



CREATING SMOKE-FREE MULTI-UNIT HOUSING

**North Carolina Asthma Summit
May 7, 2013**

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Today's Session


- Introduction to the issue
- Getting to know the multi-unit housing industry in NC
- Legal issues
- Formative research in NC
- What is being done to promote smoke-free multi-unit housing policies in NC
- Resources and tools





INTRODUCTION TO SMOKE-FREE MULTI-UNIT HOUSING





Do you mean to tell me that you think people should not be able to smoke in their own homes?

- Paradigm shift: Should people be able to breathe clean air in their own homes?
- Changing norms: NC Smoke-Free Restaurants and Bars Law



Secondhand Smoke and Multi-Unit Housing

- People in US spend an average of 69% of their time in their homes
- Secondhand smoke (SHS) travels from unit to unit through ventilation systems, cracks in the walls, openings for plumbing and electrical systems
- Smoke-free policies are the only way to eliminate risk of involuntary SHS exposure
- Change in emphasis from asking individuals to keep a smoke-free home to setting policy

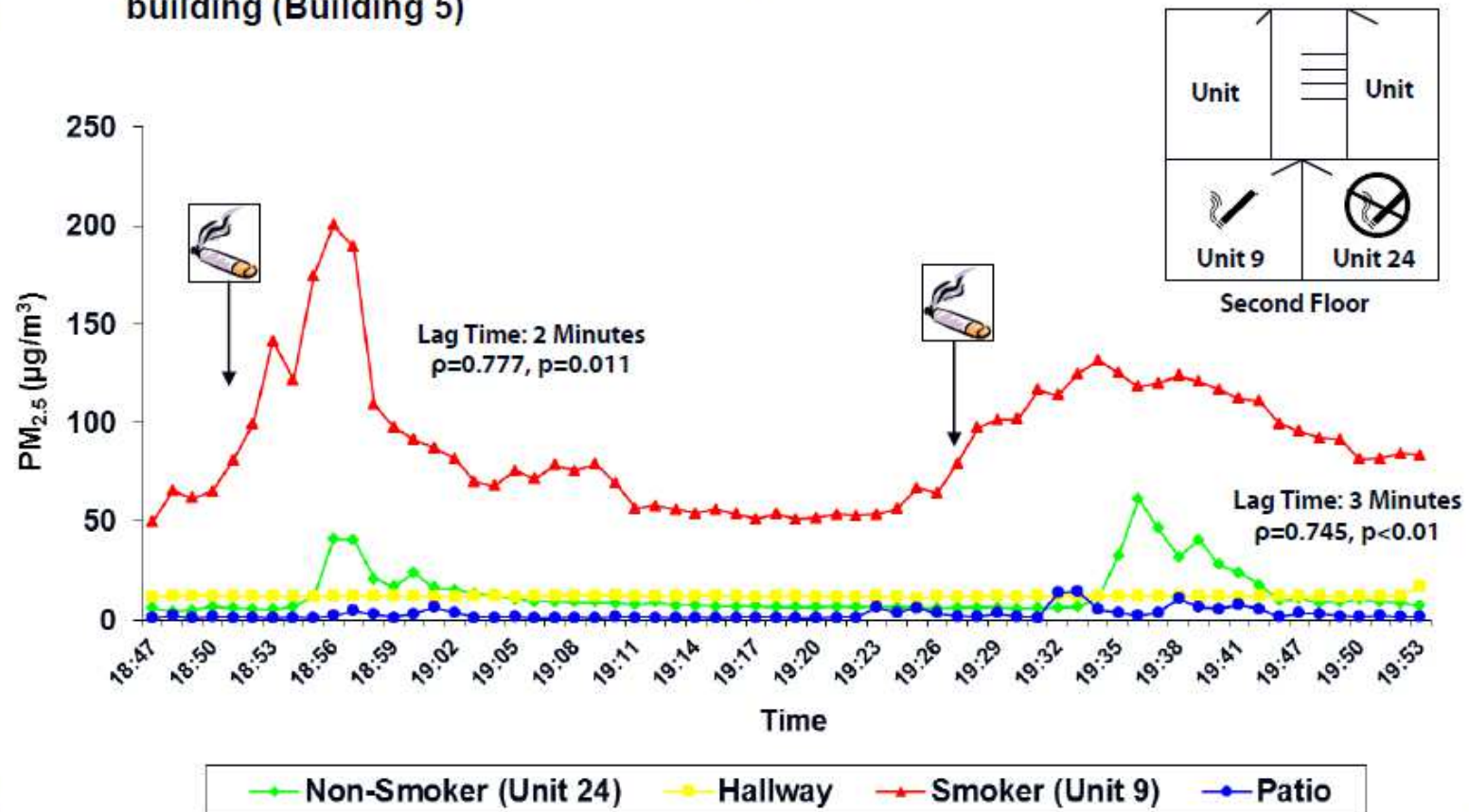
Hewett, Sandell, Anderson & Niebuhr, 2006; King et al., 2009; Pizacani et al., 2012; Surgeon General's Call to Action to Promote Healthy Homes (2009)





