



**Benefits of Adopting
Smoke-Free Policies in
Connecticut Housing**

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WHY ALL THE FUSS ABOUT “SMOKE-FREE”?


Why is there such concern about
secondhand smoke in workplaces, public
places and living spaces?

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SECONDHAND SMOKE IS DEADLY

- Surgeon General says there is NO “risk-free” level of exposure. SHS is a Group A carcinogen—a substance known to cause cancer in humans for which there is no safe level of exposure.
- No ventilation system is effective in removal of toxins; up to 65% air is still exchanged between units.


U.S. Surgeon General report, June 2006, Center for Energy & Environment, 2004.

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SECONDHAND SMOKE IS DEADLY


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 the health risk associated with indoor exposure is to ban smoking activity.”**

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SECONDHAND SMOKE IS DEADLY


A recent study (2010) from Washington University in St. Louis found that ventilation systems **do not** eliminate the risks associated with smoking in indoor establishments.

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SECONDHAND SMOKE IS DEADLY

- Secondhand smoke (SHS) has immediate adverse effects on the cardiovascular system, and causes an estimated 46,000 premature deaths from heart disease among nonsmokers.
- Nonsmokers exposed to SHS at home or work increase their risk of lung cancer by 20-30%.
- For every eight smokers the tobacco industry kills, it takes one nonsmoker with them.


CDC, "Health Effects of Secondhand Smoke," *Smoking and Tobacco Use*, 2010
Glantz, S.A.; Parnrey, W.W. Passive Smoking and Heart Disease. *Epidemiology, Physiology, and Biochemistry, Circulation* 1991, 83, 1-12.

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SECONDHAND SMOKE IS DEADLY

MORE deadly than vehicle exhaust, arsenic, lead, asbestos and a host of other toxins the government strictly regulates.


U.S. Surgeon General report issued June 2006.

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SECONDHAND SMOKE IS DEADLY

- Infants, children, and the elderly are especially vulnerable to the negative effects of secondhand smoke.
- Children exposed to secondhand smoke in the home are 44% more likely to suffer from asthma.
- Exposure to secondhand smoke has been linked to several diseases and disorders, including lung cancer, heart disease, sinus infections, SIDS and dementia in older adults.


U.S. Surgeon General report issued June 2006, ARC Report 2006

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SECONDHAND SMOKE IS DEADLY

- Secondhand smoke is of particular concern to elderly and disabled persons, especially those with heart or respiratory disease or disorders such as emphysema, asthma, COPD, cardiovascular disease, or allergies.
- As little as 30 minutes of exposure to secondhand smoke has been found to trigger heart attacks in older persons with pre-existing heart conditions.

U.S. Surgeon General report issued June 2006, J. Barnoya, MD, MPH; S.A. Glantz, PhD
"Cardiovascular Effects of Secondhand Smoke-Nearly as Large as Smoking," *Circulation*


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BUT WHY SHOULD WE CARE?

Smoking damages residential property.


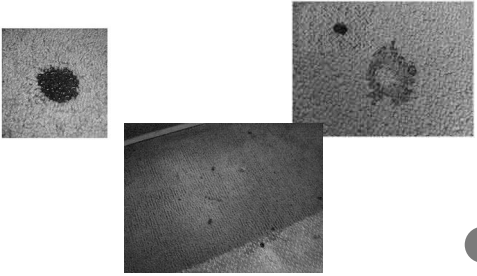
- Poses fire hazard (leading cause of residential fires deaths)
- Causes cigarette burn damage to carpets, counters, etc.
- Leaves smoke residue on walls and curtains

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CIGARETTE BURNS—CARPETS



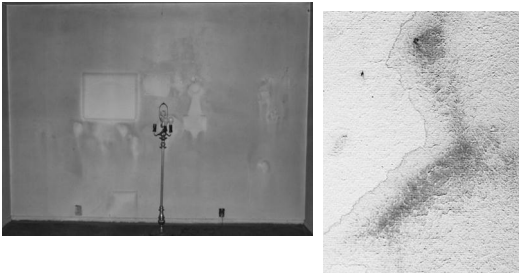
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CIGARETTE BURNS—FURNITURE




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CIGARETTE RESIDUE—WALLS



BUT WHY SHOULD WE CARE?



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BUT WHY SHOULD WE CARE?

The Monetary Impact			
Cost to Rehabilitate a Unit Where Smoking is Prohibited vs. a Unit Where Smoking is Allowed			
	Non-Smoking	Light Smoking	Heavy Smoking
General Cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1,425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
TOTAL	\$560	\$1,810	\$3,515


Data reflects surveys from housing authorities and subsidized housing facilities in New England. Collected and reported by Smoke-Free Housing New England, 2009.

