



Secondhand Smoke in MUH: Not in My House

Facts about Smokefree Multi Unit Housing policies

INTRODUCTION

Tobacco prevention efforts center on policy interventions to reduce the sale or use of tobacco products and address the environments in which people live, work, and play. Despite efforts to reduce inequities in tobacco use, studies examining income-based or racial and/or ethnic disparities in tobacco use find little progress has been made.^[1,2] The tobacco industry regularly exerts its influence to push for loopholes that weaken policies that restrict the sale or use of tobacco products. When tobacco prevention policies are not comprehensive, they can leave certain communities unprotected or can selectively impose restrictions on some groups and not others.^[3,4]

The 1986 US Surgeon general report linked secondhand smoke (SHS) exposure to lung cancer^[5,6]. SHS is known to cause 19,000 deaths annually in the United States.⁷ Per the 2020 census data, California had 9,820,092 Multi-Unit Housing (MUH) dwellings of two or more adjoined units.^[8,9] California residents who live in MUH may be exposed to SHS in their own homes regardless of their own smoking status. SHS can travel between adjoining apartments from the homes of smokers into the dwellings of non-smokers. Secondhand smoke travels through walls, floors, air ducts, plumbing and electrical routes. Local communities can protect their residents from harmful SHS by passing smokefree MUH policies that end exposure to SHS inside their homes.

RESIDENTS IN MULTIUNIT HOUSING ARE EXPOSED TO SECONDHAND SMOKE

Exposure from SHS from tobacco products is known to be a health hazard. Smokefree MUH policies can protect residents from involuntary exposure where they live.

- Smokefree policies can protect people living in apartments from involuntary smoke entering their home and improve air quality. A study found that smokefree MUH policies resulted in reduced exposure to secondhand smoke.¹⁰
- Similarly, a Boston study of indoor air quality comparing buildings **with** smokefree policies to buildings **without** smoke free policies showed that apartment buildings **with** smokefree policies had **lower** concentrations of harmful particulate matter from SHS.¹¹
- A nationwide study looking at the frequency of SHS exposure in households that do not allow smoke found that one in three MUH residents who did not smoke in their own homes experienced SHS incursions from dwellings who did allow smoking in their homes.¹²
- A California study found an association between SHS exposure in homes and attention deficit hyperactivity disorder (ADHD) and middle ear disease in children and adolescents, as well as ischemic heart disease and asthma in adults.¹³

SMOKEFREE MUH POLICIES ARE GOOD BUSINESS

While property managers may be apprehensive about smokefree MUH policies, research shows that these policies may have a positive impact on business.

- Smokefree policies can drastically cut costs for property managers. A July 2024 article on a rental property website states the cost of restoring a rental property after a person who smokes cigarettes moves out runs into in the thousands of dollars. This expense is due to professional cleaning costs, replacing carpeting, repainting, and restoring or replacing HVAC systems.¹⁴
- Most California residents agree with having smokefree MUH policies. Key findings from the 2023 Online California Adult Tobacco Survey showed that 68.7% of Californians favored smokefree MUH policies.¹⁵

SMOKEFREE MUH POLICIES CAN MOTIVATE PEOPLE TO QUIT

Research shows that having smoke-free MUH policies can be an effective motivating factor to quitting tobacco addiction.

- A study in Washington, D.C. examined public housing residents' smoking cessation intentions and expectancies one year after implementation of Housing and Urban Development's (HUD) mandatory smokefree public housing law. Almost 40% reported thinking about quitting, with 43.8% of those specifically citing the smokefree housing rule as the explicit reason for considering ending tobacco use.¹⁶
- A Portland, Oregon study of adults living in subsidized low-income housing found that implementation of a smokefree MUH policy increased quit rates and reduced cigarette consumption. The study found that the quit rate for tenants with smokefree MUH policies was 14.7%, while the quit rate prior to the policy was 2.6%.¹⁷

AVOIDING POTENTIAL UNINTENDED CONSEQUENCES

In response to Public Health efforts to combat SHS exposure in MUH, the tobacco industry engaged in efforts to distort the facts and deflect responsibility away from smoking.^{Error! Bookmark not defined.} These efforts included misinformation about the cause of illnesses, as well as claiming that smokefree MUH policies violated the "sanctity of the private home." These industry efforts may have spurred opposition to public health policies that improve health and reduce exposure to SHS. However, studies dispel these myths, and public health advocates can take action to reduce potential undesirable unintended consequences of smokefree policies.