Biomarker/Environmental Studies

Illustration of real-time changes in $PM_{2.5}$ levels in a multiunit residential building (Building 5)



Source: King BA, Travers MJ, Cummings KM, Mahoney MC, Hyland AJ. Secondhand Smoke Transfer in Multiunit Housing. *Nicotine & Tob Res.* 2010; 12(11): 1133-41.

Understanding SHS "Dose"

Definition

Lay Person: the amount of something a person is exposed to over a certain time period

Scientist: [Concentration of Substance] x [Duration of Exposure]

Past 7 Day Dose (Example)



Restaurant/Bar

$$\begin{array}{rclclcl} \text{[Concentration]} & \times & \text{[Duration]} & & & \\ \text{[300 } \mu\text{g/m}^3\text{]} & \times & \text{[180 minutes]} & = & & \text{54,000 } \mu\text{g-min/m}^3 \end{array}$$



Multiunit Housing

$$\begin{array}{rclclcl} \text{[Concentration]} & \times & \text{[Duration]} & & & \\ \text{[40 } \mu\text{g/m}^3\text{]} & \times & \text{[3,360 minutes]} & = & & \text{134,400 } \mu\text{g-min/m}^3 \end{array}$$

Health Impacts of Secondhand Smoke

- Raises the risk of heart disease by 25-30 %
 - Even brief exposure can trigger a heart attack for those with heart disease or heart disease risk (Institute of Medicine 2008)
- Raises the risk of lung cancer by 20-30 %
 - Older adults are at higher risk for heart disease, cancers and chronic lung disease
- Can cause severe asthma attacks in children
- Risk factor for Sudden Infant Death Syndrome (SIDS)
- For children, secondhand smoke increases the likelihood that they will develop bronchitis, pneumonia, asthma, poorer lung function, and middle ear infections.
- Impacts children's cognitive abilities

The Health Consequences of Involuntary Exposure to Secondhand Smoke: A Report of the Surgeon General (2006)



Subsidized Housing in the United States

All Programs (February 2011 – May 2012)

2.9 Million Units



46.4%



39.1%



23.5%

Public Housing Only (February 2011 – May 2012)

1.0 Million Units



40.4%



34.8%



30.3%

Smoking is Leading Cause of Residential Fire Deaths

- Between 2006 and 2010, smoking materials caused 1 out of 4 residential fire deaths in the US
- In multi-unit housing, 1 out of 3 fire deaths were caused by smoking materials
- Oxygen tanks pose a particular fire risk and are common in elderly housing

National Fire Protection Association, Fire Analysis and Research Division, 2012



Smoke-free policies are good for business

- Reduced turnover costs
- Reduced risk of fire damage
- Lower insurance rates
 - Insurance company CIG giving discount for smoke-free MUH policies on the West Coast
 - Unclear what discounts are being given by other companies
- Strong tenant demand for smoke-free housing



