

"Secondhand smoke exposure from 'shared air spaces' within a building is also of concern, as a significant proportion of the population lives in apartment buildings or condominiums where smoking in another part of the building might increase tobacco smoke exposure for households of nonsmokers."

*U.S. Surgeon General's Report, 2006*

## Secondhand Smoke Exposure in Multi-Unit Housing Facilities is Detrimental to the Health of Children and Nonsmoking Adults

Tobacco use remains the leading cause of preventable disease and death in the United States, causing approximately 443,000 deaths each year and costing approximately \$193 billion each year in direct medical expenses and lost productivity.<sup>1,2</sup> Compared to nonsmokers, men who smoke are about 23 times more likely and women who smoke are about 13 times more likely to develop lung cancer.<sup>3</sup> In addition to the health effects on smokers, secondhand smoke also causes premature death and disease in children and nonsmoking adults.<sup>4</sup> While states have made substantial progress in protecting nonsmoking adults from secondhand smoke exposure in indoor work sites and public places through state and local laws and voluntary smoking restrictions introduced by employers, new frontiers exist related to protecting individuals, particularly children, from secondhand smoke exposure in homes and vehicles.<sup>5,6</sup> To capture emerging efforts to reduce exposure to secondhand smoke in these additional settings, the STATE System tracks state laws restricting smoking in multi-unit housing facilities and vehicles.

Exposure to secondhand smoke has immediate adverse effects on the cardiovascular system and causes heart disease and lung cancer in nonsmoking adults.<sup>4</sup> Secondhand smoke exposure also puts children at an increased risk for a number of health problems, including sudden infant death syndrome, acute respiratory infections, middle ear disease, more severe asthma, respiratory symptoms, and slowed lung growth.<sup>4</sup> There is no risk-free level of secondhand smoke exposure, and even brief exposures can adversely affect the health of nonsmokers.<sup>4</sup> It is estimated that almost 22 million U.S. children aged 3–11 years are exposed to secondhand smoke on a daily basis.<sup>4</sup> The home is the major setting where children are exposed to secondhand smoke, and is also an important source of exposure for nonsmoking adults.<sup>4</sup> Almost 1 of 4 children aged 4–11 years live in a home with at least one smoker, compared to 1 of 17

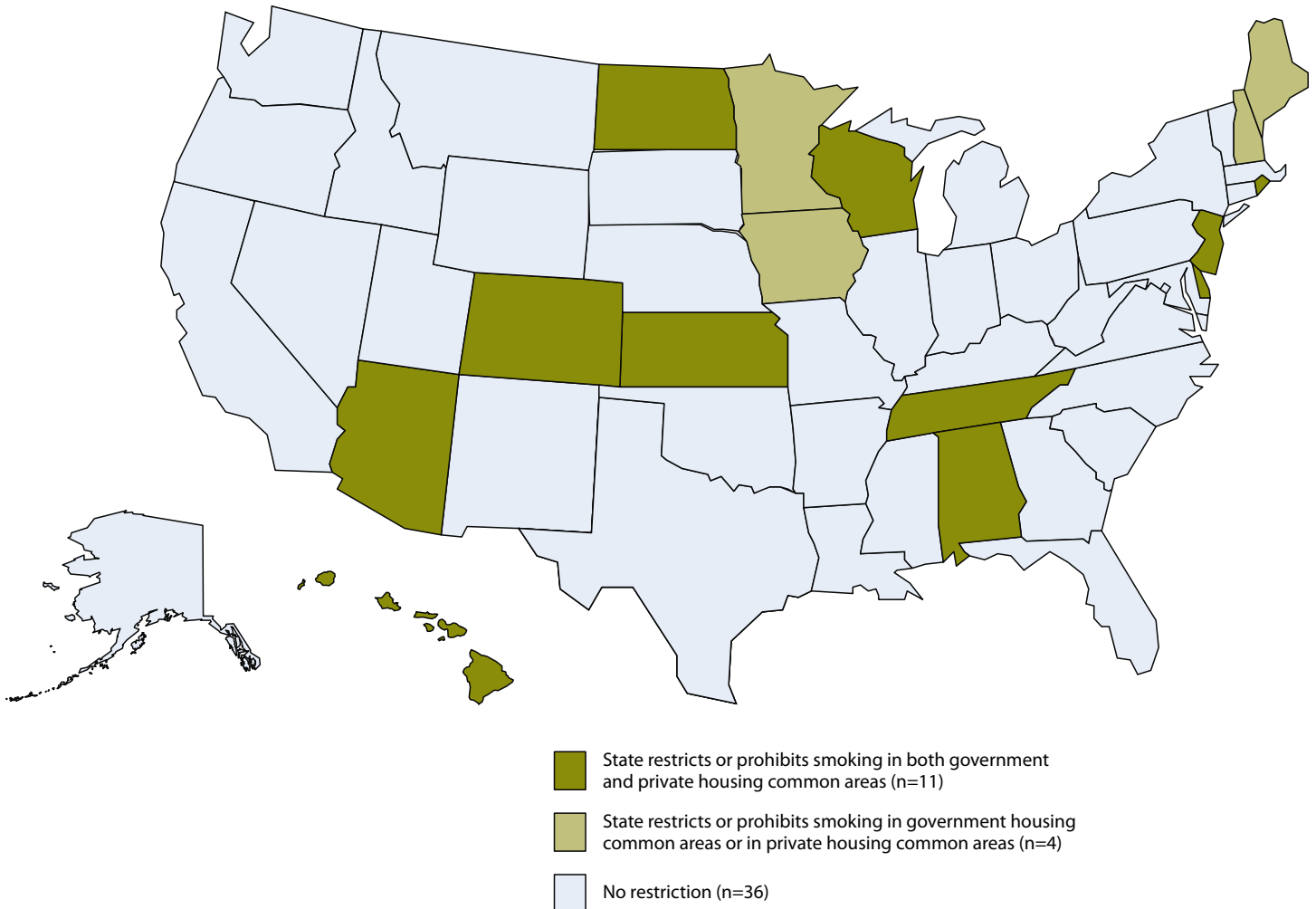
nonsmoking adults.<sup>7</sup> Children who live in homes where smoking is allowed have higher levels of biological markers for secondhand smoke exposure than children who live in homes where smoking is not allowed.<sup>4</sup> Eliminating smoking in indoor spaces is the only way to fully protect nonsmokers from secondhand smoke exposure.<sup>4</sup>

