FAQ
Smoke-Free Multifamily Housing

1. What is secondhand smoke?

When people use smokable tobacco, it emits many chemicals and substances into the air around them.

In fact, these particles can stay in the atmosphere for hours and be spread around a 20 foot diameter, according to the National Institutes of Health.

Secondhand smoke is a mix of mainstream smoke—the smoke exhaled by a smoker—and sidestream smoke from the burning tobacco product.

"When someone smokes a cigarette, most of the smoke doesn't go into their lungs. It goes into the air, where anyone nearby can breathe it," WebMD states. "Even people who try to be careful about where they light up may not protect those around them."

2. Why is secondhand smoke so dangerous?

Particles emitted from tobacco smoke enter people's systems and wreak havoc—bad for smokers, but also bad for those experiencing secondhand exposure.

Secondhand smoke contains more than 7,000 chemicals.

"Hundreds [of these chemicals] are toxic, and about 70 can cause cancer," according to the CDC. "Since the 1964 Surgeon General's Report, 2.5 million adults who were nonsmokers died because they breathed secondhand smoke."

"There is no risk-free level of exposure to secondhand smoke."

Researchers have linked secondhand smoke exposure with cancers of the:

- Larynx (voice box)

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- Pharynx (throat)
- Brain
- Bladder
- Rectum
- Stomach
- Breast

“Some of the health conditions caused by secondhand smoke in adults include coronary heart disease, stroke, and lung cancer,” according to the CDC.

Children experience some of the worst effects of exposure to secondhand smoke.

“Secondhand smoke is responsible for between 150,000 and 300,000 lower respiratory tract infections in infants and children under 18 months of age, resulting in between 7,500 and 15,000 hospitalizations each year. It also causes 430 sudden infant death syndrome (SIDS) deaths in the U.S. annually,” according to the American Lung Association. “Secondhand smoke exposure may cause a buildup of fluid in the middle ear, resulting in 790,000 doctor’s office visits per year, as well as more than 202,000 asthma flare-ups among children each year.”

This issue is potentially worse amid the COVID-19 pandemic.

One study in *Environment International* called airborne transmission high plausible. Another study in *Clinical Infectious Diseases* acknowledged that “there is more than enough supporting evidence [for airborne transmission] so that the precautionary principle should apply.”

Indeed, many scientists, epidemiologists, clinicians, and others “argue that the spread of COVID-19 by aerosols (that is, tiny droplets that can remain airborne long enough to travel significantly farther than the six-foot separation we’ve been told to observe) is both real and dangerous,” according to *Scientific American*.

Mainly, if airborne or aerosol transmission of COVID-19 is possible, it has implications for secondhand smoke exposure.

3. Why is secondhand smoke particularly dangerous inside multifamily housing, like apartments, condominiums, and duplexes?

Does someone smoke in a unit within your multifamily housing (apartment, condo, etc.)?

You might be inhaling your neighbor’s secondhand smoke.

Inside multifamily dwellings, secondhand smoke can travel through doorways, halls, windows, ventilation systems, electrical outlets, and gaps around fixtures and pipes. People in multifamily dwellings share air with everyone in the building.

More than 1 in 3 nonsmokers who live in rental housing are exposed to secondhand smoke, as are 2 in 5 children—including 7 in 10 African-American children, according to the CDC. Also, nearly 24% of Mexican American-nonsmokers were exposed to secondhand smoke. This makes secondhand smoke exposure a racial/ethnic justice issue, too.

Any family member in multifamily housing can potentially develop health problems related to secondhand smoke exposure, according to the American Cancer Society.

"Multi-unit housing where smoking is allowed is a special concern and a subject of research. Tobacco smoke can move through air ducts, wall and floor cracks, elevator shafts, and along crawl spaces to contaminate units on other floors, even those that are far from the smoke," the agency wrote. "[Secondhand smoke] cannot be controlled with ventilation, air cleaning, or by separating smokers from non-smokers."

4. What are the options for reducing secondhand smoke exposure in multifamily housing?

In the absence of a full smoke-free multifamily housing policy that prevents smoking within units, there is no other way to completely stop secondhand smoke in such dwellings.