Smoke-free multi-unit housing is catching on in NC

- Market-rate, affordable, and public housing authority properties going smoke-free
- NC smoke-free champions
 - Teresa Sandman: Gingko Residential
 - Scott Alderman: Landura Management Associates
 - Rick Allen: Partnership Property Management
 - Leah Lyerly: Westminster Properties
 - Tim Morgan: Evergreen Construction
 - Gregg Warren: DHIC





GETTING TO KNOW THE HOUSING INDUSTRY IN NC



Broad Categories of Rental Housing

- Market-rate housing: owned privately, no government subsidy
- Affordable housing: owned privately but is subsidized by the government to provide lower rental rates
 - Subsidizing agencies: **HUD, Rural Development** (part of USDA), **NC Housing Finance Agency**
- Public housing: owned and operated by a local Public Housing Authority; receives federal subsidies



Trade Organizations for Housing Providers in NC

- NC Housing Coalition
- Southeastern Affordable Housing Managers Association (SAHMA)
- Carolinas Council for Affordable Housing
- NC Housing Authorities Directors' Association (HADA)
- Apartment Association of NC
- Triangle Apartment Association
- Piedmont Triad Apartment Association
- Greater Charlotte Apartment Association





LEGALITY OF REGULATING SMOKING IN RENTAL HOUSING IN NORTH CAROLINA



Smoke-Free Housing Policies are Legal

- No constitutional protection for smokers
- No federal legislative or regulatory barriers to implementation of smoke-free housing policies
 - HUD has specifically endorsed smoke-free policies (2009, 2010, 2012 notices)
- No state barriers to voluntary implementation of smoke-free policies
 - G.S. 130A-498(b1)(1): local governments can't regulate smoking in a private residence



