



MI Smoke-free Apartment

**Smoke-Free Multi-Unit Housing:
0 to 100,000s in 5 Years**

2009 Iowa Tobacco Control Conference June 17, 2009



Presenter

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www.mismokefreeapartment.org

www.tcsg.org/sfelp/home.htm



Smoke-free apartments in 2004?

- **Virtually no smoke-free apartments or condos could be found in Michigan in private or public housing**
- **Most apartment/condo owners thought it was illegal to have a smoke-free policy**
- **Most newspapers thought it was illegal to allow ads saying “no smoking” or “SF”**
- **Most tenants didn’t realize they had some rights to smoke-free housing**



The MISmokeFreeApartment initiative includes:

- **MISmokeFreeApartment web site info & materials**
- **Assistance from SFELP & local partners**
- **Press releases and media initiatives**
- **Membership in apartment associations**
- **Postcard & other mailings to apartment owners**
- **Surveys of smoke-free apartment availability**
- **Listing of smoke-free apartments on web site**
- **Radio ads & Billboards**



MISmoke-Free Apartment

Goal of MISmokeFreeApartment Initiative

To make smoke-free multi-unit housing the norm in Michigan



Was the Michigan Smoke-Free Apartment Initiative successful?

- **Over a hundred thousand units of SF market-rate apartments and condos in Michigan today**
- **Plus, well over 20,000 units of SF “affordable” or subsidized multi-unit housing in Michigan**
- **28 public housing commissions in MI have adopted SF policies (24 in the 24 months of 2006-07)**
- **Newspapers now allow “smoke-free” ads & some online apartment listings include SF icon**



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Kalamazoo, MI 49001

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Fax: (269) 381-3609

Smoke-Free Properties:

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Grandview Apartments

Augusta Green Apartments





FIRST CENTRUM™
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First Centrum

21400 Ridgetop Circle, Suite 250

Sterling, VA, 20166

Phone: (703) 406-3471

Contact: Rob Couch, President

All buildings smoke-free.

**Over 50 smoke-free
buildings in 7 states; about
20 in Michigan.**



HERITAGE SENIOR COMMUNITIES

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... and for tomorrow.

Heritage Senior Communities

Heritage Property Management

950 Taylor Avenue

Grand Haven, MI 49417

Phone: 616-846-4700

Fax: 616-842-8939

Email:

info@heritageseniorcommunities.com

Smoke-Free Properties:

Village at Appledorn, Holland

Village at Park Terrace,

Muskegon





PRESERVATION MANAGEMENT, INC.
NATIONAL PROPERTY MANAGEMENT SPECIALISTS



WARREN PLAZA

Preservation Management

707 Sable Oaks Drive
S. Portland, ME 04106

Office: (207) 774-0501

Office: (888) 553-2020

Smoke-free MI properties:

Warren Plaza, Detroit



Harwood's

Harwood Properties, Inc.

453 W. Three Mile Road
Sault Ste. Marie, MI 49783

Phone: (906) 632-9047

Smoke-Free Properties:
Woodfield Terrace Apts.
Bingham Ave. Apts



Flo-Mar Apartments

Flo-Mar Apartments

121 Perrin - Office

Ypsilanti, MI 48197

Phone: (734) 483-2240

**All 30+ properties
smoke-free.**





Smoke-free community:

Country View Apartments & Town Homes

1928 East Britain Avenue
Benton Harbor, MI 49022

Telephone: (269) 926-8068



Changing Lives One Home at a Time

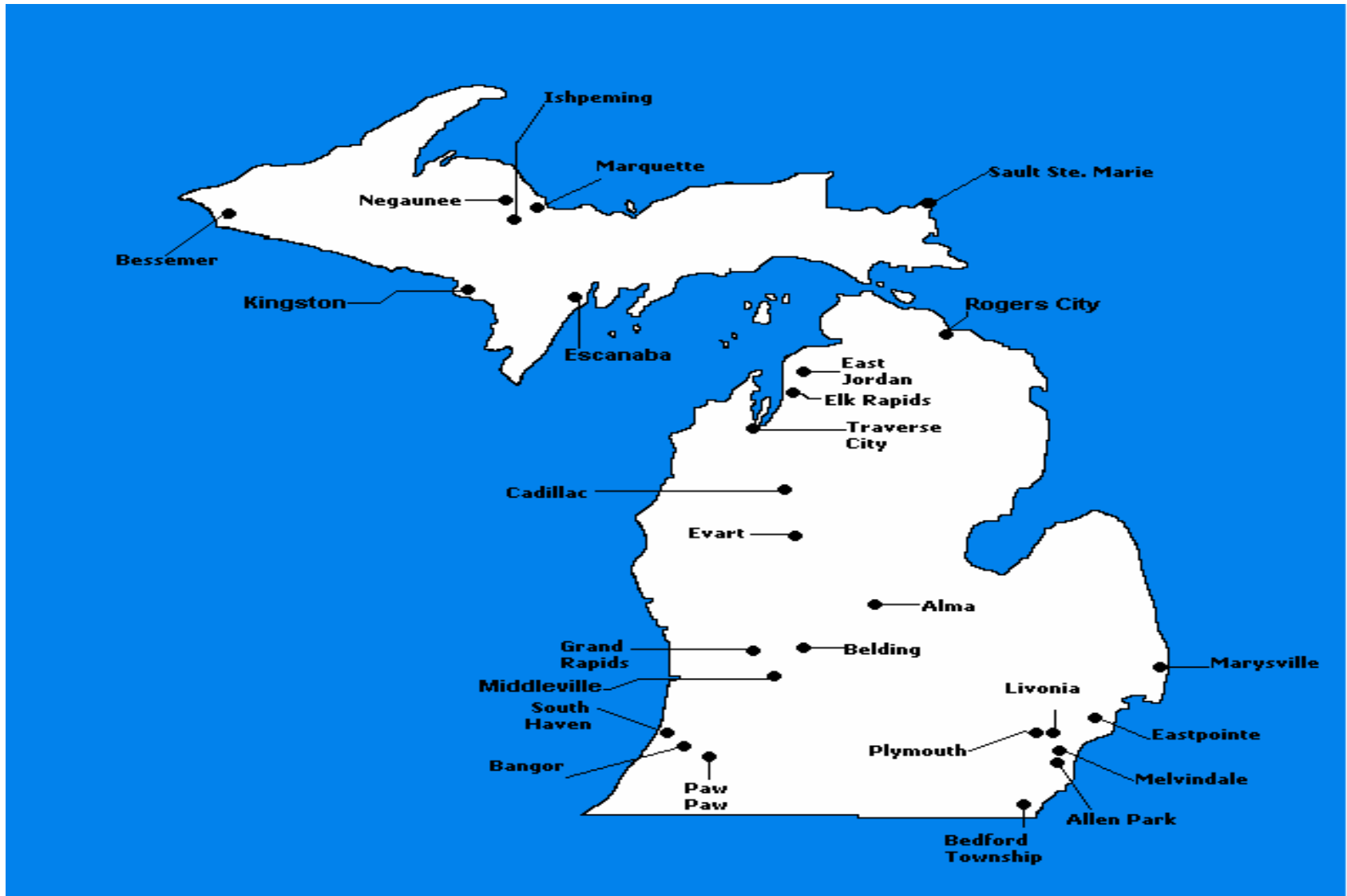


Are you or a loved one ready to make the move to convenient, low-maintenance housing? Comfortable apartments, duplexes, and quadraplexes are perfect for seniors, near elderly and those dealing with disabilities. **Our facilities offer a number of favorable features and amenities, including:**

- * 24 hour emergency maintenance
- * Secure units with extra safety precautions
- * Conveniently located near grocery stores, medical offices, & area churches
- * Spacious Parking
- * Carpeted Units with Curtain Rods provided
- * Kitchen stove and refrigerator provided
- * Barrier Free Units
- * Laundry Facilities or Laundry Hook-up
- * Emergency Call System in Each Unit
- * Hard-wired smoke detectors provided
- * Cable T.V. at a Reduced Rate
- * Lovely Community Room with Kitchen Facilities
- * Patio & Container Gardening space
- * **Smoke-free buildings for senior & disabled housing**



Smoke-Free Housing Commissions





Tenants' Rights

Your Resources

- Smoke Free Apartment Listing
- Useful Links
- Quick Fixes

Did You Know

Contact Us



Your Resources
Smoke-free
Apartment Living

Find a Smoke-Free Apartment

Use the form below to search for smoke-free rental housing in Michigan.

Location:

(city, zip code or exact address)

Min Bedrooms:

Max Rent:

Keywords:

Amenities:

- Smoke Free
- Dogs Allowed
- Cats Allowed

Search

List a Smoke-Free Apartment

Property managers, [list your smoke-free rental housing](#) on our website for free. Our apartment listing is powered by [RentLinx](#), the [Rental Housing Multi-List](#).

- [Instructions to list your smoke-free property](#)

Smoke-Free Apartment Listing

The following is a listing of Michigan rental properties whose owners have stated that they are entirely smoke-free dwellings. This listing is updated regularly, with new smoke-free rental units added almost weekly.



