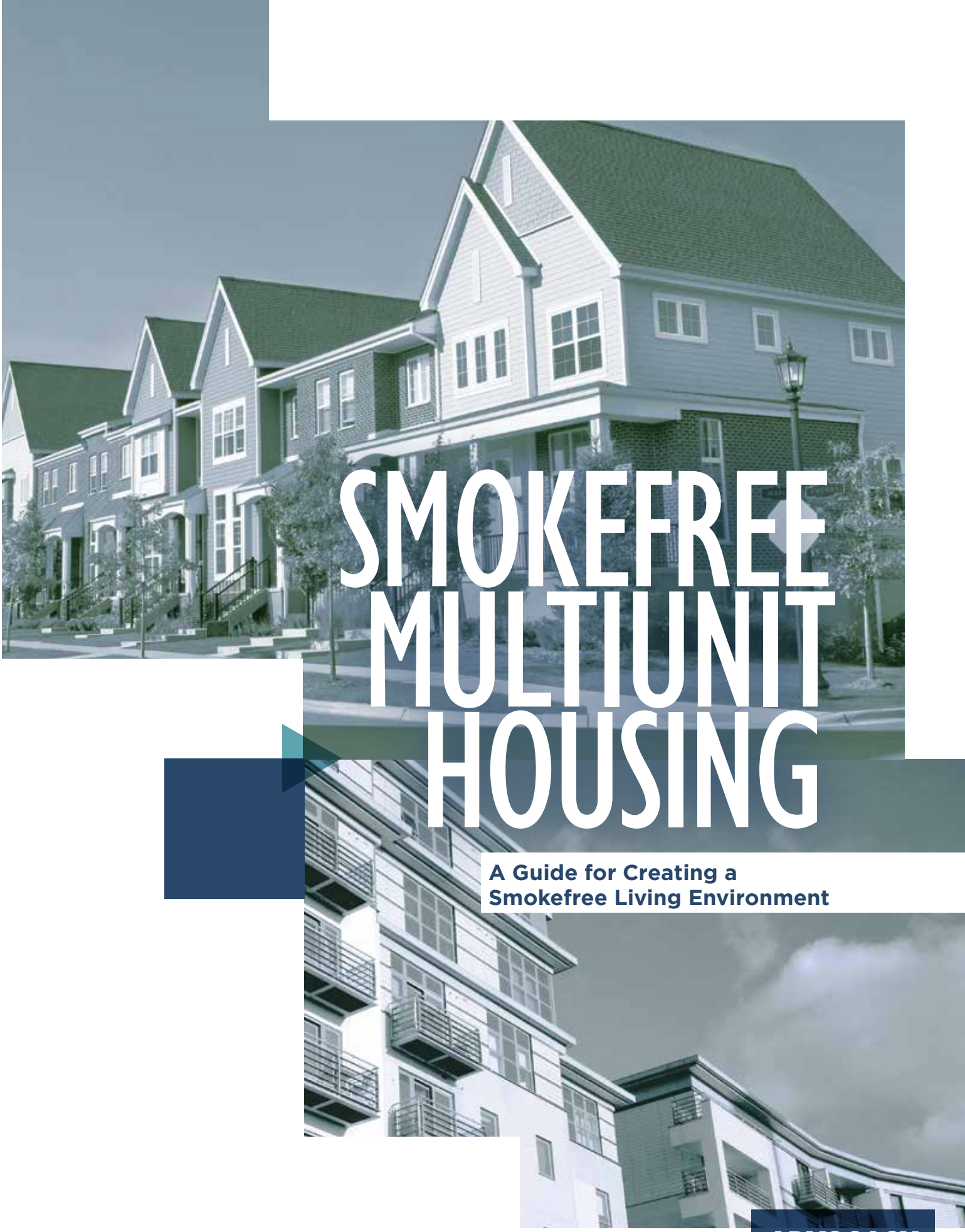


SMOKEFREE MULTIUNIT HOUSING

A Guide for Creating a Smokefree Living Environment

ADVOCACY MANUAL

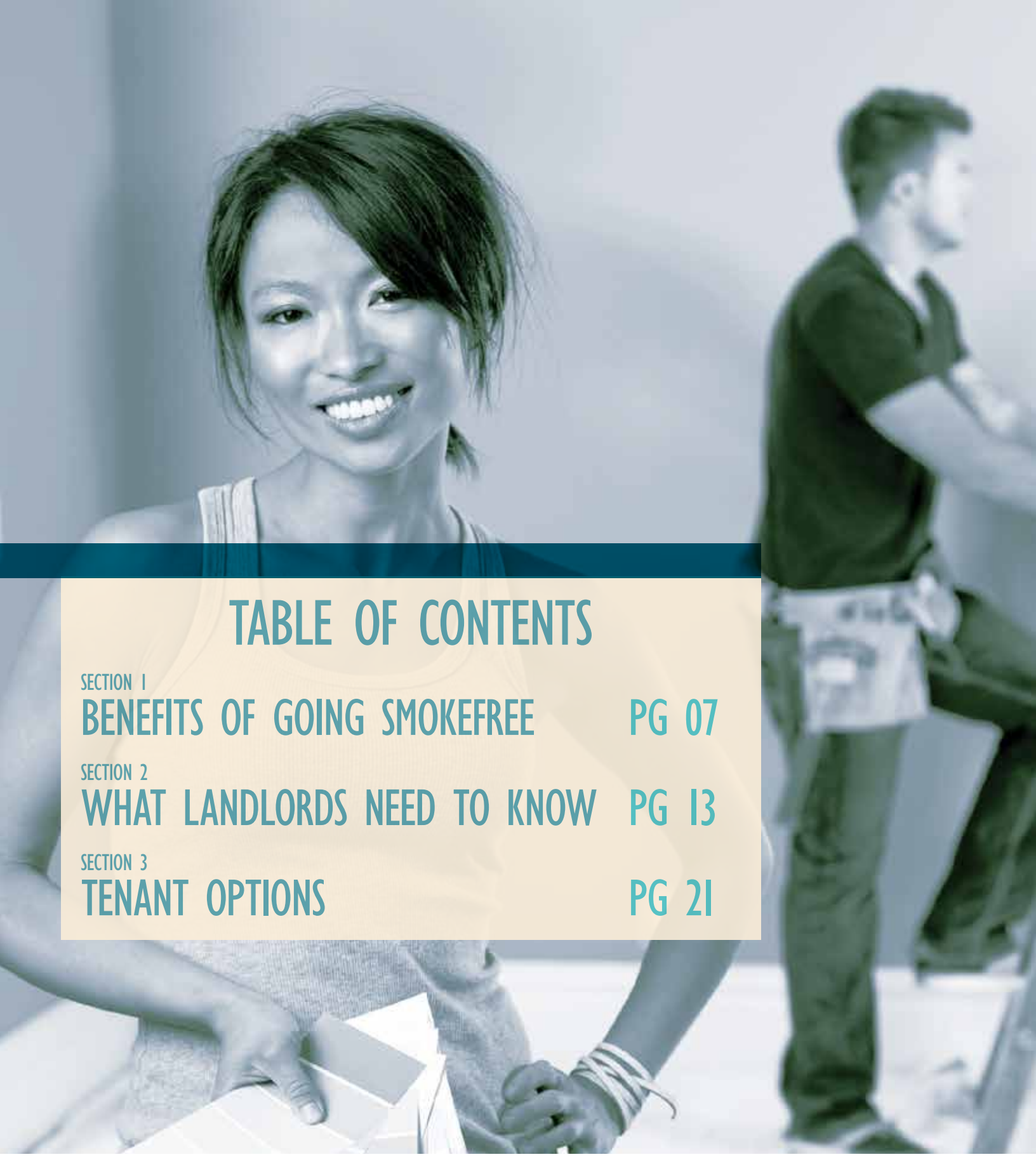


TABLE OF CONTENTS

SECTION 1
BENEFITS OF GOING SMOKEFREE PG 07

SECTION 2
WHAT LANDLORDS NEED TO KNOW PG 13

SECTION 3
TENANT OPTIONS PG 21

The information included in this manual is not intended to be legal advice. For legal counsel, contact your attorney.

WELCOME

It's amazing to think that less than 40 years ago, smoking was permissible everywhere: schools, hospitals, restaurants, airplanes, offices and more. However, smoking in housing units continues and is a major problem for many Oklahomans. Thankfully the tide is beginning to turn as more and more people in multiunit housing are expecting smokefree environments.

If you are having problems with secondhand tobacco smoke in your building, talk to your landlord. If no one speaks up, landlords assume there is no problem. This Advocacy Manual will provide you with helpful information, valuable tips, resources and advice to help you better communicate to your landlord important reasons to go smokefree.

MYTHS ABOUT SMOKEFREE LIVING

A few common myths, widely believed by many landlords, need to be dispelled. This manual sheds new light and provides solid information on important topics including the following:

Myth #1: Landlords cannot legally prevent tenants from smoking inside their units. *Smokefree policies are legal.*

Myth #2: Most renters and potential renters are smokers. *Only 25% of Oklahomans smoke. Even smokers would support a policy.*

Myth #3: Secondhand smoke really isn't very harmful. ***Secondhand smoke kills.*** *Read more about the harmful effects in this manual.*

Myth #4: Most smoke can be easily contained in a smoker's unit, and the part that may infiltrate other units really doesn't matter. *Secondhand smoke spreads into nonsmoking apartments in many ways, and there is no safe level of exposure. Learn more as you read on.*

Myth #5: Most renters don't care about smoking policies or will willingly share a building. *Actually, 60% of Oklahoma apartment dwellers would prefer an apartment in an entirely nonsmoking building.*

Myth #6: A nonsmoking policy would be difficult to implement and enforce. *A nonsmoking policy is just as easy to implement as any other. This kit will show you ways to help your landlord.*

Myth #7: Smokers will not support a new policy, and a landlord may lose tenants. *Many smokers support smokefree policies too.*

SECTION I

BENEFITS OF GOING SMOKEFREE

FOR YOU AND YOUR FAMILY

- Healthier living space. Smokefree living improves everyone's health and reduces risks for serious illnesses.
- Healthier families. Children and the elderly are particularly vulnerable to secondhand smoke. Children raised in nonsmoking homes are not only healthier, they are also less likely to take up tobacco use and become addicted to it when they become older.

FOR YOUR LANDLORD