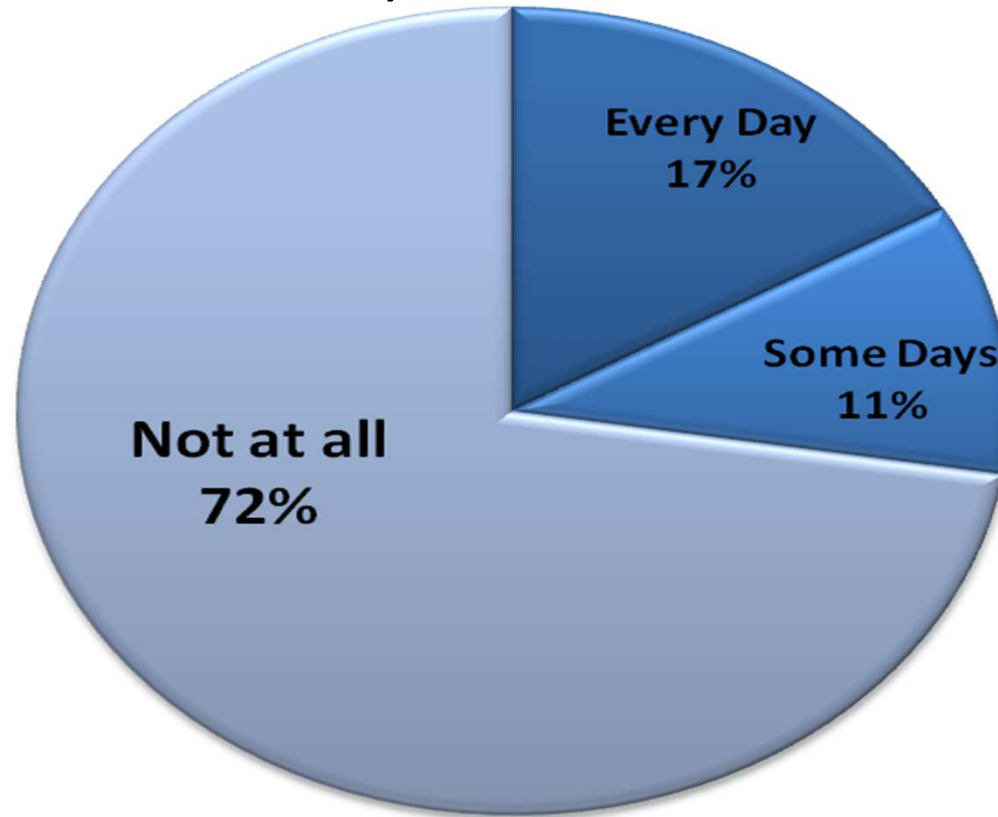


FORMATIVE RESEARCH FROM NC

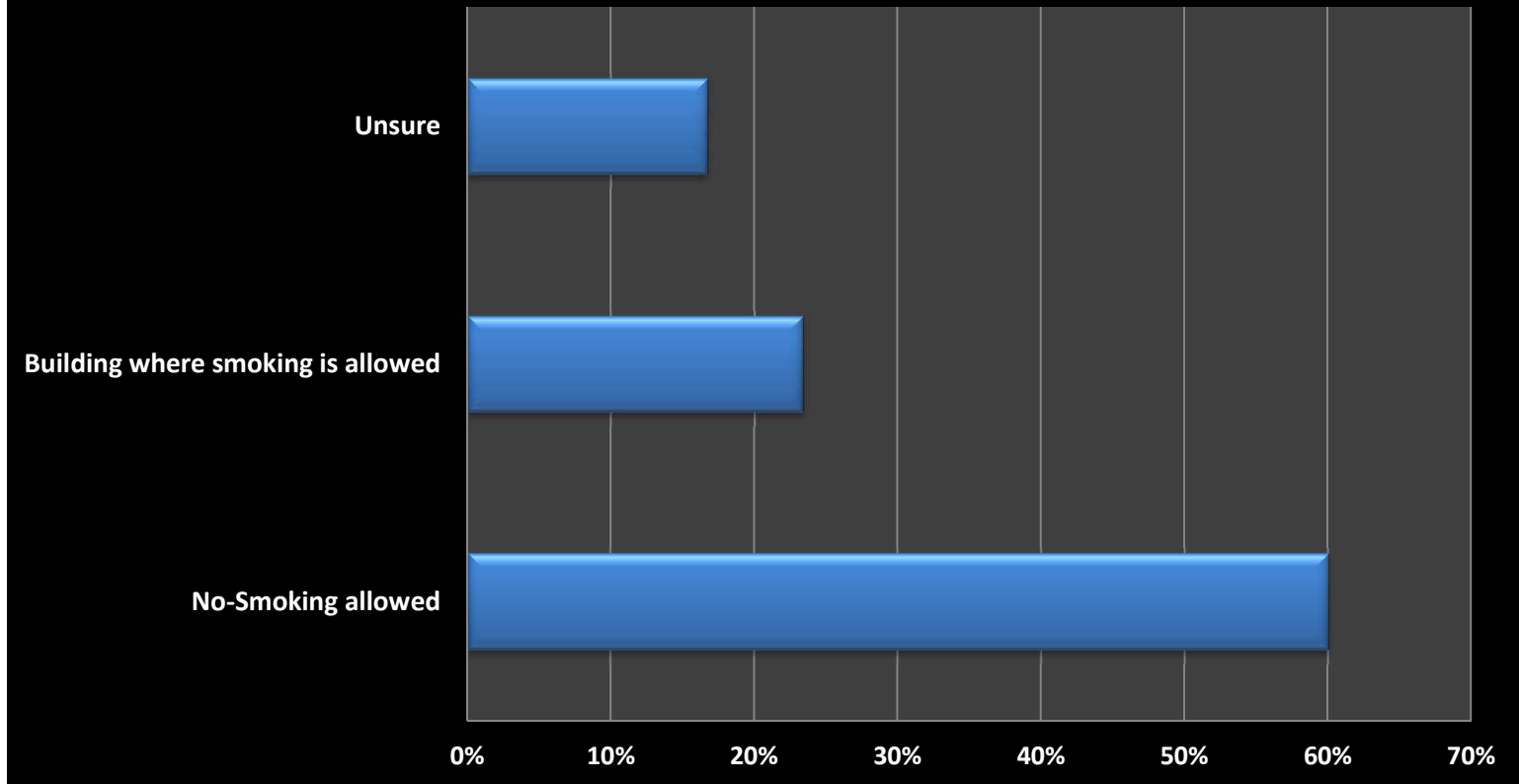


Results from 2012 Tenant Survey of 13 Affordable Housing Properties in Greensboro (n=122)

Do you smoke cigarettes every day, some days, or not at all?



