



Multi-Housing Trends: Smoke-free Housing

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Smoke-free housing could become as common as no-pet policies in the multi-housing industry. Nationwide, there are many landlords barring tenants from smoking to reduce neighbors' exposure to secondhand smoke.

The Smokefree Apartment House Registry is up from 11 listings in 2001 to about 300 listings nationally, for example. The trend towards smoke-free apartments is expected to spread across the nation, driven by consumer demand.

California is the leading state in this nation in smoke-free housing. There are 17 cities that have passed policies. For example, the Santa Monica City Council has approved an ordinance amending the current anti-smoking law to regulate smoking in common areas of multi-unit residential housing. The law makes it a criminal infraction to smoke in outdoor common areas. Victims of secondhand smoke can file a civil action

in court to get an injunction or collect up to \$100 in damages.

There are smoke-free apartments in Northern Texas requiring tenants to sign Smoke Free Addendums. If tenants violate their lease they can face eviction after three violation notices.

There isn't any state or federal law that protects a person's right to smoke; nor is the right to smoke granted in the Constitution. Some apartment managers are fearful of upsetting tenants because they believe they do not have legal standing to ban smoking. However, apartment managers have been happy with tenant feedback upon limiting smoking in many situations.

Why is Smoke-Free Housing So Desirable to Tenants?

Secondhand smoke is the third leading cause of preventable death in the United States. Approximately 53,000 people die each year caused by secondhand smoke. Multi-housing units present a particular challenge as tobacco smoke may seep through cracks, be circulated via shared ventilation, or otherwise enter the living space of another.

Since most tenants do not smoke, they will appreciate a smoke-free environment. They will further appreciate the added protection to their health. Many tenants feel that breathing in secondhand smoke not only is a health hazard but it decreases their quality of life.

A random sample poll conducted by the nationally-respected Field Research Corporation surveyed 1,800 California residents and found that over 63% agreed that apartment complexes should require that at least 50% of their rental units should be smoke-free.

Why is Smoke Free Housing Beneficial to Landlords?

There are sound economic reasons to implement a smoke-free policy. Smoking significantly increases fire hazards, and boosts cleaning and maintenance costs. Another, turn-over time in a unit that allowed smoking is longer than that of a non-smoking unit. Also, there are discounts offered by property insurance companies for buildings with no-smoke policies.

Multi-housing apartment owners estimate that it costs anywhere from \$500 to \$8,000 extra to rehabilitate an apartment which had a smoker versus a non-smoker. Nationally, smoking was the cause of 9% of apartment fires. Another, recent research suggests that smoke-free apartment buildings may have increased re-sale value, should owners decide to sell their building. Finally, non-smoking units are easy to fill because most tenants want to live in a non-smoking building.

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where tenants live in Nevada. Such a ban is similar to any of the other rules the tenant is required to follow. Additionally, 79% of Clark County adults report that smoking is not allowed anywhere in their home.

Currently there are five communities that offer smoke-free apartment living in Clark County. It is understandable that landlords and managers are seeing a growing demand for smoke-free living, especially since only 21% of the Nevada adult population smokes. We expect for the amount of communities that offer smoke-free housing in Clark County and nationwide to continue to increase.

The transition to a smoke-free property should be properly assessed by legal counsel. There are surveys to tenants, building phase-ins, notices to tenants, smoke-free

provisions, and Smoke Free Addendums that can be recommended and implemented to ensure that the transition to a smoke-free property is a smooth as feasibly possible. Please contact Karsaz & Associates with questions regarding smoke-free housing. ■

Smoke-free Housing in Nevada

It is legal to restrict or eliminate smoking in both the common areas of multi-housing developments and in the individual units

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