Advocates for nonsmoking policies should also understand additional reasons why an increasing number of property managers are becoming interested in smokefree policies, which are covered in a companion manual for landlords, *Smokefree Multiunit Housing: A Healthy Business Decision*. Several of these reasons are clarified on page 4. Others include the following:

- Protects properties from fire.
- Reduces liability. Apartment owners can run increased risks for liability when properties are not smokefree. Nonsmokers with serious breathing disabilities or smoke allergies have legal protection under federal and state laws.
- Reduces cleaning and maintenance costs. It can cost thousands to turn over a smoking unit when someone who has smoked moves out. Costs can include removing odors, painting yellow walls, fixing burn holes and replacing carpet, and much more.

TIPS AND STRATEGIES FOR HELPING YOUR LANDLORD GO SMOKEFREE

1. Make A Plan

Give some thought as to what your objective is and what your plan of action will be. Think about what compromises you might be willing to accept. If all buildings cannot be 100% smokefree, would it be possible to create designated smokefree buildings? If they are not smokefree already, start by advocating for all public or community areas to be smokefree (such as laundry rooms, lobbies, outdoor patios and balconies, recreational facilities and playgrounds). Indoor common areas are already required to be smokefree by state law.

2. Hold A Meeting

Gather with other residents to discuss the issue and get a better view of residents' concerns. This need not be formal — meet in a common area of your apartment building or invite some neighbors over to your apartment for a discussion. It will be helpful to find other residents who share your concern about the impact of secondhand smoke.

3. Get Informed — and Inform Others

Understand your rights. Review the information about smokefree housing and the health effects of secondhand smoke. Review your existing lease to see if there is a "nuisance" clause that might apply to drifting secondhand smoke.

4. Inform Management

Your management might be unaware that it is completely legal to designate an apartment building or complex as smokefree. People often mistakenly believe that there is legal right to smoke in apartments. However, no such right exists. Remind the management about the significant cost savings associated with smokefree housing and the ability of smokefree policies to reduce conflicts between residents. This Advocacy Manual contains a sample letter to send to your property manager or owner on page 29. However, the letter will have more of an impact if you also make a personal visit to discuss the issue.

5. Build Support

Management often wants more information about existing residents' thoughts on this issue. Management is often surprised by the strong support for smokefree housing policies. Gather resident support for a smokefree policy by using a petition, or work with management to conduct a survey of residents. Understand and expect that there will be some resistance to policy change, but remain insistent that you have a right to be secure in your apartment and protected from the dangers of secondhand smoke.

