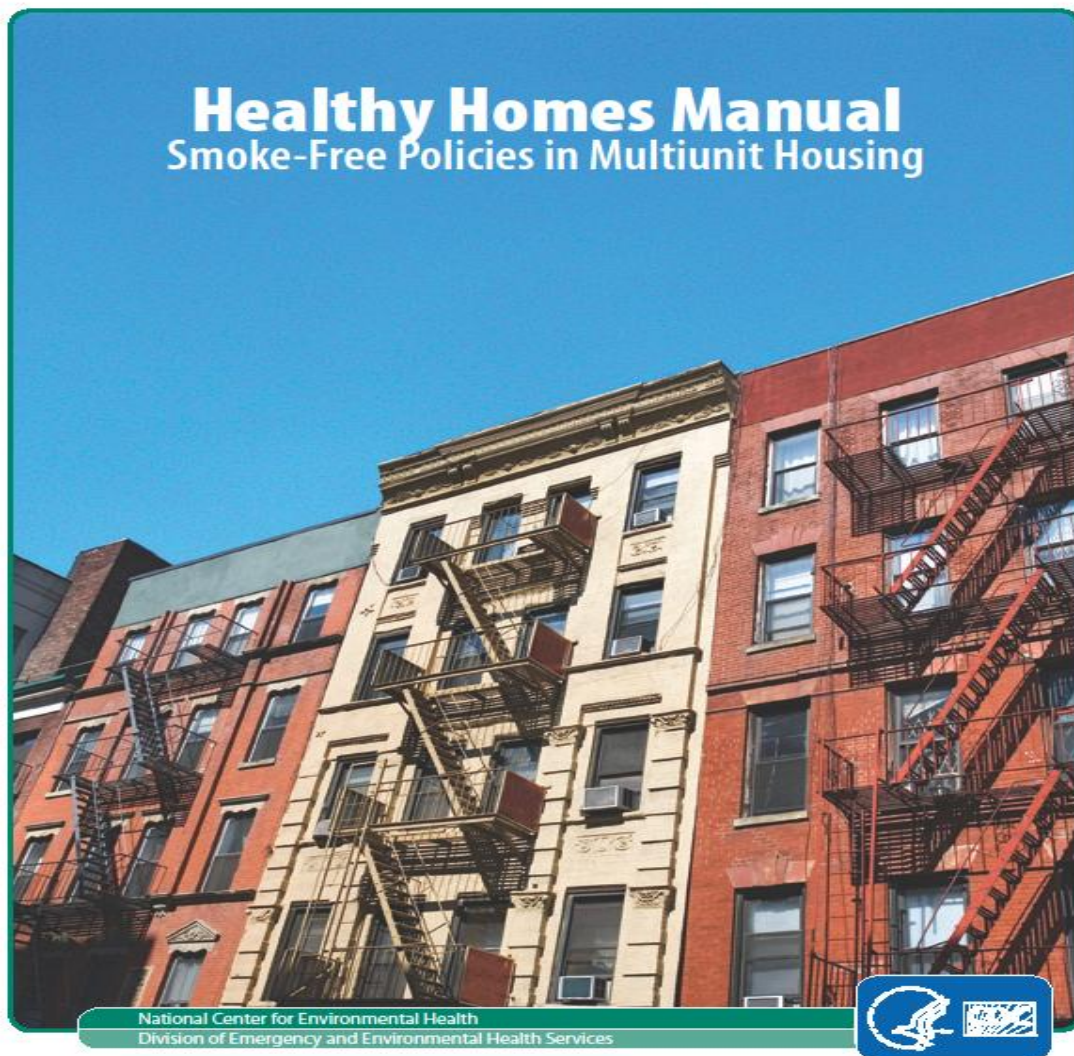
## September 2010 Notice

### – Housing & Urban Development

- Provides guidance and instructions for public housing authorities to adopt smoke-free housing
- Defines requirements that the HUD Funded owners & management agents must follow
- Options for specific policy provisions
- Guidelines for notifying new and existing tenants



# CDC: Healthy Homes Manual



# Low Income Communities & Residents

## Residents of low income communities:

- Have least amount of choice and mobility
  - High demand and long wait lists for affordable housing
  - Cultural and linguistic barriers to housing
  - Opportunity for smoke-free housing should be available to all, regardless of income
- Suffer from disproportionate levels of chronic disease and disability
  - Less access to preventive and primary care services

# Low Income Communities & Residents

## Indoor air quality (IAQ)

- Substandard living conditions (mold, cockroaches, dust mites)
- Reducing secondhand smoke is an easy and affordable solution to improve IAQ

## Smoking Cessation

- Resources provided through community education
- 70% of smokers want to quit
- Smoke-free housing policies assist smokers in cutting back and quitting



# Landlord Responsibility

- Landlords have responsibility to provide safe and habitable spaces.
- Fair housing laws require protection of people with disabilities and chronic illnesses.



