

GREEN INITIATIVES:
SMOKEFREE TRENDS
MULTI-UNIT HOUSING



GASP

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Audience and Purpose

- Residential property owners and managers
- Housing industry professionals
- Policy makers

- Who would like to learn about the **economic and health benefits** of smokefree policies for multi-unit housing.

Smokefree housing trend

- In recent years, landlords, property managers, and Public Housing Authorities (PHAs) across the nation have taken the initiatives to create smokefree housing policies (house rule or lease amendment).
- As of August 2009, 120 PHAs in 17 States, have a smokefree policy.
- Examples of NJ PHAs with smokefree policies: Madison, Ocean City, Woodbridge, Summit.
- Behavior of smoking is restricted; not banning the person who smokes.

Mid-Atlantic states with smokefree air laws

- Mid-Atlantic states have comprehensive statewide smokefree air laws, which may contain provisions that require common areas in multi-unit housing – check your state law:
 - New Jersey
 - New York
 - Connecticut
 - Pennsylvania
 - Delaware
 - Maryland
 - DC

NJ private settings 100% smokefree

- **2006 NJ Smoke-free Air Act (N.J.S. 26:3D-55) and 2007 NJ Dept of Health rules:**
 - Common areas of multi-unit housing (foyers, hallways, stairwells, laundry rooms, common rooms, elevators, etc.)
 - No wafting from outside to interior of building.
 - All college dormitories, public and private.
 - Faculty housing, rectories, convents when open to public, students, or a workplace
 - Nursing homes, residential healthcare facilities

- Drug treatment facilities
- Correctional facilities
- **Resource family homes/cars**
 - N.J.A.C. 10:122C-7.2(a)(3)
 - Defines resource family homes as foster homes, adoptive homes, family friend homes and relative care homes. NJ law requires to be smokefree:
 - Resource family homes
 - Vehicles transporting the resource family child
 - Outdoors when resource family child is present

<http://www.state.nj.us/dcf/divisions/licensing/RFmanual.pdf>

Pennsylvania: protects children in childcare or state/county custody

Pennsylvania law: no smoking in private homes or vehicles

- being used for child-care, or
- “services related to the care of children and youth in state and county custody”,
Pennsylvania
- Clean Indoor Air Act (Senate bill 246), effective Sept. 11, 2008. \$250 fine.

<http://www.postgazette.com/pg/08293/921162-454.stm>

Child custody based on SHS exposure

- New Jersey Family Courts review a checklist to determine child custody and visitation: **what is in the best interest of the child.** *Health and Welfare of the child* is one category in the checklist.
- **Two precedent setting NJ court cases:**
 - 1994 Unger v. Unger – can't smoke in home/car
 - 2003 Montufar v. Montufar – can't smoke in mother's/grandparent's homes and cars.
- **Other states** may have similar child custody statutes.

Why smokefree multi-unit housing?

- **“Strongly encouraged”** by U.S. Department of Housing and Urban Development (HUD), July 2009 Notice
- HUD Healthy Homes program, supported by U.S. Surgeon General
- EPA/HHS Smokefree Homes and Cars Program for Head Start Families
- **“Green”** incentives
- Economics – reduced operating costs

Why smokefree multi-unit housing?

- Reduce fire risk/damages
- Limit liability
- High market demand
- Support from associations and media
- Protect health
- Global trend

Secondhand smoke migrates into units

- **SHS migrates, wafts, seeps:**

- from one apartment/condominium to another (through floorboards, electrical outlets, shared ventilation/heating units).
- ETS drifts from an indoor common area, like a hallway, into a private unit, and visa versa.
- ETS drifts up from a private patio/balcony or window, into the private unit above.
- ETS drifts from an outdoor common area, into a private unit.