- One industry argument is that smokefree policies are unnecessary because ventilation and filtration companies can combat exposure to SHS. However, ventilation and filtration alone do not work to remove SHS. Many of the efforts advocating for this method were sponsored by the tobacco industry to avoid implementation of smoke free policies.¹⁸
- It has been found that higher-income adults are often able to negotiate the adoption of a smokefree home policies, while lower income adults may lack the agency or resources to advocate for these protections. Smokefree MUH policies have been more common in senior housing, buildings that cater to

high-income adults and new buildings.¹⁹ To assure health equity, smokefree MUH policies should be enacted at a jurisdiction level to provide the same protection for all residents, regardless of their ability to self-advocate for these protections.

- The fear of smokefree policies leading to homelessness is a cause for concern: A 2013 Boston study found that the smoking-related death rate in the unhoused or marginally unhoused community was double rate of people with stable housing.²⁰ It is important that the implementation of smokefree policies be accompanied by supportive smoking cessation efforts.^{Error! Bookmark not defined.} It is also imperative to ensure that smokefree policy violations do not lead to eviction, as this would be unethical and contradict the goal of permanent supportive housing.²¹

RECOMMENDATIONS

There is no safe level of exposure to SHS. Toxic chemicals emitted by SHS have been proven to cause harm to all those exposed, including adults and children. While individuals may choose not to use tobacco and to avoid SHS exposure, they may still be involuntarily exposed to SHS in their homes. Public health advocates must undertake strategies to ensure equitable implementation of smokefree MUH policies, including the following:

- Promote culturally and linguistically appropriate cessation programs, provide reasonable accommodations for residents with disabilities to be able to easily access. Residents who have not complied with a smokefree MUH policy should be given verbal and/or written warnings, resources for cessation, and conduct webinars or local meetings to encourage stakeholder commitment to implementing cessation interventions to accompany smokefree MUH policies.^{Error! Bookmark not defined.}
- Follow the recommendations included in the Public Health Law Center smokefree MUH enforcement guide. The recommendations include providing smoking cessation support, avoiding direct fines against tenants, using community service to limit financial hardship on residents, and employing restorative justice. Equitable smokefree MUH policies should be cautious of “one strike” evictions or criminal sanctions which may create housing instability and have negative public health impacts.²²
- Educate policymakers on the importance of adopting a comprehensive (i.e., 100% smokefree) policy that delays enforcement for 90 days from the effective date to allow residents time to quit smoking.^[23,24]
- Promote jurisdiction-level Smokefree MUH ordinances that cover all types of MUH dwellings, including townhomes, duplexes, and condos, and include low- and high-income housing. The policy will be more effective if it covers all types of buildings.²⁰
- Support property managers in jurisdictions that allow for outdoor designated smoking areas to locate them at the greatest reasonable distance possible from both buildings and pedestrian traffic. This will help to avoid exposure to SHS from designated MUH smoking areas.²⁵

Spotlight

The Public Health Law Center has created a model ordinance for Smokefree Multi-Unit housing policies. The model policy includes comprehensive ordinance language without exemptions, offering the most protection from SHS to residents. The model ordinance is available through the Public Health Law Center website: www.publichealthlawcenter.org/sites/default/files/resources/CA-Smoke-free-MUH-Model-Ordinance.pdf

As of October 2024, the Policy Evaluation Tracking System (PETS) tracked 101 California municipalities with some level of smoking regulations in multiunit housing. The strength of these policies varies, with some policies including robust protections, while others allow significant exceptions. The matrix describing California’s MUH ordinances is available for viewing here:

<https://pets.tcpspartners.org/Documentation/Matrices.cfm>

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