# Benefits to Business

## Smoke-Free Housing can save landlords time and money

- Insurance discounts available
- Lower repair, maintenance, and turnover costs
  - \$560 nonsmoking
  - \$1,810 light smoking
  - \$3,515 heaving smoking
- Fewer complaints about drifting second hand smoke



# Limit Liability

**Help avoid potential legal liability due to nonsmoking tenants' exposure to SHS:**

- Breach of warranty of habitability/quiet enjoyment
- Nuisance/trespass
- Complaints under the Fair Housing Act
- Workers entering units where smoking takes place:
  - Violations of NJ Law Against Discrimination
  - Violations 2009 Americans with Disabilities Act Amendment Act

# Proposed Remedies

- Air filters & purifiers
  - Not 100% effective
- Building Modifications
  - Significant financial burden on landlords



**24** **7**  
HOURS DAYS  
**12 WATTS**

**FULL 5 YEAR**  
**WARRANTY**

No air cleaner can protect against the harmful effects of secondhand tobacco smoke. Clean air begins with a smoke-free environment. To learn more, visit [www.no-smoke.org](http://www.no-smoke.org).

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# Proposed Solutions

- Voluntary Policies

- Pros

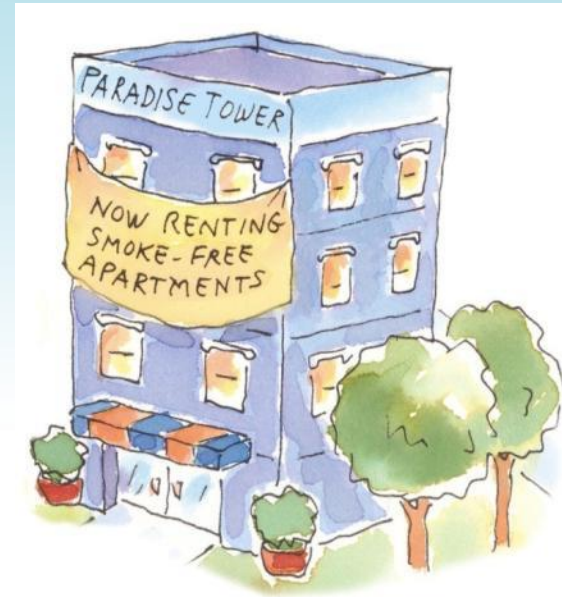
- Adds policy to lease addendums
    - Good tool to educate both landlords/managers as well as tenants
    - Smokefree Apartment House Registry ([www.smokefreeapartments.org](http://www.smokefreeapartments.org)) Lists vacancies free of charge for both landlords and tenants

- Cons

- Policy is not permanent. If property is sold or if management changes, the non-smoking policy will not be enforced
    - Can't possibly outreach to all landlords to inform them of their rights and responsibilities

# Smok*ING* not Smok*ER*

- There is no safe level of secondhand smoke
- Smoking is not a protected right or activity
- These policies are not about forcing people not to smoke, but about regulating where they can smoke
- Protecting vulnerable populations



# Concern About Evictions

- 230+ housing authorities nationwide have adopted smoke-free housing policies
- 30+ Local jurisdictions in California
- Majority have **not** evicted residents for violating smoke-free policy:
  - Tenant education
  - Phase-in policy over time
  - Grandfathering
  - Required verbal/written warnings



Welcome to Independence Plaza



## A SMOKE FREE COMMUNITY!

For the health and safety of our residents and employees, smoking is not allowed anywhere on the property.

We appreciate your cooperation in this matter.

24"

36"

## Smoking is not allowed:

- \*In the units
- \*In the common areas
- \*On the grounds or parking lot



6"

24"

# Public Support for smoke-free Housing

What percentage of respondents had secondhand smoke drift into their home in the last year?