Would you rather Live in a no-smoking building or in a building where smoking is allowed? (n=122)



Results from Tenant Survey continued

UNC Tobacco Prevention and Control Branch Capstone Team



Results from Survey of Owners and Managers at 2011 NC Affordable Housing Conference (n=72)

- 3 main motivations for implementing smoke-free policies were turnover costs, fire risk, and tenant health
- 50% of those who had implemented smoke-free policies indicated that policies had been received positively by tenants, with another 34% saying the policies had been received neutrally
- Only 12.5% of respondents indicated that enforcing a smoke-free policy was difficult
- Concern about enforcement was the top barrier reported by respondents who had not implemented smoke-free policies



2012 Survey of NC Public Housing Authorities (n=93)

- 36% of PHAs have some sort of smoking restriction in place on one or more of their properties (e.g., in common areas, community rooms, grounds, offices or units)
- 4 PHAs have one or more properties with smoke-free units: Wilmington, Charlotte, Wilson, and Pender County
- 35% of PHAs are considering setting future smoking policies
- Top concerns about implementing smoke-free policies: enforcement (64%), implementation (32%), individual rights of tenants (32%)

NC Tobacco Prevention and Control Branch



2013 Affordable Multi-Unit Housing Survey

- Obtained lists of properties subsidized by HUD, NC Housing Finance Agency (tax credit), and USDA Rural Development
- In May, will send email survey (with choice of paper survey) to assess current smoking policy in effect inside buildings and on grounds
- Will ask about experiences with residents complaints, costs of turnover, fires, evictions due to smoking
- Will share the results with the housing industry





ACTIVITIES TO PROMOTE SMOKE-FREE MULTI-UNIT HOUSING IN NC



NC Division of Public Health Efforts in Smoke-Free Multi-Unit Housing

- Outreach to housing industry at the state level
- Community Transformation Grant Project grantees
- Tobacco Prevention and Control Branch grantees
 - Both groups of grantees working with property managers around the state
 - Offering technical assistance for policy passage
 - Conducting tenant surveys
 - Providing cessation resources to tenants





RESOURCES AND TOOLS



www.smokefreehousingnc.com

The screenshot shows a Windows Internet Explorer browser window displaying the homepage of www.smokefreehousingnc.com. The browser's address bar shows the URL. The website header features the logo "SMOKE FREE MULTI-UNIT HOUSING NORTH CAROLINA" and a "FIND A SMOKE-FREE HOME" button. Below the header is a navigation menu with links for "PROPERTY MANAGERS", "CONDOMINIUM OWNERS", "TENANTS", and "RESOURCES". The main content area has a large banner with a woman holding a key and the text "TOGETHER WE CAN CLEAR THE AIR". Below the banner, there is a "WELCOME HOME!" section with a paragraph about the website's purpose. To the right, there is a "News & Updates" section with several news items. At the bottom, there are three boxes for "PROPERTY MANAGERS", "CONDO OWNERS", and "TENANTS", each with a brief description of the content. The browser's taskbar at the bottom shows the Start button, several application icons, and the system tray with the time 5:32 PM.