See Sample Petition in Appendix E

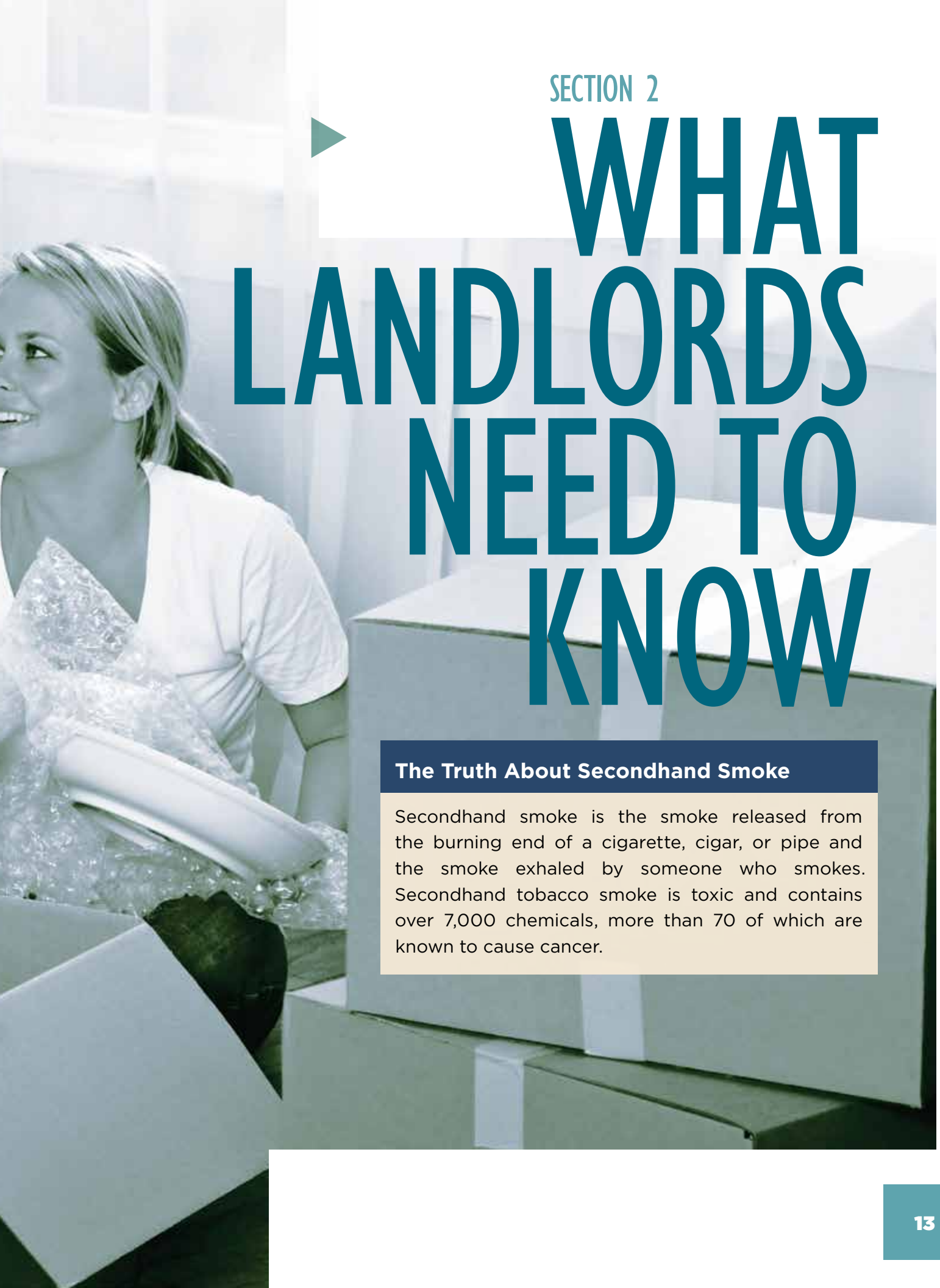
6. Change the Policy

The apartment property manager or owner should start with a smokefree policy for all indoor work and common areas right away, which is already required by state law. Apartment units can be made smokefree one building at a time, or as leases come up for renewal. This toolkit includes model language that can be added to a lease to implement a smokefree policy. Provide this information to your property manager or owner.

See Sample Lease Addendum in Appendix F

SECTION 2

WHAT LANDLORDS NEED TO KNOW



The Truth About Secondhand Smoke

Secondhand smoke is the smoke released from the burning end of a cigarette, cigar, or pipe and the smoke exhaled by someone who smokes. Secondhand tobacco smoke is toxic and contains over 7,000 chemicals, more than 70 of which are known to cause cancer.

SECONDHAND SMOKE

The Inescapable Truth

The following are among at least 250 toxic chemicals present in secondhand tobacco smoke:

- Arsenic: a poisonous chemical used to kill weeds and pests
- Benzene: a chemical found in gasoline fumes
- Cadmium: a metal used to make batteries and plastics
- Polonium-210: a radioactive element
- Vinyl chloride: a substance used to make plastics
- Formaldehyde: a chemical used by embalmers
- Ethylene oxide: a chemical used to make antifreeze

"The debate is over. The science is clear. Secondhand smoke is not a mere annoyance but a serious health hazard."