All truth passes through 3 stages

1st: it is ridiculed

2nd: it is violently opposed

3rd: it is accepted as being self-evident

We avoided much of the first 2 stages by taking a voluntary approach, involving local partners, being knowledgeable, being accessible, using media, and working hard.



Reasons for our Success: We showed that ...

- 1) SF policies are legal.
- 2) SF is smart business: a) market supports smoke-free; b) costs more to rehabilitate smokers' units; c) fire safety.
- 3) Transitioning buildings to SF isn't that difficult.
- 4) Enforcement of SF policies isn't difficult.
- 5) The housing industry was lagging behind the market and the desires of residents for smoke-free housing.



Smoke-Free Policies Are Legal

Apartment owners permitted by federal & state law to adopt smoke-free policies.

There is no Constitutional right to smoke.

HUD Legal Counsel letter of 2003: “The right to smoke is not a right protected under the Civil Rights Act of 1964 because smokers are not a protected class under federal law.”



No legal challenges to SF policies

No legal challenges to smoke-free policies adopted by private or public multi-unit property owners.

No basis for Fair Housing Act challenges to smoke-free policies, i.e., seeking a reasonable accommodation for smokers.



Tenants have legal rights too

Tenants who are bothered by secondhand smoke entering their unit from nearby units do have some forms of legal recourse to protect themselves.

Tenants can take legal action against owners who don't make adequate provisions to protect them from secondhand smoke.



Economic concerns

The market for smoke-free housing is huge

About 86% of Iowa adults don't smoke

About 93% of Iowans 65+ don't smoke

Many smokers don't want smoke in their home

Most apartment buildings allow smoking; the marketplace is way behind demand



Smoke-free Households Are the Norm and Increasing

In 2003, 72% of U.S. households were smoke-free

In 1998-99, 60% of U.S. households were smoke-free

In 1992-93, 43% of U.S. households were smoke-free

An increase of 67% between 1992 & 2003

-- Morbidity & Mortality Weekly Report, CDC, May 25, 2007



MI Smoke-free Apartment

Smoke-free Households Are the Norm and Increasing

In 2008, 77% of households in Iowa were smoke-free

In 2008: 45% of current smokers said smoking is not allowed in their homes

-- 2008 Iowa Adult Tobacco Survey



Economic concerns

Smoking damages residential property:

- Causes cigarette burn damage and stench to carpets, counters, etc.
- Leaves smoke residue on walls and curtains, etc.
- Poses fire hazard



Economic concerns

Smoking residue increases cost of rehabilitating apartment when smoker moves out

Owners estimate it costs \$500 to \$8,000 more to rehab an apartment in which a smoker lived than a non-smoker.



Economic concerns: Cigarette Fires

About 9% of apartment fires nationally are caused by cigarettes and smokers' articles. (Cigarettes are #1 cause of home-fire deaths.)

Fire damage can cause apartment units to go off-line for months.

Water and smoke damage to adjoining units can take them off-line, as well.

Former residents have to find alternative housing and probably won't return.



Tenants want smoke-free apts

- Healthy Androscoggin in Auburn, Maine surveyed 850 tenants; 76% would choose to live in a smoke-free apartment complex
- Twin Cities (MN): random sample survey -- 55% of renters said they had moved or would move from an apartment because of secondhand smoke seepage
- ALA-California in 2006 surveyed apt owners: 67% favored a SF apt law when they learned it would protect people from SHS and could reduce their fire insurance premiums. In 2004 survey, 69% of renters favored requiring all apt buildings to have SF sections.

For opinion surveys: www.tcsg.org/sfelp/public.htm



Transitioning to Smoke-Free

To implement a smoke-free policy in a multi-unit dwelling where smoking residents already reside:

- Establish a date on which all new residents must not smoke inside.
- Decide how much time current resident smokers will have before their lease will include the smoke-free requirement (aka “grandfathering”).



Enforcement of Smoke-Free Policies

- Private and public apartment owners uniformly report that enforcement is not an issue
- Residents consistently follow the rule
- Violators of the smoke-free rule are most likely violators of other rules
- Eviction possible; rarely, if ever, occurs



Addressing marketplace inertia

Multi-unit housing publications are now focusing on benefits of SF policies, e.g.,

UNITS magazine, Dec., 2007

MultiFamily Executive, Nov., 2006

**Assisted Housing Management Insider,
March, 2007**

Local apartment association newsletters

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.



Addressing marketplace inertia

“Smoke-free apartment communities not only promote a healthy resident population, but also a healthy bottom line for owners and investors.”