This is because the movement of smoke between units cannot be controlled.

Ventilation and other air filtration technologies cannot eliminate all the health risks caused by secondhand smoke exposure, according to the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE).

"Secondhand smoke flows between units through air filtration systems and other means. It cannot be contained. Multifamily buildings share air ducts or vents, which means a lit cigarette in one unit can easily transmit tobacco smoke into another unit," according to HUD. "Even in modern buildings designed to minimize air transfer among units, there is no way to guarantee that smoke will not be blown from unit to unit through open windows. A recent public housing study identified movement of smoke among units and evidence of improved air quality in buildings with smoke-free policies."

Short of a full smoke-free policy for multifamily housing, a few other options exist to reduce smoking in multifamily housing.

First, tenants living in these kinds of residences can submit a complaint to their property manager or their landlord that can also serve as a request for that property to go smoke-free. There is nothing preventing a landlord or property management company from voluntarily making all their units go completely smoke-free.

Another route is property managers and landlords establishing dedicated smoking areas outside and away from housing units. This gives those who use tobacco products a place to smoke while reducing the harm caused to their neighbors. Some cities have implemented a strategy that gives multifamily properties the option to designate some apartments for smokers and the others for nonsmokers. The only issue with these strategies is that, as previously stated, smoke can travel far — infecting those in the vicinity.

Thus, smoke-free policies remain the only way to truly prevent exposure to secondhand smoke in multifamily units, according to HUD, ChangeLab Solutions, and other health experts.

The ventilation industry leaders ASHRAE agree.

“At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity,” according to their 2010 position statement that they reaffirmed in 2019.

5. What does a smoke-free policy in multifamily housing look like?

Private property owners have the legal right to adopt policies prohibiting smoking in all indoor areas of their buildings. This includes living units or on any part of their property, according to the American Lung Association.

Cities also can enact smoke-free multifamily housing policies.

“A city council or county board of supervisors can pass a [smoke-free multifamily dwelling] ordinance that becomes part of the municipal code that applies everywhere within city or county borders,” according to ChangeLab Solutions.

“Most smoke-free housing laws prohibit smoking in both common areas and individual units, and create smoke-free buffer zones around nonsmoking areas, doors, and windows,” the group wrote. “Smoke-free housing laws may include a variety of enforcement options, from imposing fines to empowering residents to pursue additional legal remedies.”

In California, over 60 cities have passed smoke-free multifamily dwelling laws. Berkeley, Calif., for example, prohibits smoking in all units and common areas of multi-unit housing.

Fueled by the testimony of Latinas who spoke up about their exposure to secondhand smoke in the apartments where they live, Dominic Aliano and other leaders in Concord, Calif., drafted a smoke-free multifamily housing policy to prohibit smoking in individual units and common areas. Here's how they did it: https://salud-america.org/dominic-aliano-making-multifamily-housing-smoke-free-for-his-community/.

ChangeLab Solutions crafted a customizable ordinance based on California's success.

The Public Health Law Center and American Lung Association also created a model smoke-free ordinance in July 2020.

In San Antonio, the city's public housing authority banned smoking in its public housing units in 2012. Moreover, on Dec. 5, 2016, the U.S. Department of Housing and Urban Development (HUD) finalized a rule that requires all public housing agencies across the nation to implement a smoke-free policy by July 30, 2018.

"The policy requires agencies to prohibit use of all lit tobacco products inside all dwelling units, indoor common areas, and agency administrative office buildings," according to the HUD website. "The smoke-free policy must also extend to 25 feet from all housing and administrative buildings."

But HUD's rule only applies to public housing, not privately owned multifamily housing.

6. Does a city policy for smoke-free multifamily housing infringe on smokers' rights?

No, according to HUD.

Smoke-free policies are legal.

Smoke-free policies also are not discriminatory because they do not prohibit anyone from renting a unit. They merely set rules for activities permitted on the property. There is no legal or constitutional right to smoke.