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NOW A WORD FROM A LANDLORD...

"I have a smoke-free building with 4 units. Requiring the building to be smoke-free attracts tenants who appreciate living in healthy surroundings. Being smoke-free also helps keep my units and building cleaner." *-John D. Gwazdosky, private landlord*


"Auburn Housing Authority residents are already enjoying fewer conflicts with smokers as their numbers decline. Many smokers are smoking less, or even deciding to quit, due to the new smoke-free rule. These positive trends will save money for both residents and Auburn Housing Authority long term, as well as significantly improving our housing environments and the health of residents and staff." *-Richard Whiting, Auburn Housing Authority Exec. Director, Maine*



BUT WHY SHOULD WE CARE?

Fire in Connecticut Apartment Building Leaves 150 Homeless

Salem, April 26, 2010
Associated Press




ROCKY HILL, Conn. — A fast-moving fire swept through a large apartment complex in western Connecticut early Saturday, and authorities were looking for dozens of people who were unaccounted for.


No deaths had been confirmed, but Scandariato Fire Chief Matt Scandariato said he couldn't rule out the possibility that some residents may not have escaped.

He said Saturday morning that 100 of the estimated 150 residents of the five-story Garden apartment building in Rocky Hill had been located. He said that the fire started later in the day. It was taking 114 residents off the complex.

Scandariato said some people may have gone to sleep with lit cigarettes, but he added "It's a question still open. It's in our hands."



BUT WHY SHOULD WE CARE?



View this article online: <http://www.insurancejournal.com/news/2010/05/20/94703.htm>

'Smoking Materials' Blamed for Massive Connecticut Fire


By: J. J. ...

A fire chief in Norwich, Connecticut says the blaze that destroyed a large apartment complex last month was accidental and started when a resident improperly discarded smoking materials.

Chief Kenneth Scandariato said the April 26 fire at the Proctor complex started when the unspiced "smoking materials" ignited pine needles, foliage and a first-floor deck.

Scandariato did not disclose the resident's name, but said no charges would be filed.

More than 100 residents were displaced when the fire raged through the 120-unit complex, destroying both buildings. No injuries were reported, but tenants lost most or all of their belongings.



BUT WHY SHOULD WE CARE?

Man's smoking most likely caused fatal fire
By Steven D'Amico, Staff Writer
 Published 11:52 a.m., Tuesday, May 23, 2010

FAIRFIELD — The fire that took the life of a Parish Court Elderly Housing resident was likely caused by smoking, according to the fire marshal's office.


Bob Jordan, 75, died May 21 in Bridgeport Hospital from injuries sustained in a fire that happened the day before.

According to Fire Marshal William Kessler, the fire was "most probably caused by the careless use or misuse of smoking materials by the victim." Residents of the housing complex on Wade Terrace said Jordan was a heavy cigar smoker who frequently smoked inside his apartment. A tenant living above Jordan's apartment said she smelled cigar smoke from his apartment that evening before she went to bed.

Had it not been for timely notification from a monitored alarm system and rapid intervention by firefighters, Kessler said the fire would have "blazed over" and the entire contents of the apartment would have become engulfed in flames.


Had that occurred, the apartments above would have likely sustained heavy fire damage and their occupants been placed in harm's way," Kessler said.

"This is another example of an automatic alarm notifying us of a tragic fire," Fire Chief Richard Falser said. "It's why we take every alarm seriously and respond accordingly."

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NOW A WORD FROM A LANDLORD...

"Last week, while outside of my building, I noticed smoke coming out from between two buildings three houses away. I went to check it out (I'm a firefighter) and saw that the building was indeed on fire. The fire dept. quickly put it out, but the cause of all the damage and displacement of tenants was a discarded cigarette. I told my wife when I got home later that that should never happen at our building. If only more people would know. That made me really glad that my building was a smoke-free one."*-Lou Marin, private landlord*

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BUT WHY SHOULD WE CARE?

- Possibly save on property-casualty insurance
- Larger share of the market want smoke-free housing
- Liability

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PROPERTY CASUALTY INSURANCE

- Travelers , Vermont Mutual and Concord insurance are carriers known to provide insurance discounts for “comprehensive” fire-safe plans, which include the adoption of written smoke-free policies.
- Best to ask insurance provider if you are eligible for a discount as part of a comprehensive fire-safe plan.