— U.S. Surgeon General

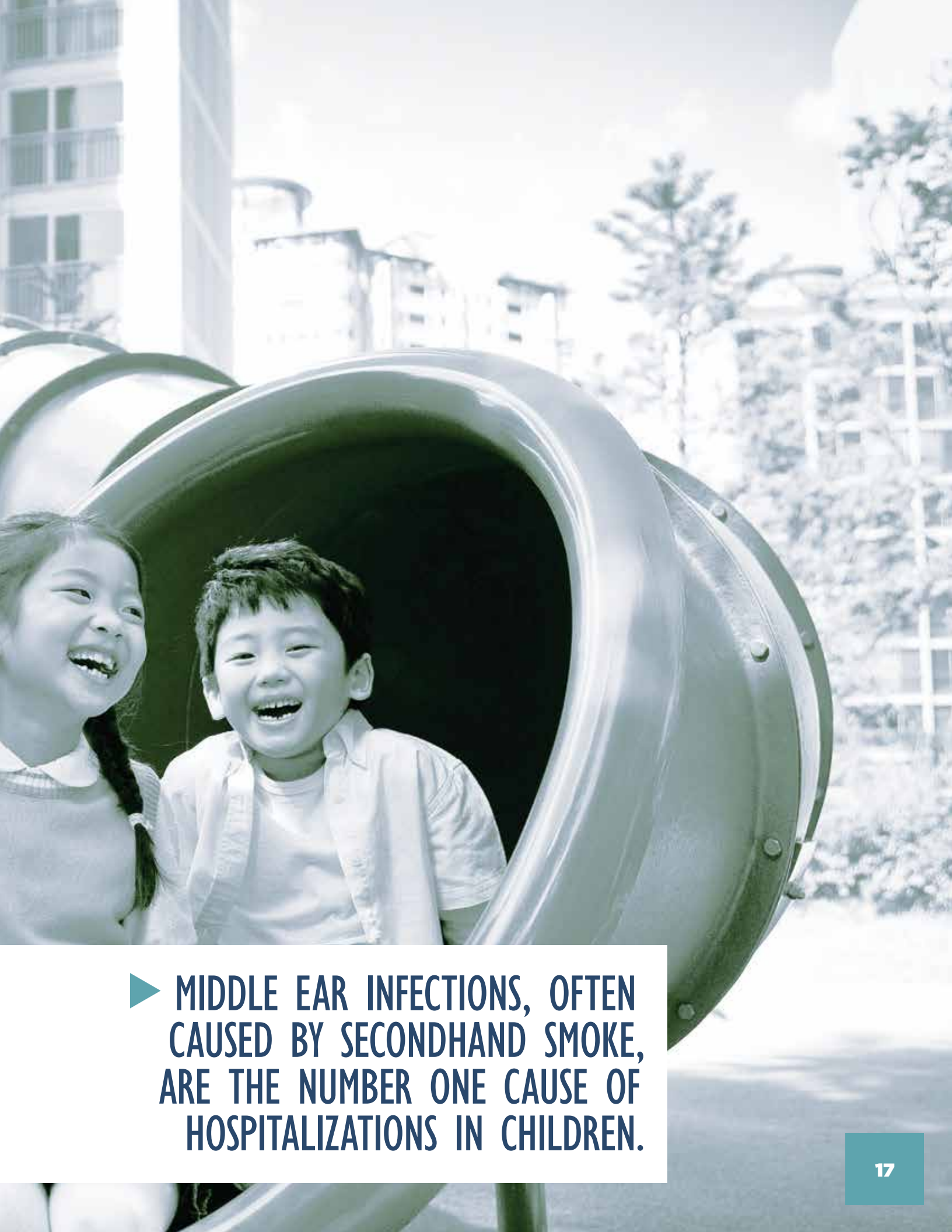
HEALTH RISKS

- Secondhand smoke kills more than 50,000 people each year in the United States, 700 in Oklahoma.
- Brief exposure (30 minutes) to secondhand tobacco smoke has immediate negative effects on the heart, increasing the risk of heart attack.
- Many people suffer from illnesses caused by secondhand smoke diseases, including: emphysema, cancer, heart disease, stroke, chronic bronchitis, and asthma.

"At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity." — ASHRAE (American Society of Heating, Refrigeration & Air-Conditioning Engineers).

SECONDHAND TOBACCO SMOKE AND CHILDREN

- Inhaling secondhand tobacco smoke can cause Sudden Infant Death Syndrome (SIDS).
- Children can get lower respiratory illnesses, middle ear infections and more severe asthma from being around secondhand tobacco smoke.
- Annually, secondhand tobacco smoke causes at least 150,000 cases of pneumonia and bronchitis in children under 18 months of age.



▶ MIDDLE EAR INFECTIONS, OFTEN CAUSED BY SECONDHAND SMOKE, ARE THE NUMBER ONE CAUSE OF HOSPITALIZATIONS IN CHILDREN.

SECONDHAND TOBACCO SMOKE AND PETS

Secondhand tobacco smoke has been shown to contain many cancer-causing compounds, making it hazardous for animals as well as humans.

- Dogs exposed to secondhand smoke are three times more likely to develop lung or nasal cancer.
- Dogs can have allergic reactions. Scratching, biting, and chewing their skin might not be from fleas or food allergies.
- Cigarette butts are lethal. Two tobacco butts eaten by a puppy can kill it quickly.
- Cats have higher rates of feline lymphoma, a deadly form of cancer, and squamous cell oral cancer. When grooming, cats ingest poisons from secondhand smoke that have settled on their fur.
- Cats can develop breathing problems, inflamed lungs and asthma.

SECTION 3

TENANT OPTIONS

HUD * According to the U.S. Department of Housing and Urban Development (HUD), owners of federally subsidized housing have the right to prohibit or otherwise restrict smoking. In fact, HUD has issued notices strongly encouraging all public housing authorities to adopt smokefree policies.

See a full HUD Notice in Appendix G

FHA * The Fair Housing Act (FHA) prohibits discrimination against individuals with disabilities by owners and operators of most housing. To be covered by the FHA, a person who is impaired by exposure to secondhand tobacco smoke must be able to show that such impairment is severe and chronic. A tenant or owner with a disability who thinks he or she has been denied reasonable accommodation can file a complaint with HUD or the Oklahoma Attorney General's Office within a year of the alleged denial.

ADA (Americans with Disabilities Act) * A disability is a physical or mental condition that substantially limits major life activities like walking or breathing. Disabilities can include severe asthma, chronic bronchitis and chest pains that are made worse through exposure to secondhand tobacco smoke. Landlords are responsible for making reasonable accommodations and rule changes to address that disability. Failing to do so can result in legal action.

TALKING TO YOUR LANDLORD

Here are tips for preparing to speak with your landlord:

1. Read this booklet to become more familiar with facts about secondhand tobacco smoke and nonsmoking policies.

2. Keep a log to show how secondhand tobacco smoke affects your health, as well as steps you have taken to try and solve the problem.

3. Talk to your neighbors. They may also have similar problems with secondhand tobacco smoke.

4. Talk to your landlord. Let him or her know about secondhand tobacco smoke coming into your unit. Showing him/her this booklet and your log may help solve the problem.