One quarter of U.S. residents—approximately 79 million people—live in multifamily properties. This includes houses attached to 1 or more other houses and buildings with 2 to 50 or more apartments, according to HUD.

The majority are nonsmokers. But about half are exposed to secondhand smoke.

The American Lung Association also shares a wide variety of videos, stories, and case studies of the beneficial impact of smoke-free housing policies (and quitting smoking).

"There might be a kid in the next door of [a smoker's] apartment. That kid's getting harmed by someone, their neighbor, smoking," said Marcie Timmerman of Mental Health America in a video about Kentucky public housing. "When we came in with education about secondhand smoke, and even thirdhand smoke, and how that can make a whole building sick, we really changed that narrative. We turned it around. It wasn't targeting a single person, it was investing in the health of everyone who lives in those facilities."

7. How would a smoke-free policy impact private apartment, duplex, or condominium owners?

Smoke-free policies in multifamily dwellings are "fiscally responsible," according to HUD.

Here are just a few ways smoke-free policies benefit:

- **Cost savings.** Smoking in units can lead to serious property damage and increase the amount of time it takes to turn over a unit between residents. Also, the U.S. Fire Administration reports that smoking-related fires result in $326 million in property damage every year.
- **Maintenance savings.** Turning over a smoking unit can take more time and cost up to seven times more than turning over a smoke-free unit, resulting in a longer vacancy status and further increasing the wait for housing for qualified tenants.
- **Insurance savings.** Having a smoke-free policy is an opportunity to ask for reduced insurance costs. Although most insurance companies do not yet offer a specific credit for smoke-free policies, they are more likely to reward proactive clients with lower premiums.
- **Reduced legal liability.** Smoke-free policies can help avoid lawsuits because residents, staff members, and maintenance workers can file lawsuits over secondhand smoke. Claims may be based on legal precedents for nuisance, warranty of habitability, or the covenant of quiet enjoyment. Landlords, management companies, and smokers may all be found liable in such cases.
- **Protect the health and safety of residents and staff.** Secondhand smoke is a known human and animal carcinogen. This is a serious health threat to residents and staff, old and young, and pets and service animals. Smoking in the home is the leading cause of residential fire deaths and injuries. Almost 1,000 people die every year in smoking-related fires; half are tenants in multifamily dwellings, and a third of them are children.

8. How much support is there for a smoke-free policy among tenants in multifamily housing?

In a 2018 national survey, only 23% reported currently living in smoke-free multifamily housing.

But, of those who did not live in smoke-free buildings, over half (56%) reported preferences for smoke-free policies, indicating there is more demand for smoke-free housing than supply.

Nonsmokers are the majority in every state, and other surveys show that many smokers already choose not to smoke inside to protect the health of their families and prevent damage to their belongings, according to research cited by the American Nonsmokers' Rights Foundation.

"65% of Charleston, SC apartment residents would prefer to have a policy in their building that prohibited smoking in all indoor areas. However, only 9% of apartment residents in this survey reported living in a smokefree building. About 43% of Bismarck, ND multiunit residents who currently reside in smoking-allowable housing reported they would be willing to pay more per month to live in a smokefree building, assuming the two apartments were the same in other regards," said the American Nonsmokers' Rights Foundation.

"High support for such policies, along with the low prevalence of current smokefree policies, could result in a large market opportunity for multiunit housing operators who implement smokefree policies in your area."

9. How can a smoke-free multifamily housing policy be enforced?

A smoke-free multifamily housing policy is a first step toward healthier air for all people in apartments, duplexes, and condominiums.

Communicating about the policy is critical for the transition.

"Communicate what the policy requires residents and their guests to do, and what the consequences are for violating the policy. Send a letter to residents when the policy is adopted, and again when the policy goes into effect," suggests the American Nonsmokers' Rights Foundation. "Hold a meeting for residents before the policy goes into effect to discuss the policy change to allow residents to voice concerns and get answers to their questions in person. Provide information about how to access local cessation resources in case residents who smoke are interested in quitting."

Enforcement is just as important.