Santa Monica	Calabasas	West Hollywood	Glendale	South Pasadena	Baldwin Park	Burbank
39.3%	35.9%	33.8%	38.1%	32.3%	35.7%	30.6%

Respondents who have had secondhand smoke drift into their own apartments statewide.

**Statewide Survey Results: 46%**

# Public Support for smoke-free Housing

What percentage of respondents would prefer to live in a completely non-smoking building?

Santa Monica	Calabasas	West Hollywood	Glendale	South Pasadena	Baldwin Park	Burbank
76.0%	75.6%	84.4%	74.1%	73.4%	82.8%	84.2%

Respondents who would prefer to live in non-smoking section or completely non-smoking building.

Statewide Survey Results: 46%

# Public Support for smoke-free Housing

What percentage of respondents is in favor of a law requiring some units to be non-smoking?

South Pasadena	Baldwin Park	Burbank
71.5%	86.1%	74.8%

Respondents who support laws requiring all apartment buildings to offer non-smoking sections, including units, balconies and patios.

Statewide Survey Results: 69%

# Public Support for smoke-free Housing

## Survey of California Latino Renters (2006)

- **63%** have experienced secondhand smoke drift into their apartment
- **82%** feel that there is a need for laws to limit smoking in apartments
- **95%** would prefer to live in an apartment building where smoking is not allowed anywhere or where there are separate smoking and non-smoking sections

# Examples of Local Ordinances

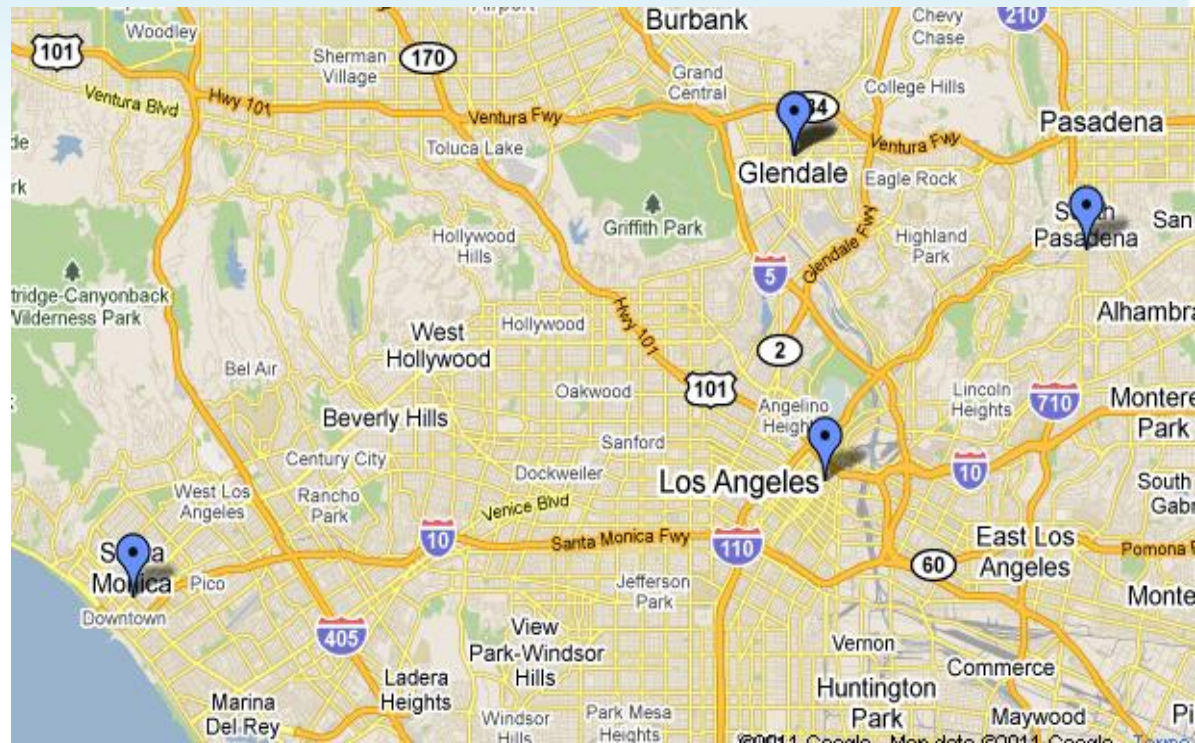
- **Richmond, CA (Northern California)**
  - 100% smoke-free units, including balconies & patios
  - No grandfathering
  - Requires landlord to post “No-smoking” signs
- **Calabasas, CA (Southern California)**
  - 80% of Units next to each other will be non-smoking.
  - Includes grandfathering
  - No smoking on balconies and patios
  - 20 foot buffer zone
  - Designates “nonconsensual exposure” as a nuisance
  - Potential model for cities with rent control