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RESULTS FROM AROUND THE NATION


- **Guardian Management**- Nearly 3/4 of all residents were happy or very happy with the no-smoking rule. Among smokers, 43% reported smoking less tobacco since the policy's implementation.
- **Maine**- Numerous surveys conducted between 2004 and 2006 showed that 78% of tenants, smokers and nonsmokers alike, prefer to live in a smoke-free environment.
- **Washington State**- nearly 70% of renters very interested or interested in living in smoke-free housing (2003)
- **Los Angeles**- Telephonic survey found 69% favor requiring all apartment buildings to offer nonsmoking sections (2004).
- **Oregon**- Portland metro-area survey found that 75% of renters say they would choose a smoke-free rental, "other things being equal".

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WHAT TENANTS SAY...


"I had to move out of the last apartment I rented because of the second-hand smoke that came in from the unit next to mine. I would wake up to the smell of smoke and in my living room and closets. I tried to prevent the filtering in by placing padding up against the baseboard and the flooring, however, the smoke still seeped through. After that experience, I will only rent at a building that has a smoke-free policy in writing." *Michelle, tenant in privately owned multi-unit*

"Since I've moved to a tobacco-free apartment complex I no longer need my inhaler. Its great to breathe clean air without the secondhand smoke from other apartments." *-Claude Lajoie, elderly tenant in subsidized housing facility*

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BUT WHY SHOULD WE CARE?

- A majority of the market wants to live in smoke-free housing.
- Smoke-free living is becoming the norm, not the exception in the many venues we work, play and reside.
- Legal action taken against landlords who *allow* smoking in their buildings (ADA and FHA protections).

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BUT, ISN'T SMOKING A "RIGHT"?

- There is no legal right to smoke.
- There is NO state or federal law prohibiting smoke-free multi-unit policy implementation.
- Nothing stops a landlord from prohibiting smoking on their property

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IN FACT

Tenants negatively impacted by secondhand smoke actually have the right to seek legal action against landlords who do not make adequate provisions to protect them from secondhand smoke.

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AND, THE ADA & FHA SAY

- Persons cannot be discriminated against in workplaces, public places or in housing due to disability; severe breathing problems constitutes a disability.
- Facilities are required to provide reasonable accommodations to persons with severe breathing disabilities, including possibly making the facility totally smoke-free.

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CASE LAW

- U.S. Department of Housing and Urban Development (HUD) and Kirk and Guilford Management Corp. and Park Towers Apartments*, HUD Case No. 05-97-0010-8, 504 Case No. 05-97-11-0005-370 (1998). Tenant with a respiratory condition aggravated by second hand smoke filed complaints against her (HUD subsidized) apartment management. The case settled, with management agreeing to implement a smoke-free policy by grandfathering in current residents and including an indoor smoking ban in all new leases.
- USA v. Seattle Housing Authority*, Case No. C01-1133L, C01-1133L (W.D. Wa., 2002). Tenant with a respiratory condition aggravated by secondhand smoke requested to be relocated as a 'reasonable accommodation' under the Fair Housing Act. Court required Seattle HA to revise its accommodation policy and held that requested transfer would be a "reasonable accommodation." (Since, Seattle HA has adopted a comprehensive smoke-free policy)

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REASONABLE ACCOMMODATION

- The Americans with Disabilities Act expressly provides that the Act does not require the accommodation of smoking.
- "Reasonable accommodation" vs. "preferred accommodation"
- If designated smoking areas are made available in outdoor areas the walkways must be properly maintained (i.e. cleared of ice and snow and other safety hazards) as one would walkways to any common area of the property.


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MEDICINAL MARIJUANA


- Medicinal marijuana use has increased as more states begin legalizing its prescription and use.
- CT is currently looking at legislation to legalize the use of medicinal marijuana.
- Owners of federally-subsidized multi-unit properties may institute smoke-free policies that include a prohibition on the use of medical marijuana. Even in the absence of a smoke-free policy (tobacco), both the applicable federal statutes and the policy of HUD prohibit the use of any form of medical marijuana in public housing and other HUD-assisted housing.

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CONNECTICUT SPECIFIC INFORMATION




- ~ Less than 16% of Connecticut's adult population smokes (lowest % in NE).
- ~ 79.5% of Connecticut homes have voluntary smoke-free policies.

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CONNECTICUT SPECIFIC INFORMATION

- ~ Smoke-free living is the norm...
- ~ Nursing homes, rest homes, homes for the elderly, home health care agencies, and college dormitories are all required to be smoke-free by State law.