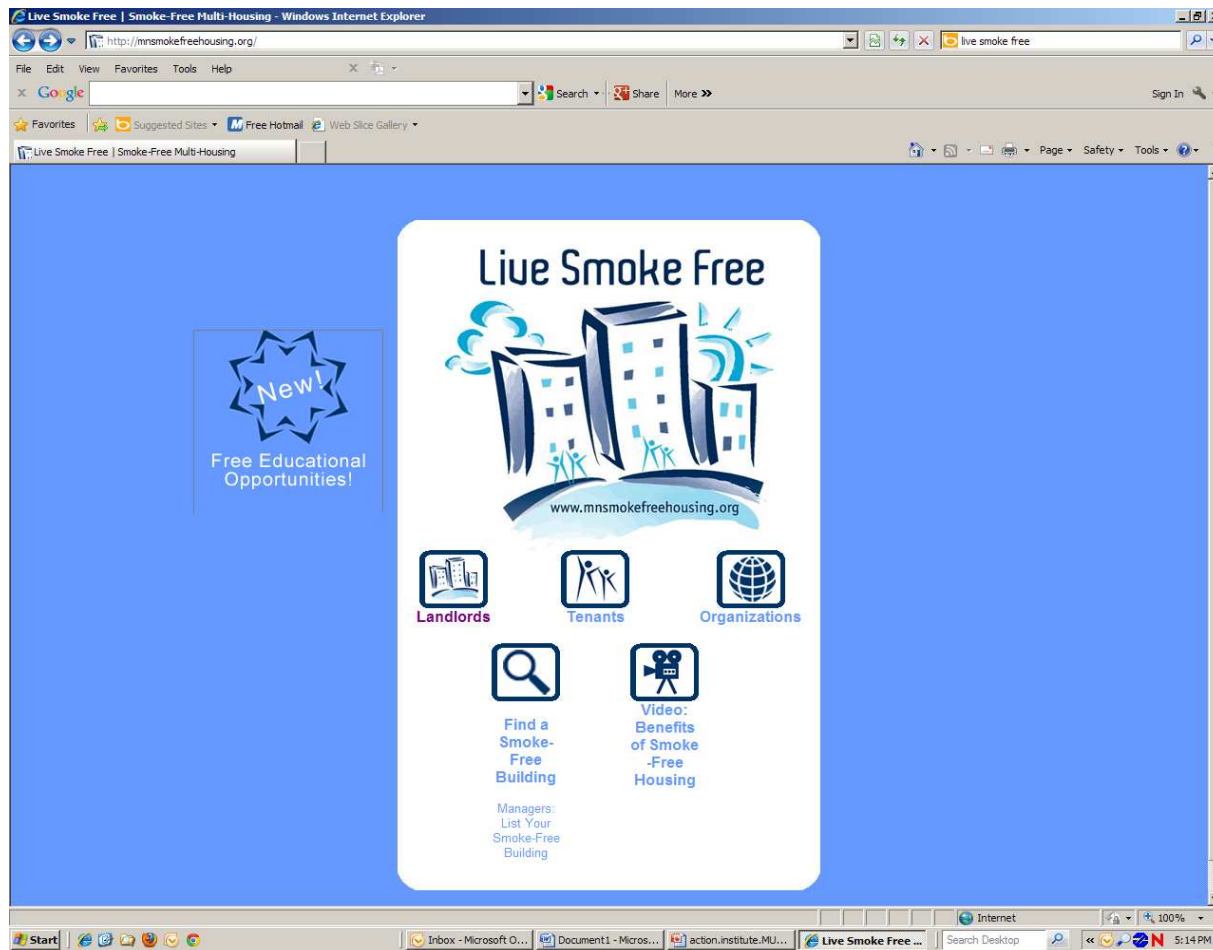


Resources on the NC's Smoke-Free Housing website

- Sample tenant survey
- Sample smoke-free lease addendum
- Ready-to-print “smoke-free” signs
- Tips for policy enforcement
- Links to NC cessation resources
- Links to listings of smoke-free apartments



Comprehensive Webinar Series from Live Smoke Free (Minnesota)



