

Smoke-Free Apartments & Condos

“The debate is over. The science is clear: second hand smoke is not a mere annoyance, but a serious health hazard.”

– Richard Carmona, U.S. Surgeon General, June 2006¹

WHY ALL THE FUSS?

- ⊗ There are more than 50 carcinogens (substances that cause cancer) in secondhand smoke (SHS).²
- ⊗ Secondhand smoke causes premature death and disease in children and adults who do not smoke.²
- ⊗ Smoking by parents causes respiratory symptoms and slows lung growth in their children. It increases the risk of sudden infant death syndrome (SIDS), acute respiratory infections, ear problems and more severe asthma.²

WHY SMOKE-FREE APARTMENTS?

- ⊗ **The home is now becoming the predominant location** where children and adults are exposed to SHS.²
- ⊗ SHS lingers long after smoking. Heating, ventilation and air conditioning systems cannot control exposure to SHS, and actually can distribute SHS throughout a building.²
- ⊗ Secondhand smoke in apartments affects millions of people – in 2000, over 50% of the housing units in New York were multi-unit structures.³
- ⊗ Smoke-free homes are the norm, not the exception. In 2006, over 82% of NY adults are non-smokers and 73% of NY adults live in smoke-free homes.⁴
- ⊗ Tenants prefer smoke-free housing. Recent surveys across the country show that a majority of renters (64-69%) favor policies that provide smoke-free housing in multi-unit complexes.⁵
- ⊗ From October 2005 to November 2006, there were 702 cigarette related fires in NYS resulting in 16 fatalities.⁶
- ⊗ Smoking causes damage to residential property from fires, cigarette burns, and smoke residue on walls and curtains.⁷

BENEFITS OF SMOKE-FREE MULTI-UNIT HOUSING POLICIES

- ⊗ Smoke-free policies save owners money by reducing costs for cleaning, painting, and repairs from smoke and cigarette damage.
- ⊗ Having a smoke-free policy lessens the need to mediate disputes between smokers and non-smokers.

- ⊗ A smoke-free policy is NOT discriminatory. Federal and state laws allow apartment owners to make their rental property smoke-free, just as they can choose to not accept pets.
- ⊗ With a smoke-free policy, landlords are at less risk of legal action regarding this issue.⁷

ADOPTING SMOKE-FREE POLICIES IN MULTI-UNIT HOUSING

- ⊗ Policies are being adopted voluntarily in many states and cities, including New York, New Jersey, Maine, and Massachusetts. Some are beginning to pass ordinances and legislation related to smoke-free housing (California and Utah).⁸
- ⊗ There are a variety of model policies that can be adapted to meet local needs. Examples are listed below from less to more restrictive:⁹
 - Common Area Restrictions – smoking is not allowed in the enclosed common areas such as lobbies, hallways, stairways, laundry rooms, trash rooms, recreation rooms, etc.
 - Designating Smoke-free Units – smoking is allowed only in designated units, e.g. 25% of all units must be designated non-smoking and must be grouped horizontally and vertically (Temecula, CA).
 - Prohibiting Smoking in all Units – smoking is not allowed in any unit, in any building on the property.
- ⊗ Many landlords include a clause requiring a smoke-free apartment in leases with new or renewing tenants.
- ⊗ Landlords can apply a smoke-free policy to new tenant leases and grandfather in existing tenants with a phase in period to create 100% smoke-free housing.

¹ Szabo, L. (2006). Secondhand smoke debate 'over.' *USA Today*. June 27, 2006. Retrieved on November 1, 2007 from http://www.usatoday.com/news/health/2006-06-27-involuntary-smoking_x.htm.

² U.S. Department of Health and Human Services. (2006). *The Health Consequences of Involuntary Exposure to Tobacco Smoke. A report of the Surgeon General – Executive Summary*. Atlanta, GA: U.S. Department of Health and Human Services, 2006.

³ U.S. Census Bureau. (2000). State and County QuickFacts. Retrieved on November 1, 2007 from <http://quickfacts.census.gov/qfd/states/36000.html>.

⁴ RTI International. (2007). *Independent Evaluation of New York's Tobacco Control Program Final Report 2007*. Research Triangle Park, NC: RTI.

⁵ Smoke-Free Environments Law Project. *Public opinion on smoke-free environments*. Retrieved on November 1, 2007 from <http://www.tcsg.org/sfelp/home.htm>.

⁶ New York State Department of Health. (2006). *Youth access tobacco enforcement program-annual report October 1, 2005 – September 30, 2006*. Retrieved on November 1, 2007 from http://www.health.state.ny.us/prevention/tobacco_control/.

⁷ Lovece, F. (2006). The law and second-hand smoke in your building. Who's responsible? *Habitat Magazine*. December 2006 (229):10-21.

⁸ Smoke-Free Environments Law Project. Retrieved on November 1, 2007 from <http://www.tcsg.org/sfelp/home.htm>.

⁹ Asthma Regional Council of New England. (2007). *A case for smoke free housing*. White Paper. Dorchester, MA: Asthma Regional Council of New England. Retrieved on November 1, 2007 from <http://www.asthmaregionalcouncil.org/SmokeFreePaperFINALcolor.pdf>.