# Meet David



# Local Examples

- Los Angeles
- Santa Monica
- Glendale
- South Pasadena





# Los Angeles



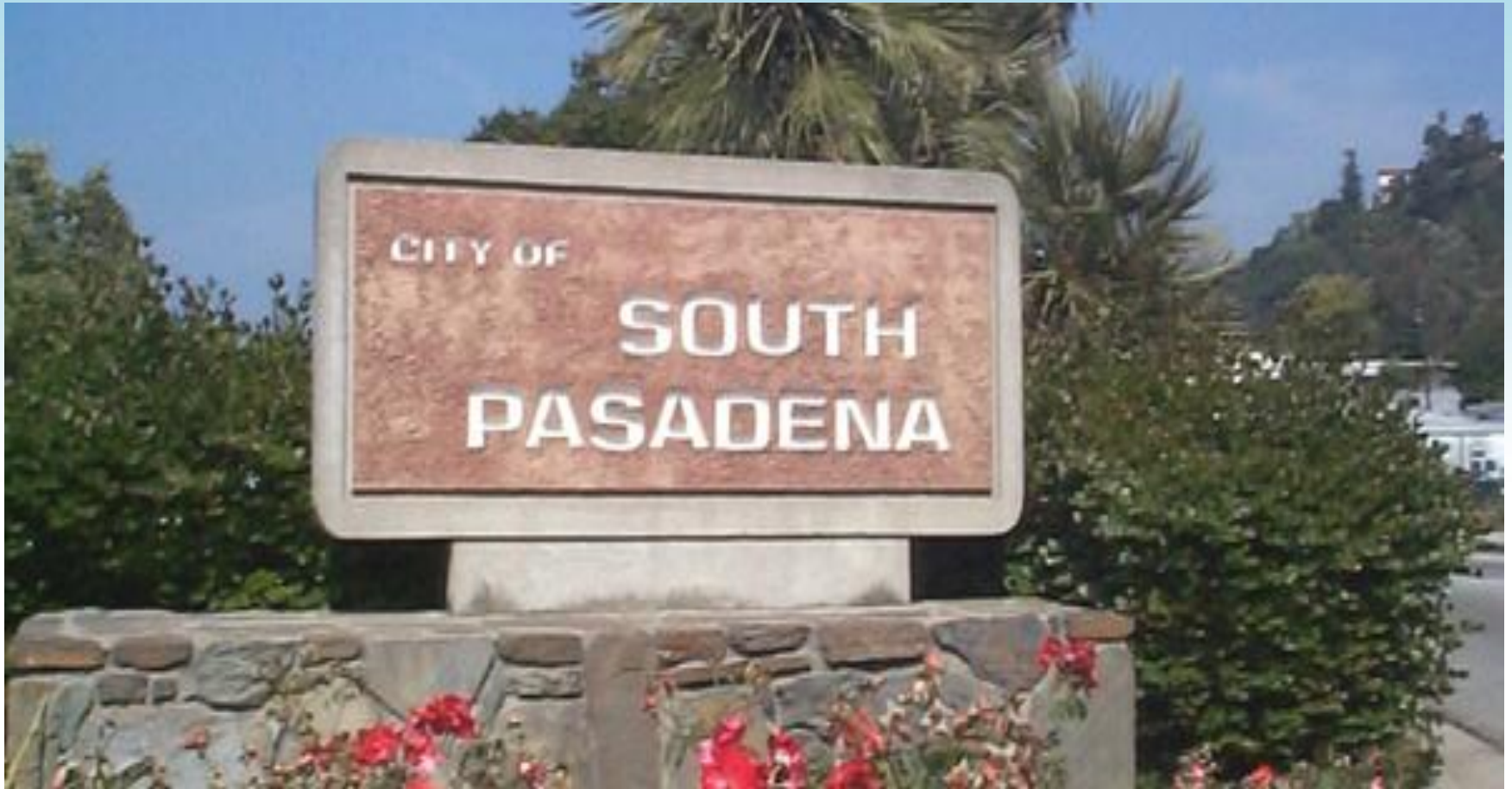
# Santa Monica



# Glendale



# South Pasadena



# Questions?