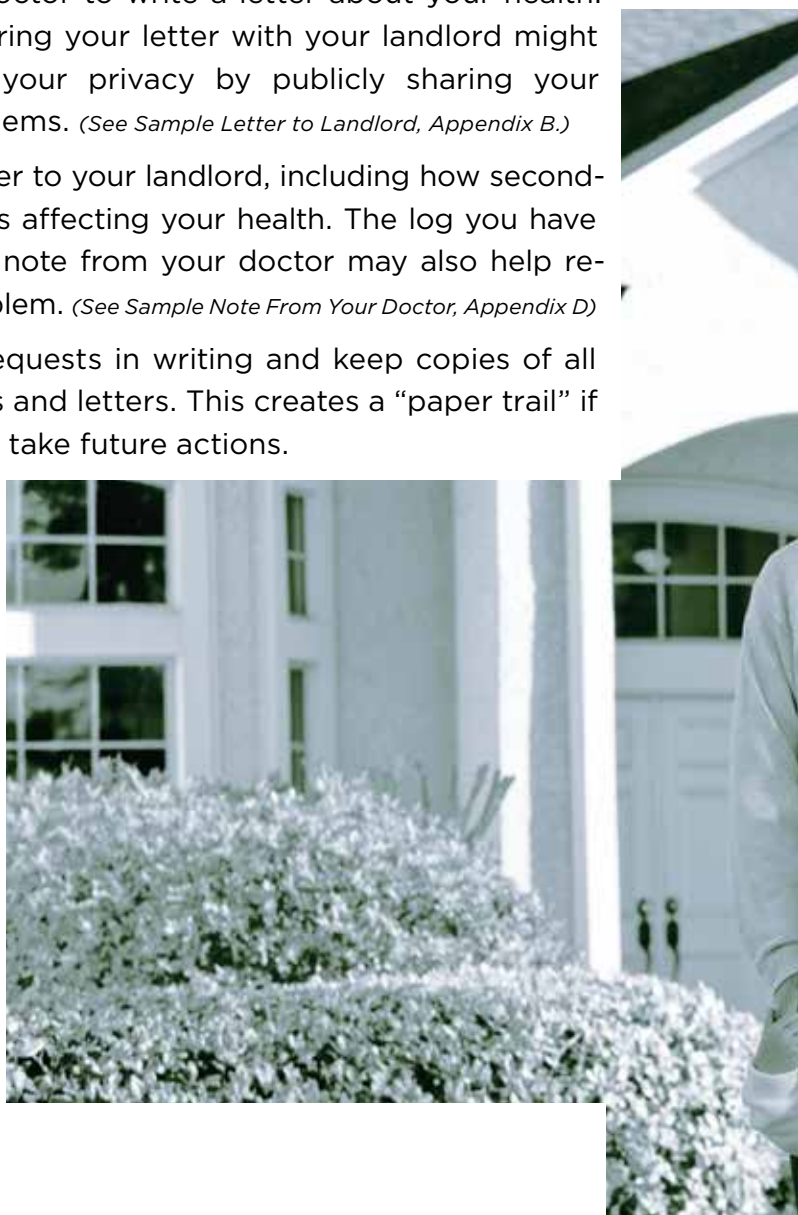
Possible Next Steps

If the problem is not solved after talking to your landlord, you can take other steps.

1. Ask your doctor to write a letter about your health. However, sharing your letter with your landlord might compromise your privacy by publicly sharing your medical problems. *(See Sample Letter to Landlord, Appendix B.)*

2. Write a letter to your landlord, including how secondhand smoke is affecting your health. The log you have kept and the note from your doctor may also help resolve the problem. *(See Sample Note From Your Doctor, Appendix D)*

3. Put your requests in writing and keep copies of all requests, logs and letters. This creates a "paper trail" if you decide to take future actions.



QUESTIONS TO ASK BEFORE RENTING

You should not have to choose between your home and your health. However, as a last resort, you may need to consider moving if other tenants or your landlord do not respond to your requests for a smokefree environment.

Here are some suggested questions to ask when evaluating a possible place to live.

1. Is the nonsmoking policy written in the lease and/or community rules?

   Ask if the policy applies to everyone or just new tenants.

   Ask if the policy covers indoor common areas, rental units and any places outside including decks, balconies and patios.

2. Do any tenants currently smoke inside or outside? If yes, where do they smoke?

   Ask if they are smoking anywhere in the building. If there is shared ventilation, it is likely that secondhand tobacco smoke will get into your unit.

   Ask if people smoke outside near your windows or doors since secondhand tobacco smoke could also drift inside your unit.

3. If there is a nonsmoking policy, how does the landlord enforce the policy? How does the landlord respond to complaints about a neighbor or guest smoking?

4. Are signs posted to make visitors aware of the nonsmoking policy?

5. Did the previous tenant smoke? If yes, what did the landlord do to clean the apartment?

   Residual odors and contamination from secondhand tobacco smoke can create thirdhand tobacco smoke residue that can be hard to eliminate if a thorough and extensive cleaning is not done.

SUPPLEMENTAL INFORMATION

SAMPLE LETTER TO RESIDENTS PG 26
APPENDIX A

SAMPLE LETTER TO LANDLORD PG 27
APPENDIX B

SAMPLE LETTER FROM TENANT WITH A DISABILITY PG 28
APPENDIX C

SAMPLE DOCTOR'S NOTE PG 29
APPENDIX D

SUPPLEMENTAL INFORMATION

SAMPLE PETITION TO LANDLORD PG 30
APPENDIX E

SAMPLE LEASE ADDENDUM PG 31
APPENDIX F

HUD NOTICE PG 34
APPENDIX G

SAMPLE EXPOSURE LOG PG 37
APPENDIX H

SECONDHAND SMOKE RESOURCES PG 38
APPENDIX I

APPENDICES

Dear Resident,

Residents would like to see the management of ___ Apartment Complex establish smokefree housing policies in order to provide a healthier and safer environment. We are asking for a policy that would make the building smokefree and add smokefree clauses to residents' leases as they come up for renewal (prohibiting smoking inside of apartment units). These policies are completely legal and are becoming more and more common.

Secondhand smoke is a serious health hazard. It is the third leading cause of preventable death in the United States, causing approximately 50,000 deaths each year. The 2006 Report of the U.S. Surgeon General states that there is no safe level of exposure to secondhand smoke.

Secondhand smoke is particularly dangerous to children and has been linked to Sudden Infant Death Syndrome (SIDS). In addition, approximately 900 people in the U.S. die each year from fires caused by smoldering cigarettes.

This is an issue for the entire complex because cigarette smoke travels from unit to unit. Secondhand smoke can seep through outlets in walls and spread through air conditioning and heating systems. The remodeling required to prevent secondhand smoke from infiltrating nearby residences can be costly and ineffective. The only effective method to stop the spread of secondhand smoke throughout a building is a smokefree policy.

There is not a legally recognized right to smoke in one's residence if it adversely affects the health of another. However, current resident smokers would not be affected by this policy change until their leases come up for renewal.

A petition to help make ___Apartment Complex a smokefree environment will soon be circulated, and we ask that you please sign your name. If you have any questions or concerns, please contact the following:

<<Contact Name>>

<<Contact number/email>>

SAMPLE LETTER TO RESIDENTS

APPENDIX A

SAMPLE LETTER TO LANDLORD

APPENDIX B

Dear Property Manager or Owner,

I am writing to ask you to consider adopting a smokefree housing policy in order to establish a safe and healthier environment. Such policies are completely legal, and they also reduce management costs. (If applicable, note support of smokefree policy from other residents.)