<http://mnsmokefreehousing.org/>

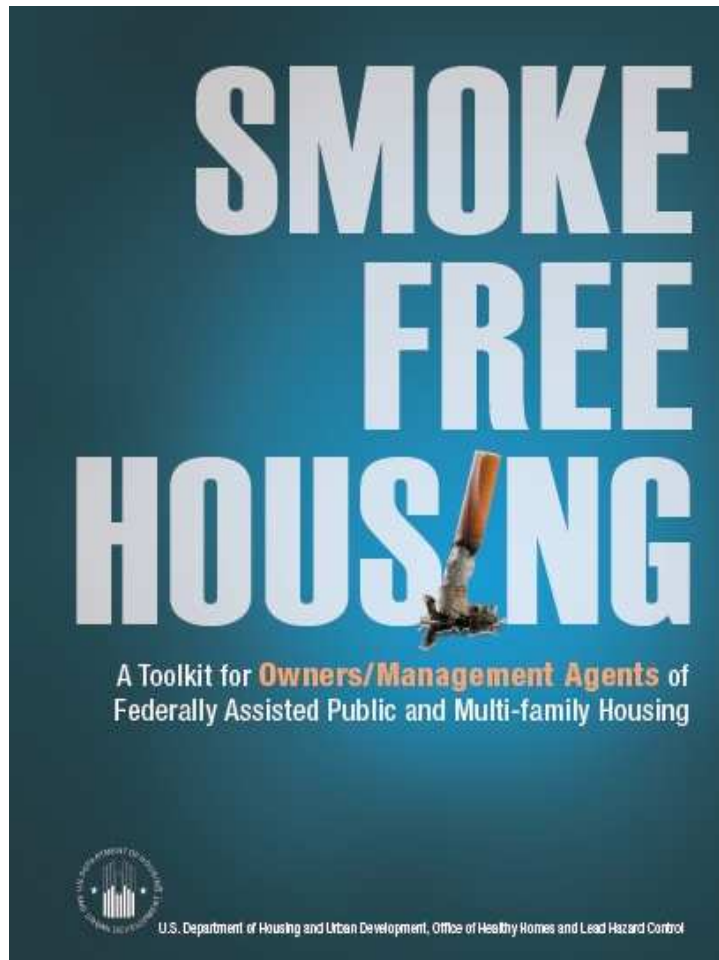


Webinars Provided by Live Smoke Free

- The Case for Smoke-Free MUH
- Getting to Know the MUH Industry
- Building your Smoke-Free MUH Program
- Understanding Legal Issues in Smoke-Free MUH
- Strategies to Reach the MUH Industry
- Working with the MUH Industry to Adopt a Smoke-Free Policy
- Providing Cessation in Smoke-Free Buildings
- Working with Renters Exposed to SHS
- Sustaining your Smoke-Free MUH Program



