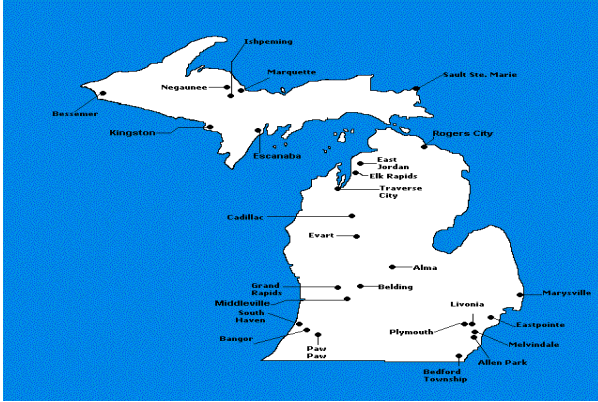


Smoke-Free Housing Commissions



MI Smoke-Free Apartment

Costs of allowing smoking

Smoking damages residential property:

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

MI Smoke-Free Apartment

Costs of allowing smoking

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.

MI Smoke-Free Apartment

Cigarette-caused Fires

Nationally:

- Smoking was the cause of just 9% of apartment fires, but
- Smoking was the cause of 40% of deaths from apartment fires, and
- Smoking was the cause of 16% of injuries from apartment fires

NFIRS, 2002

MI Smoke-Free Apartment

Costs of allowing smoking


- 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

MI Smoke-Free Apartment

What's the problem?

Secondhand smoke spreads throughout multi-unit dwellings:

Air quality studies in apartment buildings show that anywhere from 5% to 60% of the air in apartment units comes from other units in the building.

 **MI Smoke-Free Apartment**

Secondhand smoke problem


Secondhand smoke cannot be controlled by ventilation or air cleaning: On June 30, 2005, the American Society of Heating, Refrigerating & Air-Conditioning Engineers (ASHRAE) issued their latest position document on secondhand smoke. It states: "At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity." www.ashrae.org

 **MI Smoke-Free Apartment**

Secondhand smoke problem

- It is a **Toxic Air Contaminant**, putting secondhand smoke in the same category as the most toxic automotive and industrial air pollutants.


California Air Resources Board Report, issued January 26, 2006 by the California Environmental Protection Agency.

 **MI Smoke-Free Apartment**

Secondhand smoke problem

- There is no risk-free level of exposure to secondhand smoke. Breathing even a little secondhand smoke can be harmful.
- The only way to fully protect yourself and your loved ones from the dangers of secondhand smoke is through 100% smoke-free environments.


Surgeon General's Report on Secondhand Smoke, issued June 27, 2006

 **MI Smoke-Free Apartment**

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

 **MI Smoke-Free Apartment**

Smoke-free Households Are the Norm and Increasing

In 2003, 72% of U.S. households were smoke-free. (In Texas, 79% of 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 in the U.S. of 67% between 1992 & 2003, and it's growing every year

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

 **MI Smoke-Free Apartment**

Smoke-free is the norm, but ...

Smoke-free homes are the norm in the U.S. and Texas, not the exception.

But, currently, most apartment & condo buildings, including affordable housing, are not smoke-free. A family with a smoke-free policy in their apartment or condo can easily have secondhand smoke intrusions.

Residents want housing that meets their desire to have a smoke-free home.

MI Smoke-Free Apartment

The market for smoke-free housing is huge

About 80% of U.S. adults don't smoke (Texas, 81%)

Over 90% of persons 65+ don't smoke

Non-smoking rates among minority populations: 77% of African Americans; 85% of Hispanics; 90% of Asians, excluding NH/PI

Many smokers don't want smoke in their home

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

MI Smoke-Free Apartment

Economics: Market is there

The market for smoke-free housing is huge, regardless of income level

Almost 70% of people in Michigan households with incomes under \$20,000 don't smoke

About 75% of people in Michigan households with incomes between \$20,000 & \$75,000 don't smoke

Over 87% of people in Michigan households with incomes over \$75,000 don't smoke

— 2005 Michigan BRES Estimates

MI Smoke-Free Apartment

Legal Liability

- Residents negatively impacted by secondhand smoke actually have the right to **seek legal action against owners** who do not make adequate provisions to protect them from second hand smoke.
- Fair Housing Act complaints can be filed seeking a "reasonable accommodation".
- Possible violation of warranty of habitability or peaceful enjoyment.