Secondhand smoke is a serious health hazard. It is the third leading cause of preventable death in the United States, causing approximately 50,000 deaths each year. The 2006 Report of the Surgeon General states that there is no safe level of exposure to secondhand smoke.

Secondhand smoke is particularly dangerous to children and has been linked to Sudden Infant Death Syndrome (SIDS). In addition, approximately 900 people in the U.S. die each year from fires caused by smoldering cigarettes.

This is an issue for the entire complex because cigarette smoke travels from unit to unit. Secondhand smoke can seep through outlets in walls, and spread through air conditioning and heating systems. The remodeling required to prevent secondhand smoke from infiltrating nearby residences can be costly and ineffective. The only effective method to stop the spread of secondhand smoke throughout a building is a smokefree policy.

A smokefree policy is perfectly legal. There is no legally recognized right to smoke in one's residence if it adversely affects the health of another. In fact, smokefree policies reduce potential liability. Without such a policy, residents harmed by secondhand smoke from neighboring units could bring legal action against the apartment ownership. Such lawsuits are becoming more and more common.

Also, smokefree housing policies have not resulted in decreased revenue for owners. In fact, they save money, reduce costs, and often increase revenue. Costs associated with cleaning and remodeling a smoker's unit are substantially more compared to a nonsmoker's unit. In addition, a smokefree policy may lead to a reduction in fire insurance costs.

The transition to a new policy could be gradual. Current resident smokers could be exempted from this policy change until their leases come up for renewal.

Please take this step to protect my health and the health of my neighbors. If you would like more information on this topic, please visit www.BreatheEasyOK.com.

Regards,

Your Name

Apartment Complex
ATTN: Manager
1234 Apartment Lane
Oklahoma City, OK 73116

August 1, 2014

Your Name

1234 Apartment Lane, Apt 200

Oklahoma City, OK 73116

Dear Manager,

I am writing to request a reasonable accommodation for my disability that is being made worse by exposure to secondhand smoke.

As we discussed on [Date], tobacco smoke has been entering my home from my neighbor's unit for the past six months. Smoke enters my apartment, and makes it difficult for me to breathe. The continuous exposure to secondhand smoke every evening has made my disability worse. I have had to see my doctor three times because of this. In 2006, the U.S. Surgeon General concluded that there is no safe level of exposure to secondhand smoke. This report can be found at http://www.surgeongeneral.gov/library/secondhandsmoke/factsheets/factsheet6.html

When we met last, I gave you a copy of a log of my exposure to secondhand smoke that includes my interactions with the neighbor. I have attached another copy of the log and a note from my doctor.

I am requesting that management allow me to move to a nonsmoking unit, away from the drifting smoke. I also request that future empty apartments around me be rented to people who do not smoke and that no smoking be allowed on balconies and patios surrounding my unit. This accommodation would reduce my exposure to drifting smoke. I feel this is a reasonable solution.

Please let me know in writing by [Date] what your decision is about my request.

Sincerely,

Your Name

CC: Management Firm

Enclosures:

Log of Secondhand Tobacco Smoke Exposure

Letter from Dr. Smith

SAMPLE LETTER FROM TENANT WITH A DISABILITY

APPENDIX C

SAMPLE DOCTOR'S NOTE

APPENDIX D

(Doctor's Note should be on doctor's business stationery)

August 1, 2014

To Whom It May Concern:

"Your Name" has been under my care for over 10 years. "Your Name" has a disability which significantly interferes with his/her ability to breathe and walk very far.

"Your Name" has reported to me that tobacco smoke is drifting into his/her apartment from a neighboring unit. Due to "Your Name's" condition, exposure to tobacco smoke is detrimental to his/her health. It increases the risk of making his/her disability significantly worse.

Eliminating "Your Name's" exposure to secondhand tobacco smoke would be very helpful to control his/her medical condition.

Sincerely,

Dr. Smith

Medical Clinic

I support a smokefree policy for _____

Name	Unit	Comments

SAMPLE PETITION TO LANDLORD

APPENDIX E

SAMPLE LEASE ADDENDUM

APPENDIX F

** You may adjust the portions of this addendum that have been included in parentheses depending upon the scope of your smokefree policy.

Resident and all members of the resident's family or household are parties to a written lease with Property Owner/Manager (the Lease). This addendum states the following additional terms, conditions, and rules that are incorporated into the Lease.

A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights provided for in the Lease.

1. Purpose of Smokefree Housing: The parties desire to mitigate (i) the irritation and known health effects caused by secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the high cost of fire insurance for a nonsmokefree building.

2. Definition of Smoking: "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant.

3. Smokefree Complex: Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident's household have been designated as a smokefree living environment. Resident and members of Resident's household shall not smoke anywhere in the unit rented by Resident, in the building where the Resident's dwelling is located or in any of the common areas (or adjoining grounds of such building or other parts of the rental community), nor shall Resident permit any guests or visitors under the control of Resident to do so.

4. Resident to Promote No Smoking Policy and to Alert Landlord of Violations: Resident shall inform Resident's guests of the smokefree policy. Further, Resident shall promptly give Property Manager/Owner a written statement of any incident where secondhand smoke is migrating into the Resident's unit from sources outside of the Resident's apartment unit.

5. Property Manager/Owner to Promote No Smoking Policy: Property Manager/Owner shall post no smoking signs at entrances and exits, common areas, and hallways (and in conspicuous places on the grounds adjoining the apartment complex).

6. Property Manager/Owner Not a Guarantor of Smokefree Environment: Resident acknowledges that Property Manager/Owner's adoption of a smokefree living environment, and the efforts to designate the rental complex as smokefree, do not make the Property Manager/Owner or any of its managing agents the guarantor of Resident's health or of the smokefree condition of the Resident's unit and the common areas. However, Property Manager/Owner shall take reasonable steps to enforce the smokefree terms of its leases and to make the (designated areas of the) complex smokefree. Property Manager/Owner is not required to take steps in response to smoking unless Property Manager/Owner knows of said smoking or has been given written notice of said smoking.

7. Other Residents are Third-Party Beneficiaries of Resident's Agreement: Resident agrees that the other Residents at the complex are the third-party beneficiaries of Resident's smokefree addendum agreement with Property Manager/Owner. A Resident may sue another Resident for an injunction to prohibit smoking or for damages, but does not have the right to evict another Resident. Any suit between Residents herein shall not create a presumption that the Property Manager/Owner breached this Addendum.