Unlike a single family home, even if a family in a multi-unit housing facility opts to establish a household rule against smoking in their home, they may still be exposed to secondhand smoke that infiltrates into their unit from an adjoining or nearby unit or common area where smoking is allowed.<sup>4,8</sup> Because more than 30 million of the 124 million homes in the United States are located in multi-unit housing facilities such as apartment complexes and condominiums that have shared airspace, and since 1 of 3 U.S. households live in rental units, this problem potentially affects a significant portion of the U.S. population.<sup>4,9</sup> Secondhand smoke can infiltrate throughout a building along various pathways. There are currently no engineering approaches, including ventilation and air cleaning, which can fully eliminate the risk of secondhand smoke exposure.<sup>4,8</sup> Indeed, the operation of a heating, ventilating, and air conditioning system can distribute secondhand smoke throughout a building.<sup>4</sup> Therefore, though exposure to secondhand smoke in multi-unit housing facilities may vary depending on building structure, building age, and where smoking is allowed, the existence of shared space of multi-unit housing facilities increases the risk that nonsmoking tenants will be exposed to secondhand smoke in their units.<sup>8,10</sup>

Courts do not generally recognize a legal right to smoke in multi-unit housing facilities, whether the dwelling is publicly or privately owned.<sup>10</sup> Furthermore, tenants of multi-unit housing facilities may have access to common law remedies for stopping secondhand smoke infiltration, including safety and health codes.<sup>10</sup>

## State Smokefree Indoor Air Restrictions in the Common Areas of Multi-Unit Housing Facilities

(As of June 30, 2012)



*The STATE System contains data synthesized from state-level statutory laws. It does not contain state-level regulations; measures implemented by counties, cities, or other localities; opinions of Attorneys General; or relevant case law decisions for tobacco control topics other than preemption; all of which may vary significantly from the laws reported in the database, fact sheets, and publications.*

## Current State Efforts to Restrict Smoking in Multi-Unit Housing Facilities

State and local governments have begun to recognize the risk that residents of multi-unit housing facilities face from secondhand smoke infiltration. While smoking restrictions in private homes have traditionally been established primarily through voluntary household rules, some states have enacted legislation restricting smoking in multi-unit housing facilities.<sup>11</sup>

### Restrictions in Common Areas

Current state restrictions on smoking in multi-unit housing facilities limit smoking in common areas, such as lobbies and hallways. Fourteen states prohibit or restrict smoking in common areas of multi-unit housing facilities that are considered “government” facilities, such as public housing authority-operated or -funded facilities. Twelve states prohibit or restrict smoking in common areas of privately owned multi-unit housing facilities, such as a private apartment complexes or condominiums. Connecticut is the only state that explicitly exempts the common areas of multi-unit housing facilities from state smoking restrictions, and only does so for government facilities.