MI Smoke-Free Apartment

Marketplace is changing

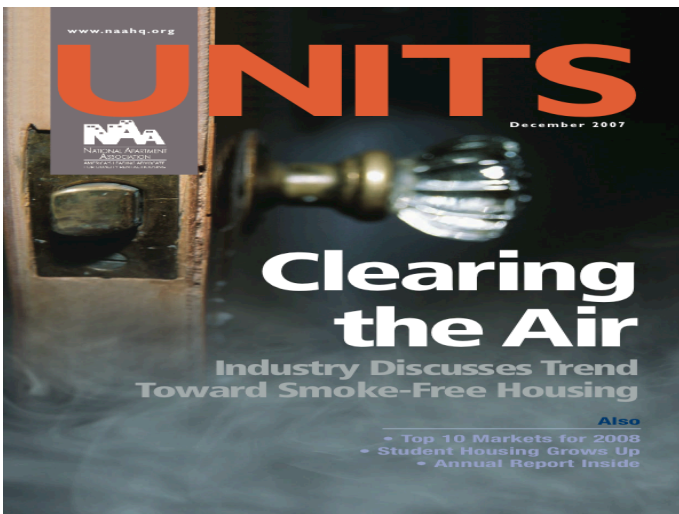
Multi-unit housing associations & their publications are focusing on the benefits of smoke-free policies:

NAA and NMHC policy memos, Feb., 2009

UNITS magazine, Dec., 2007

Assisted Housing Management Insider, March, 2007

MultiFamily Executive, Nov., 2006



NMHC *Property Management*
UPDATE

February 1, 2008

NO-SMOKING POLICIES IN APARTMENTS

Smoking bans have become the indisputable norm in the workplace and are now a clear trend in restaurants, entertainment venues and social clubs. In July 2006, the country's largest hotel chain, Marriott International, banned smoking in all of its U.S. and Caribbean resorts. Multifamily firms are now considering portfolio-specific and property-specific smoking bans, as well as less restrictive policies that limit smoking to certain floors or buildings within a community.

What is optional now may not be for long. This month, the California, CA City Council joined several other California cities in restricting smoking in apartments. The California ordinance, which is scheduled to go into effect on February 10, requires at least 10 percent of apartment buildings to be permanently designated nonsmoking. Owners have until 2012 to comply. The trend is actually more common in public housing than privately owned apartments at this point; at least 47 public housing agencies have banned smoking on their properties. This issue of the Property Management Update reviews the key financial and legal issues related to smoking bans and offers best practices for implementing one.

Legal Considerations

One of the biggest reasons many apartment firms have been hesitant to adopt smoke-free policies is a mistaken belief that restricting a tenant's ability to smoke on the property or within their apartment could violate the law. However, there is no "right to smoke" and smokers are not a protected class under fair housing laws. In fact, firms can actually reduce their legal liability by restricting or banning smoking.

It is well settled among state and federal courts that the act of smoking is not a protected activity under the U.S. Constitution. The courts have ruled that even if a policy imposes only a particular burden on smokers, individually or as a group, the policy does not in and of itself violate the Constitution's Equal Protection Clause (NYC Citrus Inc. v. New York, 319 F. Supp. 2d 461 (S.D.N.Y. 2004)). Other courts have said simply that "there is no state or federal constitutional right to smoke" (Kutz v. City of Albany, 858 So.2d 1025 (Fla. 1999)) and "there is no more a fundamental right to remove cigarettes than there is to shoot up or snort heroin or cocaine or run a red light (Pappas v. Axelrod, 550 N.Y. 524 522, 550 (1999))."

In addition to tobacco, nicotine or smoking is not considered to be a disability under the Fair Housing Act or the Americans with Disabilities Act. In fact, the U.S. Department of Housing and Urban Development (HUD) has specifically stated that smokers are not a protected class under federal fair housing regulations. While HUD has not promulgated a policy that restricts smoking, it has said that it leaves the authority to regulate smoking in multifamily dwellings to individual property owners as long as these policies are consistent with applicable state and local laws. According to HUD, rules restricting smoking in rental housing must be "reasonable" and express a legitimate concern for the safety of residents and the condition of individual apartment units and the property generally. For example, a reasonable policy would "prohibit" smoking in rental housing upon renewal, not during an existing lease term. Federally assisted properties that are required to use the HUD model lease, however, must obtain prior approval of a smoke-free lease amendment just as any other lease amendments must be approved.