8. Effect of Breach and Right to Terminate Lease: A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights provided for in the Lease. A material breach of this Addendum by the Resident shall be a material breach of the Lease and grounds for immediate termination of the Lease by the Property Manager/Owner. Property Manager/Owner acknowledges that in declaring this building (or portion of the building) to be smokefree, the failure to respond by Property Manager/Owner to a complaint filed by the Resident shall be treated as equivalent to failure to respond to a request for maintenance. Oklahoma law governing repair and deduct, the implied warranty of habitability, and the covenant of quiet enjoyment shall be understood to include the right to be smokefree contingent upon cooperation of both Resident and Property Manager/Owner. These provisions shall also be construed to result in a constructive eviction if Property Manager/Owner fails to timely respond to Resident's complaints regarding secondhand smoke.

9. Disclaimer by Property Manager/Owner: Resident acknowledges that Property Manager/Owner's adoption of a smokefree living environment, and the efforts to designate the rental complex as smokefree, does not in any way change the standard of care that the Property Manager/Owner would have to a Resident household to render buildings and premises designated as smokefree any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Property Manager/Owner specifically disclaims any implied or express warranties that the building, common areas, or Resident's premises will have any higher or improved air quality standards than any other rental property. Property Manager/Owner cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Resident acknowledges that Property Manager/Owner's ability to police, monitor, or enforce the agreements of the Addendum is dependent in significant part on voluntary compliance by Resident and Resident's guests. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Property Manager/Owner does not assume any higher duty of care to enforce this Addendum than any other Property Manager/Owner obligation under the Lease.

(Optional Paragraph for Existing Rental Communities that Adopt Smokefree Policies)

10. Effect on Current Residents: Resident acknowledges that current residents residing in the complex under a prior Lease will not be immediately subject to the smokefree policies. As current residents move out, or enter into new Leases, the smokefree policy will become effective for their new unit or new Lease.

_____

Resident Date

_____

Property Manager/Owner Date

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Office of Healthy Homes and Lead Hazard Control

SPECIAL ATTENTION OF:

Regional Directors; State and Area Coordinators; Public Housing Hub Directors; Program Center Coordinators; Troubled Agency Recovery Center Directors; Special Applications Center Director; Administrators; Resident Management Corporations Public Housing Agencies; Healthy Homes Representatives

NOTICE: PIH-2012-25

Issued: May 29, 2012

Expires: Effective until amended, revoked or superseded

Cross Reference:
24 CFR 903.7 (e)(1)
24 CFR 966.3

Subject: Smoke-Free Policies in Public Housing

1. **Purpose.** This notice is a reissuance of PIH Notice 2009-21 which strongly encourages Public Housing Authorities (PHAs) to implement smoke-free policies in some or all of their public housing units. According to the American Lung Association, cigarette smoking is the number one cause of preventable disease in the United States. The elderly and young populations, as well as people with chronic illnesses, are especially vulnerable to the adverse effects of smoking. This concern was addressed by the Family Smoking Prevention and Tobacco Control Act, P.L. 111-31, signed by the President on June 22, 2009. It is possible for Environmental Tobacco Smoke (ETS) to migrate between units in multifamily housing, causing respiratory illness, heart disease, cancer, and other adverse health effects for those living in neighboring residences. Therefore the Department is encouraging PHAs to adopt smoke-free policies. By reducing the public health risks associated with tobacco use, this notice will enhance the effectiveness of the Department's efforts to provide increased public health protection for residents of public housing. The Department is currently developing additional guidance to assist PHAs with the consideration and adoption of smoke-free policies.

2. **Applicability.** This notice applies to Public Housing.

3. **Background.** Secondhand smoke, also known as Environmental Tobacco Smoke, is the smoke that comes from the burning end of a cigarette, pipe or cigar, and the smoke exhaled from the lungs of smokers. ETS is involuntarily inhaled by non-smokers, and can cause or worsen adverse health effects, including cancer, respiratory infections and asthma. According to the U.S. Environmental Protection Agency (EPA) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke (www.epa.gov/smokefree/healtheffects.html). Also the 2006 Surgeon General's report identified hundreds of chemicals in secondhand smoke that are known to be toxic. The report

(*The Health Consequences of Involuntary Exposure to Secondhand Smoke)* can be found at http://www.surgeongeneral.gov/library/smokeexposure/report/fullreport.pdf. According to this report, secondhand smoke causes an estimated 50,000 deaths in adult non-smokers in the United States each year, including approximately 3,400 from lung cancer and approximately 46,000 from heart disease. This can have a significant impact on people who live in close proximity to smokers.

Currently there are more than 1.2 million families who reside in public housing. Residents between the ages of 0-17 represent approximately 39 percent of public housing residents, with those over the age of 62 representing approximately 15 percent of public housing residents. Residents in these age groups account for at least 54 percent of public housing residents, and represent a population that could be at increased risk to the adverse effects of ETS. Additionally, there are a considerable number of residents with chronic diseases such as asthma and cardiovascular disease who may also be particularly vulnerable to the effects of ETS as secondhand smoke lingers in the air hours after cigarettes have been extinguished and can migrate between units in multifamily buildings.

Smoking is the leading cause of fire deaths in multifamily buildings with 26 percent of these casualties reported in 2005 www.usfa.dhs.gov/downloads/pdf/publications/Residential_Structure_and_Building_Fires.pdf. Data from the U.S. Fire Administration of the Department of Homeland Security estimates that in 2006 there were 18,700 smoking-material fires in homes. These fires resulted in 700 civilian deaths (not including firefighter casualties), 1,320 civilian injuries, and $496 million in direct property damage www.nfpa.org/assets/files/PDF/OS.Smoking.pdf.

4. **Indoor Air Quality (IAQ).** According to the U.S. Green Building Council (USGBC), toxin free building materials used in green buildings help combat indoor air pollution. Achieving good IAQ involves minimizing indoor pollutants such as ETS; therefore it would be advantageous for a PHA to restrict indoor smoking as it would be easier for a property to achieve good IAQ in its buildings. During construction or renovation of projects, PHAs should consider the following actions: installing direct vent combustion equipment and fireplaces; providing for optimal, controlled, filtered ventilation and air sealing between living areas and garage or mechanical areas, and the use of paints and other materials that emit no or low levels of volatile chemicals (volatile organic compounds or VOCs). Sixty-five percent of the public housing inventory was built prior to 1970. In order for a PHA to implement retrofits that would improve IAQ significantly, it would be likely that renovation would need to take place. If a PHA performs renovations to improve IAQ without also implementing a non-smoking policy, the IAQ benefits of the renovation would not be fully realized. Therefore, a non-smoking policy is an excellent approach for those PHAs that are trying to achieve improved IAQ without additional retrofit costs.

