

# **Beginning the Work: Smokefree Policies for MUH**

Based on the efforts of Smokefree Air For Everyone (S.A.F.E.) in L.A. County, 2000 to 2015. Esther Schiller, Director  
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# The Environment When We Started

## What People Were Saying prior to 2000

- People who worked in tobacco control: You can't tell people they can't smoke in their own apartments!!
- Community members: Tobacco smoke can't move from one apartment to another. That's impossible.
- Scientists: Yes, that's a very interesting concept, but we have no funding just now to study it.
- Policy makers: You can't tell people they can't smoke in their own homes. Besides, they are addicted. (Poor things.) Also: "Over my dead body!!!"
- Currently: How many SF MUH laws have been passed in CA? Answer: Over 100

# Working with Landlords- Can be frustrating but also valuable.....

- First you have to find them: apartment associations, for rent mags & ads, trade shows, mgmt. companies
- At trade shows: “Have you thought about making your building smokefree? It saves money.”
- Benefits: Lower maintenance costs, Possible Insurance discount 10% from CIG (Capital Insurance Group) Tenants stay longer, lower risk of fires.
- Why landlords don't adopt no smoking policies: Don't want to enforce, doesn't know it is legal, believe there is “right to smoke.” Onsite mgr. smokes.
- MAMA/PAPA landlords are likely to be first adopters.

# Why Passing SF Policies is Better than Convincing One LL at a time

- Some landlords retire. They sell their buildings and the new owner doesn't keep the smokefree policy.
- 2013: New law-1947.5 initiated by Senator Alex Padilla, signed into law by Gov. Brown- Landlord can adopt a smokefree policy but must specify areas of property where smoking is not permitted. But landlords not required to adopt SF policies.
- Apartment associations which may be helpful: Apartment Owners Association (AOA) and American Apartment Owners Association (AAOA) a national group

# Drifting Tobacco Smoke in Condos and Co-Ops: Problem is Worse Than Apts.

Attorneys for condo associations will suggest treating problem as if they are dealing with owners of single family homes. (But they are sharing walls, floors, etc.)

Most condo owners cannot afford to hire an attorney.

The condo owner that wants to sell the unit because of smoke infiltration will need to disclose that to potential buyers. That makes it a lot harder to find a buyer.

Condo boards need to respond to requests for reasonable accommodations under Fair Housing Laws. But many will find ways to avoid responding.

# More About Condos and Co-Ops: Most SF Laws passed in CA include Condos

- Smoke will drift from unit to unit in condos as well as in apts. Doesn't matter whether bldg. is old or new.
- Usually in CC & R's (Conditions, Covenants and Responsibilities) there is some kind of language about nuisance or one owner cannot interfere with quiet enjoyment of another. But doesn't always help.
- There has been one law suit in Orange County. Renter was smoking on patio, asthmatic child several doors down kept getting sick, ended up in hospital. Lucky family found attorney who took the case "pro bono." He won due to nuisance in CC&R's.

# Best Law Passed So Far: Berkeley

- Berkeley has a Rent Control Law so their law will apply in every city.
- Law requires no smoking in all units, balconies/patios, common areas. Landlord to provide no smoking lease to new tenants. Existing tenants must comply with the law.
- Enforcement is by Code Enforcement Dept.: First tenant complains, letter is sent to person not in compliance, first tenant complains again and a second tenant living in same bldg. also complains.
- Code Enforcement Dept. can issue a citation or there can be a meeting with all parties to discuss and/or mediate.

# What About Marijuana Smoke?

- We all know that tobacco smoke is a carcinogen. So is marijuana smoke. Tobacco smoke contains 7,000 chemicals, 70 of which can cause cancer.
- According to State of CA, marijuana smoke contains 33 chemicals which are found in tobacco smoke and can cause cancer. MJ smoke is on the Prop. 65 list of substances that can cause cancer.
- The Proposition that de-criminalized marijuana also states that anywhere tobacco cannot be smoked, marijuana also cannot be smoked. That includes medical marijuana. Fortunately, people can use marijuana in ways other than smoking it.

# Educating Policy Makers and Residents Re the Need for SF MUH

- The best way to begin is by conducting surveys of residents of apartments and condos. (not single family homes.)
- Surveys are likely to show that over 95% agree breathing tobacco smoke is harmful to health.
- Surveys by CDC and S.A.F.E. indicate 1/3 of respondents are breathing a neighbor's smoke.
- Most want to live in a non-smoking environment but most who are breathing smoke don't complain.

# Impacts on Lower Income Residents

- Some housing advocates believe smoke-free policies discriminate against lower-income residents who smoke.
- But lower-income non-smokers cannot escape from and are exposed to secondhand smoke when a no-smoking policy is not in place. They are not as free to choose housing and often cannot afford to move.
- They typically have less access to health care and are more likely to suffer from illnesses (such as asthma) which are made worse by 2ndhand smoke.