-Dave Watkins, Chairman of the Board, National Apartment Association

- Quote: UNITS magazine, December, 2007





Addressing marketplace inertia

- **Apartment and property management associations are having sessions at meetings & conferences on SF policies**
- **Multi-unit housing organizations are doing policy analyses and articles for members on SF policies**



Addressing marketplace inertia

- **Print and electronic media focusing increasing attention on SF policies in multi-unit housing -- virtually all positive stories:**

New York Times, Los Angeles Times, USA Today, CNN, Christian Science Monitor, Toronto Star, Detroit News, Boston Globe, many local newspaper, TV, & radio stories



Addressing marketplace inertia

- **Online apartment listing companies are adding “smoke-free” as an amenity item on their listings, e.g., RentLinx**
- **“Smoke-free” is becoming more common as an amenity item in marketing by apartment owners/managers**



Approaches to Get Smoke-Free Policies Adopted

Voluntary approaches being used in most states and localities, including: MI, ME, MN, UT, OR, WA, MD, OH, NY, NYC, CA, NJ, WV, WA, HI, ID, MA, etc. Also in all the Canadian Provinces where this is being worked on.

Legislative approach being tried in California. Also, used to some extent in Utah in 1990s.



Legislative Approaches to Get Smoke-Free Policies Adopted

Legislative Approaches Tried or Proposed:

- **Utah law enacted in 1997: right to have smoke-free apts & condos; SHS is “nuisance”; other civil remedies**
- **Local and state laws in many states provide for smoke-free common areas in multi-unit dwellings**
- **A few California cities beginning to adopt ordinances to regulate smoking in multi-unit residences**



California Legislative Approaches to Get Smoke-Free Policies

- Makes drifting smoke a “nuisance” anywhere in city
- No smoking in common areas of multi-unit housing
- Smoke-free buffer zones around non-smoking units
- Non-smoking units required in multi-unit residences
- Requires no smoking provision in lease
- Requires landlord to disclose location of smoking & non-smoking units to new tenants
- States who is responsible for enforcement of law
- Allows tenant or landlord to enforce law by lawsuit

Prepared by the Technical Assistance Legal Center (TALC), Oakland, CA

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smoke free
HOUSING

www.smokefreeforme.org



http://www.hawaiismokefreehomes.org/landlords/



o-Herald Quicken.com - Portf... Investing ▾ Advertiser Keurig one cup coffe... HI Legislature

HAWAII-SMOKEFREEHOMES.ORG

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There is a lot of information out there about smoking and smokers rights. So much information, sometimes it is difficult to separate the myth from the truth.



LANDLORDS

TENANTS



Market-rate housing

Hundreds of thousands of units of market-rate housing are smoke-free all across the U.S.

Includes large, multi-state companies, moderate sized companies, small companies, and single-family home rentals.



Other affordable housing

Tens of thousands of units of affordable housing are smoke-free all across U.S.

Includes apartment buildings owned by for-profit and non-profit entities, as well as local governments and tribes.



Public housing authorities

At least 110 local housing authorities have smoke-free policies for some or all buildings.

As of January, 2005, only 17 HA's in 10 states had SF policies.

January, 2005 through April, 2009: 93 HA's adopted SF policies in those 52 months; average of 1.8 per month; 650% increase.



Public housing authorities

At least 110 local housing authorities have smoke-free policies for some or all buildings.

17 states with SF HA policies: Michigan (28), Minnesota (19), Maine (18), Colorado (11), California (7), Nebraska (6), Washington (4), New Hampshire (3), Oregon (3), New Jersey (2), Wisconsin (2), Idaho (2), Florida, Montana, Indiana, Kentucky, and Alaska.



MI Smoke-Free Apartment

The Goal for Iowa



Welcome to Our SmokeFree Building

All Apartments are Smoke-Free!



Parkside Commons Apartment Homes

Parkside Plan

Apartment Features

Amenities

100% Smoke Free

100% smoke-free environment

The demand for smoke-free environments is rising, and Parkside is listening.

Parkside Commons will be a **100% smoke-free environment**, making it one of Massachusetts' premier smoke-free rental communities, inside and out. Smoking is banned in all common areas, on the grounds, and in the apartments themselves. Why 100%? Cigarette smoking is hazardous to your health and it's the number one preventable cause of death. Second-hand smoke can be just as deadly. Cigarette smoke and its very noticeable odor travels farther than most of us realize, permeating rooms and getting into walls, ceilings, carpeting, drapes and clothing. At Parkside, you have a right to fresh and pure air.

Parkside welcomes residents who care about themselves. Our non-smoking policy is simply another way to support our commitment to creating **a clean, healthy, active community for all.**

Chelsea's
Read Blog