### Exemptions in Living Areas

Some state laws also explicitly exempt individual units in multi-unit housing facilities from smoking restrictions, effectively permitting smoking in these living areas. Nine states have exemptions for individual units in government-operated facilities and eight states have exemptions for individual units in privately-operated facilities.

While some local communities in California have recently enacted laws that prohibit smoking in individual units in some or all multi-unit housing facilities, no state has implemented laws that restrict smoking in individual units.

## Future Implications for State Efforts to Restrict Smoking in Multi-Unit Housing

As of June 30, 2012, only 15 states have any restrictions in place on smoking in multi-unit housing facilities. These 15 states restrict smoking in common areas only, even though smoke from nearby units can expose tenants to secondhand smoke infiltration.

Recent education campaigns have encouraged the public to create smoke-free environments in their homes.<sup>4</sup> The prevalence of voluntary private household smoking restrictions indicate public support for reducing exposure to secondhand smoke in multi-unit housing facilities. Surveys of multi-unit housing facility residents in Minnesota found that the majority (60%) had implemented smoke-free household rules in their units.<sup>6</sup> Surveys in Portland, Oregon also found that 75% of residents supported the rights of facility owners to prohibit smoking in order to prevent secondhand smoke from infiltrating into neighboring units, and that while 25% of multi-unit housing residents surveyed were smokers, only 11% of renters smoke inside their units on a regular basis.<sup>12</sup> Unfortunately, the shared airspace in multi-unit housing facilities restricts residents’ abilities to enforce their private smoking restriction in their homes and their exposure to secondhand smoke.<sup>6</sup>

This public support for smoke-free living spaces reflects a recent change in attitudes toward the acceptability of smoking in places where others can be exposed to secondhand smoke. The prevalence of households with smoke-free home rules has increased significantly in the past decade, from 43% in 1993 to 72% in 2003.<sup>11</sup> A lack of smoking restrictions in a multi-unit housing facility where airspace is shared limits nonsmoking tenants’ ability to protect their own and their families’ health. Only the implementation of 100% smoke-free policies in multi-unit housing facilities, including both common areas and individual units, can fully protect residents from the dangers of secondhand smoke. This can be established through policies adopted voluntarily by the owners or managers of apartments, by condominium associations, by Housing Authorities, or by local or state law. It is up to local and state governments to decide whether it is appropriate to address this problem through governmental action.

### State Tobacco Activities Tracking and Evaluation (STATE) System

<http://www.cdc.gov/tobacco/statesystem>

### Centers for Disease Control and Prevention

National Center for Chronic Disease  
Prevention and Health Promotion

# Multi-Unit Housing Smoking Restrictions

(As of June 30, 2012)

State	Government Housing Common Areas	Government Housing Residential Areas	Private Housing Common Areas	Private Housing Residential Areas
Alabama	D	E	D	E
Alaska				
Arizona	B	E	B	E
Arkansas				
California				
Colorado	B		B	
Connecticut	E	E		
Delaware	B		B	
District of Columbia				
Florida				
Georgia				
Hawaii	B		B	
Idaho				
Illinois				
Indiana				
Iowa	B			
Kansas	B		B	
Kentucky				
Louisiana				
Maine	B	E		
Maryland				
Massachusetts				E
Michigan				
Minnesota			D	E
Mississippi				
Missouri				
Montana				
Nebraska				
Nevada				
New Hampshire	D	E		
New Jersey	B	E	B	E
New Mexico				
New York				
North Carolina				
North Dakota	B	E	B	E
Ohio				
Oklahoma				
Oregon				
Pennsylvania				
Rhode Island	B	E	B	E
South Carolina				
South Dakota				
Tennessee	B	E	B	E
Texas				
Utah				
Vermont				
Virginia				
Washington				
West Virginia				
Wisconsin	B		B	
Wyoming				

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B=Banned, E=Exempt, D=Designated Areas

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