HUD Notice PIH-209-21 (HA)

- On July 17, 2009, HUD) issued a Notice:
 - “***PHAs are permitted and strongly encouraged*** to implement a non-smoking policy at their discretion”
 - “... in some or all of their public housing units”
 - “... this notice will enhance the effectiveness of the Department’s efforts to ***provide increased public health protection for residents of public housing.***”
 - “***Smoking is also an important source of fires*** and fire-related deaths and injuries.” (emphasis added)

HUD Notice PIH-209-21 (HA)

- Notice refers to U.S. Green Building Council and Indoor Air Quality (IAQ) requirements:
 - “[Environmental Tobacco Smoke] ETS is known to be an indoor air pollutant; as a ***result it would be difficult for a PHA to achieve good IAQ in its buildings if residents are allowed to smoke***, especially indoors. “
 - “If a PHA does conduct renovations to improve IAQ ***without also implementing a non-smoking policy, the IAQ benefits of the renovation will not be fully realized.***”
 - ***A non-smoking policy is an excellent approach*** for those PHAs that are trying ***to achieve improved IAQ without the retrofit costs.***

Implementing HUD Notice

- PHAs can create a 100% smokefree **“house rule” or model lease policy**
 - GASP can provide models/samples
- “PHAs should consult with their resident boards...” (HUD Notice, para. 4)
- **Grandfathering** only required for as long as the NJ state law requires.
- **See GASP brochure** for step-by-step implementation process.

HUD Healthy Homes Program

- **Tobacco smoke is listed on HUD's website as a trigger for allergies and asthma.**

<http://www.hud.gov/offices/lead/healthyhomes/allergens.cfm>

<http://www.hud.gov/offices/lead/healthyhomes/asthma.cfm>

- **HUD's strategic plan for their *Healthy Homes* program, supports the Surgeon General's June 2009 Call to Action to Promote Healthy Homes:**

<http://www.surgeongeneral.gov/topics/healthyhomes/transcript.html>

<http://www.hud.gov/offices/lead/hhi/index.cfm>

<http://www.hud.gov/offices/lead/healthyhomes/index.cfm>

HUD Healthy Homes Program

- The fifth of HUD's *Seven Healthy Homes Principles* addresses secondhand smoke:

"Keep your home Contaminant-Free: Chemical exposures include lead, radon, pesticides, volatile organic compounds, and **environmental tobacco smoke. Exposures to** asbestos particles, radon gas, carbon monoxide, **and second-hand tobacco smoke are far higher indoors than outside."**

Green Incentives

- **2009 Federal stimulus funding application *awards 1 point for 100% smokefree PHA policy*:**
 - HUD 2009 Notice of Funding Availability (NOFA) for Capital Fund Recovery Competition Grants under the American Recovery and Reinvestment Act of 2009
 - PHA agrees to “**enforce a ‘no-smoking’ policy in all common and individual living areas in all buildings**”
 - page 79 of Notice, "**Strategy for Green Communities**"
<http://www.hud.gov/offices/pih/programs/ph/capfund/ocir/recoverynofa.pdf>
 - Application deadline August 2009; future grants may include similar point award for 100% smokefree policy.

Green Incentives

- **U.S. Green Building Council's** silver, gold and platinum LEED designations:
 - **Platinum** designation only given to 100% smokefree buildings
- **Enterprise Community Partners' Green Communities** initiative
 - awards **2 points** (criteria 7.17): loans, grants and low-income housing tax credits
- 100% smokefree designation can provide other tax credits, financial incentives and benefits

Economics – Reduced Operating Costs

- **Smoking unit rehabs cost between \$500 to \$8000!**
- Lower rehab costs for smokefree units: no need to repair or replace carpeting, floors, fixtures, countertops or appliances damaged by burns or nicotine stains.
- Faster turnover time for smokefree units due to less preparation and repainting (one coat of paint vs. wash, prime and paint walls).
- Less wear 'n' tear on ventilation systems.
- Discount on property casualty insurance.
- Lower fire risk means reduced damage costs.

Reduced Fire Risk and Damage

- Smoking is lead cause of residential fires.
- Smoking near portable oxygen equipment has resulted in explosions and fires.
- National Fire Prevention Association recommends no smoking during home oxygen use in any portion of a residence.

Limit Liability

- **Help avoid potential legal liability** due to nonsmoking tenants' exposure to SHS:
 - Breach of warranty of habitability / quiet enjoyment
 - Nuisance / trespass
 - complaints under the Fair Housing Act
 - Workers entering units where smoking takes place:
 - Violations of NJ Law Against Discrimination
 - Violations 2009 Americans with Disabilities Act Amendment Act

High Market Demand

- Woodbridge and Summit PHAs report approximately 90% of PHA apartments are nonsmoking, prior to their smokefree policy.
- 80+% of New Jerseyans are nonsmokers; 70% of smokers want to quit.
- Fewer units vacated in a smokefree building; no smoke seepage problems that cause tenants to move.