In contrast to conventional wisdom, apartment owners may be held more legally liable by allowing smoking than by restricting it. Residents have become more knowledgeable about the risks of secondhand smoke and everier about pursuing legal options to protect their health. State courts have ruled against apartment owners and have ordered significant rent reductions and damages under the rationale, "warranty of habitability, and quiet enjoyment" provision of law. In fact, some courts have held that an apartment resident with severe asthma who is exacerbated by second-hand smoke may have a right to a reasonable accommodation under the Fair Housing Act.

Firms that decide to restrict or ban smoking should consider implementing a prospective only or all-lease renewal and for new leases instead of trying to amend current lease agreements. The lease language should make clear the purpose of the policy, define prohibited activities and hold both owner and resident responsible. Lease language should also limit an owner's liability for violations of the policy when the owner takes all reasonable steps to enforce the policy. The lease should not contain an express or implied warranty that a property's smoking policy will ensure safety, whether

MI Smoke-free Apartment

Marketplace is changing

- 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

MI Smoke-free Apartment Landlords Tenants

Where there's smoke, there can also be a smoke-free apartment. How you can make it happen.

Tenants' Rights

Your Resources
Smoke-Free Apartment Listing
Useful Links
Quick Fixes

Did You Know

Contact Us

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: Any Number

Max Rent:

Keywords:

Amenities: Smoke Free
 Dogs Allowed
 Cats Allowed

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.

MI Smoke-free Apartment

Competition is going smoke-free

- Many other affordable housing providers are adopting smoke-free policies, including HUD-subsidized, tax credit-subsidized, etc.
- The marketplace is changing rapidly, and smoke-free is the hot new amenity.


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Fax: (269) 381-3609

Smoke-Free Properties:
Galesburg Village Apartments
Grandview Apartments
Augusta Green Apartments





Smoke-Free Properties:
Pheasant Run Apartments
West Bridge Apartments
Bayberry Farms
The Cottages at Bayberry Farms
University Meadows
Riverwalk Meadows
Summerview
Trumbull Crossing

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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.**



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Your home for today ...
... 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



Smoke-free community:

Country View Apartments & Town Homes

1928 East Britain Avenue
Benton Harbor, MI 49022

Telephone: (269) 926-8068



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



Flo-Mar Apartments

Flo-Mar Apartments
121 Perrin - Office
Ypsilanti, MI 48197
Phone: (734) 483-2240

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



Jewish Apartments & Services
*More Than A Place to Live...
A Community.*

Jewish Apartments & Services

15000 W. Ten Mile Road
Oak Park, MI. 48237
Phone: 248.592.1102

**All properties smoke-free;
over 800 units.**



CHERRY CREEK VILLAGE


Smoke-Free Properties:
Cherry Creek Village,
Marquette
Other buildings in Upper
Peninsula and Wisconsin

**Lutheran Social Services
of Wisconsin and Upper Michigan, Inc.**

647 West Virginia Street
Milwaukee, Wisconsin 53204
Telephone: 414-281-4400
E-Mail: info@lsswis.org



*Affordable Housing for
Older Adults*

 **MISmoke-free Apartment**
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, i.e., grandfathering

 **MISmoke-free Apartment**
Transitioning to Smoke-Free: Adopt New Lease Language

- To implement a smoke-free policy in a multi-unit dwelling:
 - Add no smoking provisions to the leases for apartment complexes or to the “house rules” in public Housing Authority buildings

 **MISmoke-free Apartment**
Enforcement of Smoke-Free Policies

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

 **MISmoke-free Apartment**
You Have Resources Online

MISmokeFreeApartment web site:
www.mismokefreeapartment.org

Smoke-Free Environments Law Project site:
www.tcsg.org/sfelp/home.htm

SFELP Apartments site:
www.tcsg.org/sfelp/apartment.htm

SFELP Condominium site:
www.tcsg.org/sfelp/condos.htm

 **MISmoke-free Apartment**
Smoke-free Apartment Decal



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.

Chelsea's Read Blog

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.