City governments and private businesses will need to draw up plans on how multifamily units will be kept smoke-free. One of those ways is by putting measures in place that could lead to a

termination of a tenant's lease if their behavior dictates the regulations in place, according to the Public Health Law Center at the Mitchell Hamline School of Law.

Still, these experts suggest a graduated approach to making multifamily housing smoke-free.

The graduated approach gives landlords and property managers time to implement this process over a previously-set timeframe. Some city governments have given multifamily housing properties a year or more to implement the ordinance. This kind of approach also gives tenants who smoke time to arrange a different living situation, which helps battle against homelessness or housing insecurity.

That way, low-income residents who are smokers would not face housing insecurity due to their addiction.

"A graduated enforcement structure helps ensure better compliance with a smoke-free policy by providing multiple steps for enforcement and providing the opportunity for residents to change their behavior before infractions rise to the level of lease termination," their report states. "If eviction is used to enforce the policy, it should be used only as a last resort. Concerns have been expressed that smoke-free policies could serve as a pretext to remove tenants for other reasons. A graduated enforcement structure helps guard against this by creating a multistep enforcement process that includes efforts to work with tenants who are facing the challenge of overcoming nicotine dependence or addiction."

10. What else can we do to promote clean indoor air?

You can participate in UT Health San Antonio's "*Mil Gracias* for Not Smoking Indoors!" campaign.

The *Mil Gracias* campaign is led by a group of local health experts: Dr. Amelie G. Ramirez, health disparities researcher and director of *Salud America!* at UT Health San Antonio; Dr. Claudia Miller, allergist/immunologist and professor emeritus at UT Health San Antonio; and Dr. Mandie Svatek, a pediatrician at UT Health San Antonio who leads the South Texas Asthma Coalition.

At the campaign website, you can take three big actions:

1. Email a "thank you" message to a smoker for not smoking indoors to keep our families healthy.
2. Sign a letter to acknowledge the harms of secondhand smoke exposure.
3. Share the benefits of reducing secondhand smoke in multifamily dwellings.

Mil Gracias aims to help people understand the dangers of secondhand smoke and take action to prevent any possible spread of the coronavirus and other tobacco-related health problems.

Quitting smoking isn't easy, as nicotine is addictive.

But the impact is immediate.

"Quitting will help your lungs and heart to work better from the moment you stop. Within 20 minutes of quitting, elevated heart rate and blood pressure drop. After 12 hours, the carbon monoxide level in the bloodstream drops to normal," according to the World Health Organization (WHO). "Within 2-12 weeks, circulation improves and lung function increases. After 1-9 months, coughing and shortness of breath decrease. Quitting will help to protect your loved ones, especially children, from exposure to second-hand smoke."

You can get help from the free *Quitxt* Program from Ramirez' team at UT Health San Antonio.

The *Quitxt* program, developed with the support of the Cancer Prevention and Research Institute of Texas, is a bilingual service for smartphones that sends messages via text or Facebook Messenger to help coach and encourage people on the journey toward smoking cessation.

Messages are culturally and regionally tailored to support young adults, including help using nicotene replacement options, such as gum, patches, and lozenges.

UT Health San Antonio and SA Metro Health also offer other quit-smoking services. Get individual tobacco cessation counseling led by UT Health Physicians by calling 210-450-9100. "Smoking is an extraordinarily potent addiction for which many excellent treatments and support systems are available right now," Ramirez said.

11. How do I find out about other public health equity issues specific to my community?

You can go beyond smoke-free multifamily housing policies in your community.

Download *Salud America!*'s Health Equity Report Card for your county. You'll see local maps, gauges, and data that reveal place-based inequities in housing, transportation, education, food, environmental issues, socioeconomic status, health outcomes and more.

Look for local reports from institutions or organizations on: community health, health disparities, diabetes, heart disease, depression, suicide, life expectancy, adverse childhood experiences, poverty, income inequality, housing affordability, transportation affordability, food insecurity, high school graduation rates, domestic violence, and incarceration rates. Find out if your city has a map of previously redlined neighborhoods.

You can also email us to help you find more relevant data, at saludamerica@uthscsa.edu.

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