



Secondhand Smoke in Minnesota Apartment Buildings: A Summary of the Research

Most of the research summarized below was conducted by or for Center for Energy and Environment (CEE). CEE is an independent, nonprofit organization that works to promote the responsible and efficient use of natural and economic resources. The research consisted of four separate projects:

1. Conducting in-depth telephone interviews with owners of apartment buildings in Minnesota
2. Conducting mail surveys of a statistical sample of Minnesota renters
3. Researching the legal issues related to providing or not providing smoke-free rental housing
4. Testing strategies on actual apartment buildings to reduce movement of secondhand smoke

A team consisting of attorneys specializing in public and private housing, tenants' rights, and landlords' protection advised the legal researcher. The results of four of the projects are summarized below. The full reports are available on CEE's web site: www.mncee.org, indoor air quality, multifamily housing. The legal report on this web site also contains a model smoke-free lease addendum, which is also available on the web site of the Live Smoke Free program: www.mnsmokefreehousing.org.

Physics of smoke

Anyone who's taken high school physics may remember that gases expand to fill a space. In addition to small particles, cigarette smoke contains a number of gases. An apartment is not like a sealed box. Between each apartment unit and the adjacent unit are many spaces around pipes and electrical conduits and between walls and floors or ceilings. As the gases in cigarette smoke expand they move into these spaces and into units where tenants do not smoke.

The path smoke takes through a building is unpredictable. Generally it will move into units above the one in which it was generated. However, research conducted in typical Minnesota apartment buildings shows that it may move into adjacent units on the same floor or even into units below. Treating a building to reduce the movement of smoke is time consuming, disruptive to tenants, and expensive. Treatments cannot eliminate the movement of smoke among units but they can help reduce it.

Renter's experience with others' smoke

Almost half of the respondents in a survey of Minnesota renters stated that smoke comes into their apartment unit from somewhere outside the unit. Of these, over a third said that smoke bothers them "a lot" or "so much I'm thinking of moving." Apartment owners interviewed in a separate study confirmed these perceptions, stating that tobacco smoke is the second most common source of objectionable odors in multifamily buildings in Minnesota. Households that experience more frequent smoke movement were more bothered by it, as are those with no smokers and with children less than five years of age. Renters were reluctant to complain about this problem: only about 17% of those affected by smoke from outside their unit told the landlord or manager about the problem.

Beliefs of owners of smoking-permitted buildings

The lack of tenants' complaints may account for owners' belief that secondhand smoke movement does not have much effect on business. Owners who have not designated any smoke-free buildings think there is a market, and that the issue will become more important. However, most do not know of any smoke-free buildings, and most are not interested in providing them. They are concerned about the effect on vacancy rates and foresee problems in enforcement. They also have concerns that the practice may not be legal. Consequently, there are very few owners with smoke-free buildings.

Experience of owners with smoke-free buildings

The great majority of owners that have designated smoke-free housing were happy with their decision. Nearly all reported that it had had no effect on, or a decrease in, turnover, vacancy rate, and the amount of staff time required to manage the building. It had had no effect on the amount of rent they could charge. Almost all reported that they are very likely to continue to provide smoke-free housing. Moreover they had designated a large variety of buildings as smoke-free, subsidized and nonsubsidized; buildings of various ages and conditions; and buildings for seniors, for nonseniors without children, and for families with children.

The market for smoke-free rentals

Almost half of the renters interviewed said that they were extremely or very interested in living in a building free of tobacco smoke. Minority households showed more interest in living in smoke-free buildings than majority households; households with no smokers showed more interest than those with smokers. Over a third of renters would be willing to pay more to live in a smoke-free building, and others would be willing to make other tradeoffs like walking farther to a bus line or commuting a longer distance.

The legality of smoke-free policies

After consulting a wide range of legal materials, an attorney well versed in landlord-tenant law concluded that landlords may include use restrictions, such as a no-use-of-tobacco restriction, in a lease. He found that the Housing and Urban Development Agency (HUD) has supported the right of landlords to include such a restriction in leases for federally subsidized housing. There is a risk of lawsuits and potential liability for landlords who permit smoking in their buildings, although the law in this area is far from settled. Therefore, he recommended that property owners' should take a closer look at offering smoke-free options. Civil rights suits in employment suggest that being a smoker is not a disability within the meaning of various civil rights laws. The chief risk for a landlord offering a smoke-free environment is that smoke-sensitive tenants will argue that the landlord has promised higher air quality for the building. This risk could be addressed by language in the model lease addendum developed by the researcher and a legal advisory team.

Building testing and treatment of secondhand smoke transfer

Tests conducted by CEE show considerable air movement from one unit to another in apartment buildings. To help reduce this, CEE applied three types of treatments: increase the smoker's apartment ventilation, reduce air flow between smoker's and non-smoker's apartments by sealing building leaks and balancing pressures, and increasing the non-smoker's apartment ventilation. After the treatments, over 80% of tenants with pre-existing secondhand smoke problems indicated the problem was less frequent and less severe. However, the problem is rarely eliminated, and the cost of treatment exceeds what many owners are willing to pay.

Resources and further information

Also see Hennrikus D, Pentel PR, Sandell SD. Preferences and practices among renters regarding smoking restrictions in apartment buildings. *Tobacco Control*, 2003; 12: 189-194 and Schoenmarklin S. Infiltration of secondhand smoke in to condominiums, apartments and other multi-unit dwellings: a law synopsis by the Tobacco Control Legal Consortium, 2004. <http://www.wmitchell.edu/TobaccoLaw/resources/SchoenmarklinWeb/pdf>.