

# Smokefree Multi-Unit Housing Policies—A Win-Win Proposition for Residents, Owners, and Property Managers

Smokefree multi-unit housing policies have primarily been adopted voluntarily. Smokefree multi-unit housing policies are legal and relatively easy to implement. There is no legal right to smoke, therefore designating multi-unit housing as smokefree is not discriminatory. By adopting smokefree policies, multi-unit housing communities can:

## Protect residents and employees from secondhand smoke.

Eliminating smoking indoors is the only way to fully protect nonsmokers from secondhand smoke.<sup>1</sup> Studies show smokefree air laws decrease secondhand smoke exposure among nonsmokers, reduce heart attack and asthma hospitalizations, and encourage smokers to quit.<sup>1</sup>

## Encourage healthy behaviors in residents and employees.

In addition to protecting residents and employees from secondhand smoke, smokefree policies create healthy environments that encourage people who smoke to quit or attempt to quit. One study of a smokefree property management company found that among smokers, 43 percent reported smoking less since the policy's implementation.<sup>14</sup> Additionally, nearly half of respondents who smoke reported making an attempt to stop smoking since the company enacted the policy, and two-thirds of those cited the policy as one of the reasons for their quit attempt.

## Respond to market demand for smokefree multi-unit housing.

The demand for smokefree multi-unit housing cuts across socioeconomic groups and owners of both small and large residential buildings have adopted these policies.<sup>15</sup> The published studies that have assessed multi-unit housing residents' attitudes toward smokefree building policies have consistently found a large majority of residents favoring smoke-free policies in their buildings

(64 percent Hennrikus, Pentel, and Sandell (2003); 70 percent Hewett, Sandell, Anderson, and Niebuhr (2007); and 55.6 percent, King, Cummings, Mahoney, Hyland (2010)).<sup>3, 8, 13</sup>

Properties that prohibit smoking indoors are well positioned to take advantage of increased consumer demand for smokefree multi-unit housing.

## Reduce turnover costs.

Units that have been smoked in are considerably more expensive to turn over for the next resident than nonsmoking units and smoking units also tend to remain on the market longer.<sup>16</sup> Units that housed smoking tenants incur additional expenses to clean and repaint walls and replace carpets, flooring, countertops, drapes and fixtures damaged by cigarette burns or smoke exposure.<sup>17</sup> Adopting smokefree multi-unit housing policies can save property managers and owners hundreds and even thousands of dollars in building maintenance and turnover costs.<sup>16</sup>

## Lower fire risks and related insurance costs.

Smoking-related fires are the leading cause of fire deaths, and account for 17 percent of fire deaths in residential buildings and \$303 million in property loss each year.<sup>18</sup> Smokefree policies reduce fire risks for residents, owners, and property managers. In some states, multi-unit property managers/owners, and condominium associations with smokefree policies are eligible for discounts on fire, life and property insurance.<sup>17</sup>

### Reduce legal actions related to secondhand smoke exposure.

Nonsmoking tenants can bring legal action against owners and smoking tenants on the bases of several legal grounds including breach of covenant of quiet enjoyment, negligence, nuisance, and breach of warranty of habitability. Additionally, nonsmoking tenants with lung disease may pursue legal action under the Fair Housing Act and the Americans with Disabilities Act for failure to provide reasonable accommodations that protect these residents from secondhand smoke.<sup>19</sup>

### Enhance environmental or “green” initiatives.

Tobacco smoke is a pollutant containing more than 7,000 chemical compounds, of which hundreds are toxic and at least 70 are known to cause cancer.<sup>20</sup> Many of these chemicals linger in the air and on walls and other surfaces long after smoking has ceased.<sup>16</sup> As new and rehabilitated properties invest in environmentally friendly construction materials, prohibiting smoking is a natural step to promote green living. No-smoking policies prevent nicotine and other smoking-related stains, thus allowing investments in “green” construction materials to have a longer life span and higher return.

### Take advantage of new financial incentives.

Some states offer financial incentives to real estate developers that adopt smokefree housing policies. In California, for example, 38 out of 74 public housing authorities have received tax credits for making their units smokefree. Additionally, the Low-Income Housing Tax Credit program is being used by cities and states including California, Maine, Minnesota and New Hampshire to encourage developers to include smokefree policies in new building projects.<sup>14</sup>

## Types of Smokefree Multi-Unit Housing Policies

### Smoking Disclosure Laws

The American Lung Association in Oregon, along with their legislative partners, advocated for the country's first statewide landlord smoking public disclosure law, which went into effect January 1, 2010. Several cities, including Oakland, California, Buffalo, New York and Duluth, Minnesota have enacted similar policies. Smoking disclosure laws do not mandate smokefree units or buildings but require owners to inform prospective residents of smoking policies and the location of smoking and nonsmoking units.<sup>17</sup>

### Smokefree Buildings and Properties

Smokefree multi-unit housing policies vary, with properties prohibiting smoking only in common areas, in certain units and buildings, or everywhere onsite, including outdoors. Property owners and managers often transition their properties to being smokefree by including the policy in the lease when new tenants move in and amending leases for existing tenants upon renewal, or by setting a date when all residents will be expected to comply with the new policy.

Due to the wealth of data that show how easily secondhand smoke can migrate within a building, the American Lung Association advocates for 100 percent Smokefree Building or 100 percent Smokefree Property policies. HUD has strongly encouraged multifamily housing managers and agents to adopt smokefree policies at all or some of their properties and recently issued two notices that provide implementation guidance.<sup>17</sup> To effectively protect residents from secondhand smoke, the Centers for Disease Control and Prevention (CDC) recommends that policies, at a minimum, designate all units and common areas in a building as smokefree.<sup>1</sup> As of January 2011, at least 230 local housing authorities in 27 states have adopted smokefree policies. A 2009 survey of market-rate multi-unit housing companies across the country reported 49 properties with smokefree policies for all buildings.<sup>21</sup>

#### A Decade of Growth: Public Housing Authorities' Adoption of Smokefree Policies

*Source: Smokefree Environments Law Project*