5. **Maintenance.** It is well known that turnover costs are increased when apartments are vacated by smokers. Additional paint to cover smoke stains, cleaning of the ducts, replacing stained window blinds, or replacing carpets that have been damaged by cigarettes can increase the cost to make a unit occupant ready. Therefore, a non-smoking policy is another good approach for reducing maintenance costs. View the Sanford Maine Housing Authority case study at

http://www.smokefreeforme.org/landlord.php?page=Save+Money%2C%3Cbr%3ESave+Your+Building.

6. **Policy Discretion.** PHAs are permitted and strongly encouraged to implement a non-smoking policy at their discretion, subject to state and local law. Some PHAs have established smoke-free buildings. Some PHAs have continued to allow current residents who smoke to continue to do so, but only in designated areas and only until lease renewal or a date established by the PHA. Some PHAs are prohibiting smoking for new residents. According to a state-funded anti-smoking group, the Smoke-Free Environment Law Project of the Center for Social Gerontology, there are more than 225 PHAs and housing commissions across the country that have implemented non-smoking policies. PHAs should consult with their resident boards before adopting non-smoking policies at their properties.

7. **PHA Plans**. PHAs opting to implement a non-smoking policy should update their PHA plans. According to 24 CFR 903.7(e), their plan must include their statement of operation and management and the rules and standards that will apply to their projects when the PHA implements their non-smoking policy. PHAs are encouraged to revise their lease agreements to include the non-smoking provisions. If PHAs institute non-smoking policies, they should ensure that there is consistent application among all properties and buildings in their housing inventory in which non-smoking policies are being implemented.

8. **Smoking Cessation National Support.** Smoking tobacco is an addictive behavior, therefore PHAs that implement non-smoking policies should provide residents with information on local smoking cessation resources and programs. Local and state health departments are sources of information on smoking cessation. The toll-free number of the National Network of Tobacco Cessation Quitlines, 1-800-QUIT-NOW (1-800-784-8669), connects users directly to their State quitline, the National Cancer Institute's website www.smokefree.gov provides tips on quitting tobacco use, and the American Lung Association's Web page on State Tobacco Cessation Coverage www.lungusa2.org/cessation2 provides information on cessation insurance programs, both public and private, in all states and the District of Columbia. In addition, information on quitting from National Cancer Institute counselors can be accessed by calling the toll-free number 1-877-44U-QUIT (1-877-448-7848). Hearing or speech-challenged individuals may access these numbers through TTY by calling the toll-free Federal Relay Service at 1-800-877-8339. PHAs that implement non-smoking policies should be persistent in their efforts to support smoking cessation programs for residents, adapting their efforts as needed to local conditions.

9. **Further Information**. For further information related to this notice, please contact Shauna Sorrells, Director, Office of Public Housing Programs at (202) 402-2769.

/s/
Sandra B. Henriquez
Assistant Secretary for Public and Indian Housing

/s/
Jon L. Gant,
Director, Office of Healthy Homes and Lead Hazard Control

SAMPLE EXPOSURE LOG

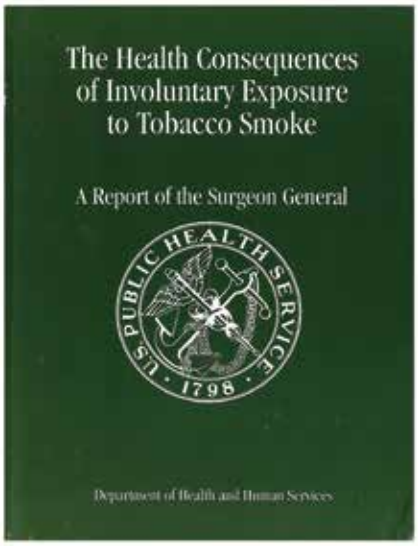
APPENDIX H

Date	Time	What Happened	Results

These are some reliable sources of information on secondhand smoke and its health effects.

www.BreatheEasyOK.com is a website maintained by the Oklahoma State Department of Health, offering information specific to Oklahoma as well as more general information on secondhand smoke. Oklahoma's state secondhand smoke laws, a summary of the laws, related regulations, and studies of secondhand smoke in Oklahoma are among the topics covered here.

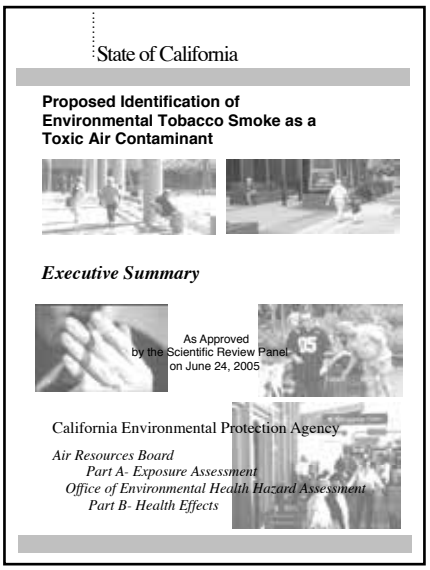
The 2006 Report of the Surgeon General on secondhand smoke is a thorough review of the scientific evidence on tobacco smoke pollution and the health effects of exposure to secondhand smoke. This in-depth document is available through the BreatheEasyOK.com website described above or at the site of the US Centers for Disease Control and Prevention (CDC), which is www.cdc.gov.



www.no-smoke.org is the website of Americans for Nonsmokers' Rights, an advocacy organization, and its educational branch, the American Nonsmokers' Rights Foundation. This site has frequently updated information on secondhand smoke and related policies, including news from across the country on smokefree policies in multiunit housing.

The Oklahoma Tobacco Settlement Endowment Trust (TSET) has two websites, www.ok.gov/tset, and www.StopsWithMe.com, that offer information on secondhand smoke and other health-related topics and TSET-funded programs.

The US Centers for Disease Control and Prevention (CDC) also provides a secondhand smoke toolkit, and other resources and information at this URL: www.cdc.gov/tobacco/basic_information/secondhand_smoke.


State of California

Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant

Executive Summary

As Approved by the Scientific Review Panel on June 24, 2005

California Environmental Protection Agency

Air Resources Board
Part A- Exposure Assessment
Office of Environmental Health Hazard Assessment
Part B- Health Effects

Another in depth review of scientific information on secondhand tobacco smoke was published in 2005, the result of California's fact finding to identify secondhand smoke as a toxic air contaminant. This report can be accessed at www.arb.ca.gov/toxics/ets/ets.htm.

"The debate is over. The science is clear. Tobacco smoke pollution is a serious health hazard."
– 2006 Surgeon General's Report

Center for the Advancement of Wellness
Phone (405) 271-3619 or
1-866-ONLY AIR (1-866-665-9247)
www.BreatheEasyOK.com

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