Support from Associations/Media

- **National Center for Healthy Housing**
 - **Green and Healthy Housing initiative**
 - ***Reasons to Explore Smoke-free Housing***
(pamphlet)
http://www.nchh.org/Portals/0/Contents/Green%20Factsheet_Smokefree.pdf
- July/August 2009 issue of *Apartment Insight* magazine article:
“The trend towards smokefree apartments is expected to spread across the nation, driven by consumer demand.”

Support from Associations/Media

- July 2009 Newsweek Letter to the Editor:
“Most important, [smokefree] means a healthier life for children.”
- National Apartment Association’s UNITS December 2007 magazine article:
“Fortunately, what is in the best interest of resident health is also in the best interest of community owners’ bottom lines.”

Protect Health

- Protect family members, visiting social service workers and building maintenance workers from SHS:
 - **chronic exposure to secondhand smoke is almost as deleterious to one's health (80%), as being a pack-a-day smoker.**

2005 UCSF study published in the journal *Circulation*

Protect Health

- **Protect family pets:**
 - SHS is especially hazardous for infants, children, the elderly, and people with chronic diseases, cancer, or breathing disabilities.
 - Cats exposed to SHS were twice as likely to develop the feline lymphoma.
 - Pets can develop respiratory infections, lung inflammation or asthma when breathing in SHS.
www.fluffyquits.com, Erie-Niagara Tobacco-Free Coalition, New York



I love you...



...but the smoke is *killing* me!

Remember, when you smoke
so does your pet!



WNY
Veterinary
Medical
Association



Erie-Niagara
Tobacco-Free
Coalition



For help call
1.800.QUIT.NOW

SMOKEFREE and SO FREAKIN' HAPPY



Medical and public health community support

- U.S. Surgeon General's Report; EPA, HHS
 - Head Start smokefree homes/cars program
 - We Sabemos smokefree homes program
- CDC Recommendations
- World Health Organization
- Canada, UK, other countries

U.S. Surgeon General's 2006 Report

- **The home remains the most serious venue for secondhand smoke exposure, more so than workplaces. In the U.S.:**
 - Almost 60% of children ages 3-11 (approx 22 million children) are exposed to SHS.
 - 25% of children ages 3-11 live with at least one smoker.
- **Smoke-free rules in vehicles and homes can reduce SHS exposure among children and nonsmoking adults (Section IV).**

U.S. Surgeon General's 2006 Report

- **Health effects of SHS on children:**
 - sudden infant death syndrome
 - preterm delivery
 - low birth weight
 - childhood cancer risks

(Ch. 5, pp. 242-243)

- **Studies show that SHS can lead to:**
 - An increase in fetal mutation
 - Increased risk of miscarriage

U.S. Surgeon General's 2006 Report

- **Smokefree homes protect** children, pregnant women, nonsmoking adults, esp. with health conditions, and sets a good example.

<http://surgeongeneral.gov/library/secondhandsmokereport> , chapters 5 and 10.

EPA Smokefree Homes Program for Head Start Families

- A review of the 2002-2005 Head Start Program Information Report (PIR) shows **asthma as the most frequently reported chronic health condition by Head Start programs nationwide.**
- **February 2007 MOU between EPA and U.S. Dept of Health and Human Services (HHS)**
http://www.epa.gov/iaq/headstart/headstart_mou.html

EPA Smokefree Homes Program for Head Start Families

- **To educate** staff and parents of Head Start and Early Head Start programs on the importance of reducing children's exposure to environmental asthma triggers and the harmful effects of secondhand smoke.
- **To promote and distribute** EPA's Asthma and Smoke-Free Homes Program messages and educational materials to Head Start and Early Head Start programs.

<http://www.epa.gov/iaq/headstart/index.html>

<http://www.epa.gov/smokefree/index.html>

- **Outreach to 1 million Head Start families:**
 - Community events
 - Brochures, placemats, decals
 - Smokefree homes action kit CD-Rom
 - Pledge posters
 - Booklets on local programs promoting smokefree homes

<http://www.epa.gov/smokefree/>

<http://www.epa.gov/iaq/headstart/index.html>

<http://www.epa.gov/smokefree/publications.html>



2007 U.S. Surgeon General's campaign

- Announced September 18, 2007.
- **Goal: reduce SHS exposure to children younger than 7 years old, to 6% by 2010.**
- Partner with parents and community groups.
- Pediatricians to screen children for parents who smoke, distribute cessation materials.
- **Sabemos “We Know” toolkit** for Hispanic community, on protecting children from SHS.
http://www.cdc.gov/tobacco/secondhand_smoke/sabemos/