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WHO IS GOING SMOKE-FREE?


- Housing authorities
- Private developments (subsidized and market-rate)
- "Mom and Pop" landlords
- Condominium associations
- Behavioral health facilities
- Group homes and transitional housing developments
- Nursing and assisted living facilities

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GOVERNMENT SUBSIDIZED HOUSING


- Smoke-free housing messaging is part of the growing "Healthy Housing" and "Green Housing" movements.
- The smoke-free housing initiative is supported by key federal agencies, including the CDC, EPA and HUD.




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GOVERNMENT SUBSIDIZED HOUSING

- On July 17, 2009, the Department of Housing and Urban Development released NOTICE PIH-2009-21 (HA) titled, "Non-smoking Policies in Public Housing." This official memo states: "This notice strongly encourages Public Housing Authorities (PHAs) to implement non-smoking policies in some or all of their public housing units."
- On September 15, 2010, a similar notice was sent to all HUD affiliated housing providers.




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WHAT CAN LEGALLY BE DONE?

HUD Handbook 4350.3 Rev-1 states:

- "Owners are free to adopt reasonable rules that must be related to the safety and habitability of the building and comfort of the tenants. Owners should make their own informed judgment as to the enforceability of house rules."


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GOVERNMENT SUBSIDIZED HOUSING

To adopt a smoke-free policy in subsidized housing:


- Add a smoke-free clause to house rules. As long as the smoke-free policy meets the standard HUD criteria for house rules, this policy change does not require HUD approval **OR**
- Make a smoke-free policy a condition of the lease. Those using HUD's model lease are required to seek HUD approval before any lease changes can be made **OR**
- Adopt a lease addendum.

HUD requires at least 30 days notice of lease change or adoption of a house rule. A tenant's lease may not be changed without their consent before the date of lease renewal, unless otherwise specified in the lease.

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WHAT ARE THE STEPS INVOLVED IN ADOPTING A SMOKE-FREE POLICY?

1. **Make a plan.** Start by creating a plan to make the entire residence smoke-free.
2. **Hold a Meeting.** Gather with tenants to discuss the change. There may be resistance, but remember, non-smoking tenants have rights under their leases, too.
3. **Inform Tenants.** Review the legal information concerning your rights and your tenants' rights.
4. **Amend New Leases.** Change the language of your lease to include your new smoke-free policy. When new tenants sign on, your policy will be crystal clear.
5. **Promote Your Status.** Begin advertising your smoke-free status to gain new tenants who appreciate a clean air environment.

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ADOPT NEW LEASE LANGUAGE

- Add these provisions to the leases for apartment complexes.
- Determine new buildings to be smoke-free as you develop them.

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HOW DO LANDLORDS COMMUNICATE THE POLICY CHANGE TO TENANTS...EFFECTIVELY?

- **Meetings**
 - Scheduling group meetings, especially at large developments, is an efficient way to notify all your residence of policy change
- **Letters**
 - Notification should always be in writing so that both you and the tenant of record of communication about the policy
- **Signage**
 - Tenants, and especially their guests, will need to be reminded that there is no smoking in your building. Post no-smoking signs around so everyone is aware

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WHAT ABOUT GRANDFATHERING?

- As long as tenants are grandfathered, people are still being exposed to secondhand smoke.
- Grandfathering clauses are meant to help transition current, smoking tenants into the policy, not as a permanent provision of the smoke-free policy.
- There is no reason a tenant should be grandfathered for more than 6 to 12 months. When leases are renewed, all tenants, should be expected to obey the smoke-free policy for the health, and benefit, of all parties.

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WHAT ABOUT ENFORCEMENT?

- Pre-policy anxiety is much worse than reality.
- Tenants want this! They will be the enforcers.
- People are used to 'taking it outside'.
- If non-smoking is included as a lease provision, you may evict based on a violation of the clause.

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WHAT ABOUT ENFORCEMENT?

- Provide adequate signage to remind both tenants and guests of the policy.
- Offer tenants information or access to cessation/treatment programs available.
CT Quitline at 1-800-784-8669
- For properties with high smoking rates, and land, create outdoor designated smoking areas.

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REMEMBER...

**Smoke-free policies
are about the smoke,
not the smoker!**

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CONTACT US

- www.smokefreehousingNE.org
- Amy.smokefreehousingne@gmail.com
- Sample leases, tenant surveys and communication
- Fact sheets, talking points and technical assistance

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CONTACT THE MATCH COALITION

- www.matchcoalition.com
- (860) 838-4379

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