HUD's Smoke-Free Housing Toolkit for Owners and Managers

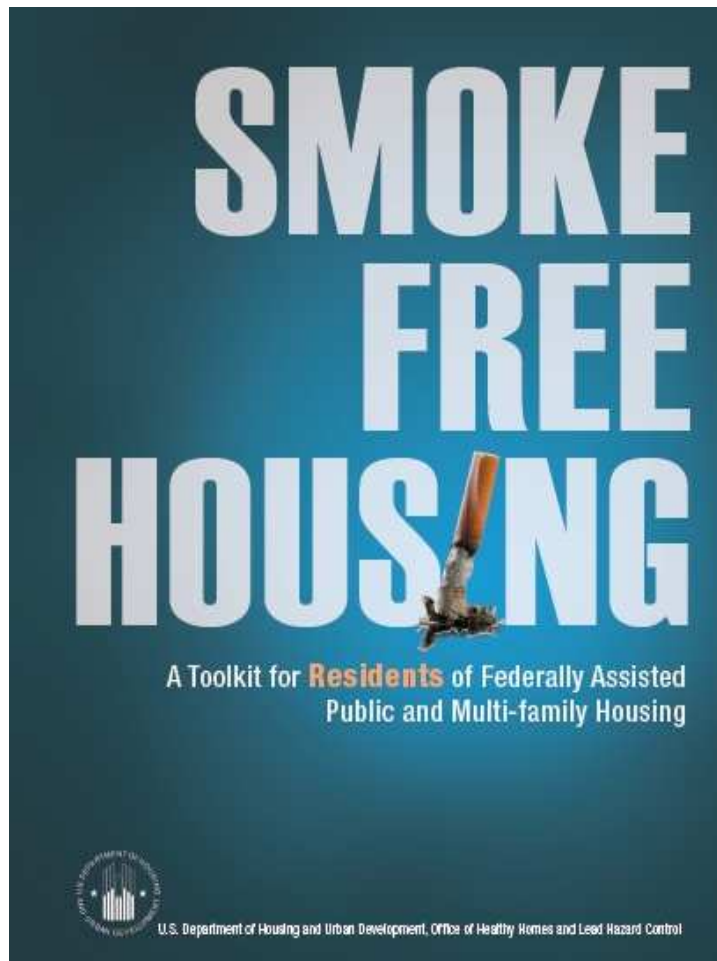


search for “HUD
smokefree toolkit” on
the internet

http://portal.hud.gov/hudportal/HUD?mode=disppage&id=SMOKEFREETOOLKITS&type=HUDGOV_PAGE&rsm=Latest&width=664



HUD's Smoke-Free Housing Toolkit for Residents



search for “HUD
smokefree toolkit” on
the internet

http://portal.hud.gov/hudportal/HUD?mode=disppage&id=SMOKEFREETOOLKITS&type=HUDGOV_PAGE&rsm=Latest&width=664



ChangeLab Solutions: Dealing with Secondhand Smoke at Home

<http://changelabsolutions.org/news/dealing-secondhand-smoke-home>

Legal Options for Tenants Suffering from Drifting Tobacco Smoke

April 2007 (revised August 2009)

If tobacco smoke drifts in to your apartment from a neighboring unit, causing you illness or discomfort, you may wonder whether you can take legal action. Suing your neighbor or landlord is an option, but it should be your last resort. Lawsuits are time-consuming, expensive, and contentious, and the outcome is always uncertain. In a lawsuit regarding drifting tobacco smoke in an apartment building, the result is especially unpredictable because very few cases, and no state laws, are directly relevant.

Before suing, you should try to reach an agreement with your neighbor to limit where and when she smokes. You also could ask your landlord or property manager to make certain areas of the building smokefree. In addition, you could work to pass a law in your community to address the problem of drifting smoke in multi-unit residences. If these approaches fail, you may even want to consider moving.

If you reach the point where a lawsuit seems to be your only option, this fact sheet outlines several things to consider.

Evaluating Your Case

To help you evaluate your potential lawsuit, ask yourself three questions: What harm have I suffered? Who is responsible? And what do I want to get out of a lawsuit?

What harm have I suffered?

As a general rule, it is unwise to file a lawsuit unless you have suffered significant harm. Your chance of convincing a court that you have a justifiable legal claim is far better if you can show that you have been harmed badly by repeated, unwanted exposure to secondhand smoke in your apartment—for instance, if you have visited a doctor with frequent respiratory complaints, missed work due to illness caused by the smoke, stayed away from



Illustration by Susan Calver
© California Department of Public Health

home when you know your neighbor tends to smoke, or kept your windows closed in hot weather or your heater off in cold weather to prevent smoke from entering your unit.

Who is responsible?

Depending on your situation, it may be your neighbor and your landlord. Your neighbor could be responsible for harming you directly by smoking, and your landlord could be responsible for knowing about the drifting smoke and failing to do anything to protect you from it. So you may be able to sue both your landlord and your neighbor, or you may be able to sue only one or the other.

If you are considered to be disabled under state or federal law and secondhand smoke makes your condition worse, you might be eligible for special legal protections that are not addressed in this fact sheet. We have developed a separate fact sheet that applies specifically to people with disabilities, available at www.changelabsolutions.org/tobacco-con.mel.

 **ChangeLab Solutions**
Law & policy innovation for the tobacco puzzle

www.changelabsolutions.org - www.changelabsolutions.org/tobaccoquestions



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