# Working in Low Income Areas With Non-English Speakers

- You need someone in the office who speaks the language of your non-English speakers.
- It can be difficult to organize a community coalition which includes low income and non-English speakers. Some residents may be working 3 jobs, some might not have regular working hours.
- If you do find residents who can accompany you to a meeting with a policy maker, or speak at a Council meeting, ask them to write out what they want to say and practice it with them if possible.

# Working with City Councils and Staff Members

- Some cities have commissions such as a senior commission, a youth commission, a woman's commission. Making a presentation to a commission during public comment time and asking for a resolution or letter of support can be helpful.
- Sometimes a Chamber of Commerce will have a committee you can talk to, but you might have to join the Chamber in order to get that opportunity.
- If there is a school district, asking for a Resolution of support from the Board of Education is very helpful.

# More About Working with City Councils and City Staff

- If there's a community newspaper or community e mail exchange, try to get some attention that way. The goal is to find the people who are suffering, helping them to be willing to talk about their situation plus letting the community know there is a problem. Also finding supporters.
- But first conduct surveys and research whether the city you are working in has done something about controlling tobacco.

# A Bit More About Working with City Councils and City Staff

- Sometimes it's very difficult to get a meeting with anyone on the City Council or Staff. Try making a presentation during Public Comment time. Try to have 2 or 3 people speaking. Coordinate what they will say so each speech gives different info.
- Once the City Council members begin to recognize you, try to speak to one or two or a staff member when they take a break. Goal: to get a one-on-one mtg. Goal: to provide info which proves community support for passage of a law.

# Just a Bit More re City Council and Staff

- Search for community organizations, businesses, members of the state Legislature who will give letters of support.
- Every time something about the issue gets into the newspaper or the community e mail list, bring copies and distribute to members of the city council.
- Find out what meetings members of the City Council attend, go to the meetings, talk to them about the issue as they are walking to their car. Be pleasant.

# Graphic We Used in a Newspaper Ad along with info re issue and names of supporters



# Thirdhand Smoke: The Gift That Keeps on Giving

- Thirdhand smoke is residual contamination that tobacco smoke leaves on surfaces such as walls, ceilings, fixtures and furnishings.
- Tobacco smoke consists of gases and particulates, including carcinogens and heavy metals like arsenic, lead, and cyanide. Sticky, toxic substances like nicotine and tar help chemicals cling to walls and ceilings. Gases are absorbed into carpets, draperies and other surfaces.

# More About Thirdhand Smoke

- Tobacco residue is present in dust and on surfaces throughout places where smoking has occurred.
- This toxic, sticky residue can off-gas back into the air, even when no one is smoking. It can also combine with non-toxic chemicals found in the home to become even more dangerous.
- Even after a unit has been thoroughly cleaned, the chemicals in thirdhand smoke are present in the dust in the air, on fingers of residents, on children's toys, to be inhaled, absorbed or ingested by new tenants.

# L.A. County Cities that Passed Ordinances for SF MUH

- \*Calabasas, 2008 (Large apt. complexes will have non-smoking sections. Owners agreed)
- \*Glendale, 2008, 2013 (Owners must inform prospective tenants location of smoking permitted units, all new buildings to be totally SF)
- \*Santa Monica, 2009, 2010, 2012 (Rent controlled city, people who smoke grandfathered, terrible law)
- \*South Pasadena, 2010 (Landlords allowed to have smoking permitted sections in apt. bldgs.)

# More L.A. County Cities Pass Laws

- \*Burbank, 2010 (no smoking on balconies/patios and no smoking at swimming pool when kids at pool)
- \*Pasadena, 2011 (City has its own health dept. Coalition insisted on comprehensive ordinance. S.A.F.E. was member of Coalition. HOORAY!!!!)
- \*Baldwin Park, 2011 (80/20 but with no enforcement)
- Culver City, 2014; \*Manhattan Beach, 2015, \*El Monte, 2016, \*Beverly Hills, 2017 (all of these are comprehensive- no smoking in units, on balconies/patios, and in common areas.)

# Passing Laws to Protect People from Smoke Where They Live

- IS NOT DIFFICULT. TAKES PATIENCE, PERSISTANCE, SOMETIMES THINKING OUT OF THE BOX
- WE ARE NOT ASKING PEOPLE TO QUIT SMOKING. JUST DON'T SMOKE WHERE YOU LIVE. TAKE A WALK. (Good Exercise) OR USE NICORETTE GUM OR NICOTINE PATCH WHILE IN YOUR UNIT.