2007 U.S. Surgeon General's campaign

- **Smokefree Homes for Headstart Families**
 - **Federal program** (U.S. Surgeon General, U.S. Environmental Protection Agency, U.S. Department of Health and Human Services, Administration for Children and Families, and American Academy of Pediatrics)
 - **to work with the Head Start program on smokefree homes initiative**

<http://www.surgeongeneral.gov/pressreleases/sg09182007.html>

http://www.cdc.gov/tobacco/secondhand_smoke/index.htm

EPA bilingual Smokefree home brochures

Secondhand Tobacco Smoke and the Health of Your Family



Make your home smoke free. Secondhand smoke is the smoke that comes from a cigarette or other tobacco that someone else has just finished smoking.

El humo de tabaco en el medio ambiente y la salud de su familia



Mantenga su hogar libre del humo de tabaco. El humo de tabaco en el medio ambiente es el humo que sale de un cigarrillo o de un tabaco que está terminando otra persona.

NJ Quit Programs

- Sponsored by the NJ Dept of Health and Senior Services' Comprehensive Tobacco Control Program
- Offers free and discounted smoking cessation programs
 - QuitCenters – in person cessation programs
 - Quitnet – computer
 - Quitline – phone counseling
- nj.quitnet.com

Canada's campaign for smokefree homes/cars

- Sponsored by Canadian Ministry of Health
- Make your home and car smoke-free: A guide to protecting your family from second-hand smoke

www.hc-sc.gc.ca/hl-vs/pubs/tobac-tabac/second-guide/index_e.html

- Keep it Outside Campaign

www.keepitoutside.com/keepitoutside.asp



MAKE YOUR HOME AND CAR

SMOKE-FREE

Did You Know?

Second-hand smoke has been linked to asthma, middle ear infections, sudden infant death syndrome (SIDS), bronchitis, cancer and other illnesses in children. Children rely on their parents to provide a healthy home environment. Unfortunately, many parents are unaware that some of the strategies they are taking to remove second-hand smoke from their home are not effective. Opening windows, turning on a fan, spraying air fresheners, walking to another room or using an air purifier **DO NOT** eliminate exposure to both second-hand smoke.

GoSmokefree.ca



Protect Your Family

Ensure that your home and car are completely smoke-free for you and the children (pass and non-passengers) in your car. **1-800-368-6868** or www.smokefree.ca



Canada

United Kingdom smokefree campaign

www.gasp.org.uk/page554.htm



Support from Global Health Experts

- UICC World Cancer Campaign 2007-2012:
 - Theme is “Today’s children, tomorrow’s world”
 - **“To provide a smokefree environment for children (‘no smoking in homes’)”**

<http://www.worldcancercampaign.org/>

WHO Policy Recommendations: May 2007

- Health Impact of SHS on children
 - Respiratory Illnesses and Symptoms
 - Worsens asthma; causes new-onset asthma
 - Reduces lung growth and development
 - Causes middle ear disease
 - Causes Sudden Infant Death Syndrome
- **Home is often the highest source of SHS exposure for children.**

http://www.who.int/tobacco/resources/publications/wntd/2007/pol_recommendations/en/index.html citing: *Summary of findings of the California EPA, 2005; U.S Surgeon General's Report, 2006*

WHO Policy Recommendation #4 (May 2007)

- **Use public education to reduce smoking in the home:** smokefree legislation increases the likelihood that people will make their homes smokefree. (p. 6)
- **“Policies need to be developed** to address this setting, if public health is to be adequately protected.” (p. 21)

http://www.who.int/tobacco/resources/publications/wntd/2007/pol_recommendations/en/index.html

European Environment & Health Committee (World Health Organization)

- Children are entitled to grow and live in healthy environments, in the spirit of the Convention on the Rights of the Child of November 1989.
- Implement the Framework Convention on Tobacco Control (FCTC), and reduce the exposure of children to SHS.

Children's Environment and Health Action Plan for Europe , June 2004.
European Environment and Health Committee, WHO Regional Committee
for Europe. <http://www.euro.who.int/document/e83338.pdf>



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