



Position Statement

SMOKE-FREE HOUSING IN MULTI-UNIT DWELLINGS IN BC

The Heart and Stroke Foundation and the BC Lung Association have been working together for more than a decade, through the Clean Air Coalition of BC, to reduce the harm caused by tobacco and SHS.

With the support of national and provincial level funding the Heart and Stroke Foundation has implemented a number of pilot projects to raise public awareness and engage key stakeholders in the MUDs sector.

ISSUE

- Many British Columbians living in multi-unit dwellings (MUDs) including apartments, townhouses and condominiums are involuntarily exposed to a dangerous health hazard in their homes – second-hand tobacco smoke.
- This **Position Statement** sets out the facts on second-hand smoke in the home and presents a series of actions and recommendations to various parties to address the very large deficit in available smoke-free multi-unit housing in BC.

KEY FACTS

MUDS RESIDENTS EXPOSED TO A DANGEROUS HEALTH HAZARD – SECOND-HAND SMOKE

- Tobacco use is a major cause of death and illness in British Columbia. Over 6,000 people die each year in BC from tobacco related causes.¹ In the range of 10% of these deaths are caused by second-hand smoke (SHS).²
- Fifteen percent of all British Columbians; 18% of MUDs residents; and 9% of condominium owners use tobacco;³ but 26% of non-smoking residents of MUDs are involuntarily exposed to SHS in their homes.⁴
- Tobacco use in MUDs affects a huge number of British Columbians. An estimated 2 million British Columbians reside in MUDs, including duplexes, townhouses and apartments.⁵
- The scientific evidence is clear: there is no safe level of exposure to SHS. SHS can cause cancer, heart disease and respiratory illness. Children are particularly vulnerable to developing asthma, ear infections, bronchitis and pneumonia. Babies exposed to SHS are at greater risk for Sudden Infant Death Syndrome.⁶
- Young people living in an apartment where no one smokes have been found to have significantly higher levels of biologically measurable smoke exposure (cotinine levels) than young people living in a detached home where no one smokes.⁷
- To protect yourself from the effects of SHS, the Ministry of Health's HealthLink BC recommends that you make your home smoke-free.⁸ But residents of MUDs are very often not able to make their homes smoke-free.
- Tobacco smoke cannot be contained in a smoker's unit in MUDs. No known ventilation system can completely remove the threat of SHS from another unit.⁹
- The lack of protection against SHS in the homes of many British Columbians contrasts dramatically with the protections now provided in virtually all workplaces and public places including many outdoor public venues and spaces such as parks, beaches, outdoor stadiums, bus stops and outdoor entrance ways.

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MUDS RESIDENTS VERY CONCERNED ABOUT SECOND-HAND SMOKE IN THEIR HOMES

- BC residents of MUDs are concerned about SHS:
 - ◆ 67% of renters and 84% of MUDs owners do not allow smoking in their homes; and,
 - ◆ 55% of renters and 71% of owners would prefer buildings where smoking is banned everywhere.¹⁰
- Over two thirds of MUDs residents exposed to SHS say that it bothers them. One in ten MUDs renters have moved and one in five indicate they are likely to move because of SHS infiltration.¹¹
- Since 2008, seven official complaints respecting SHS have been filed in BC with the Human Rights Tribunal.¹²

SHORTAGE OF SMOKE-FREE OPTIONS FOR MUDS' RESIDENTS

- While MUDs are the fastest growing segment of the housing market in Canada,¹³ market research, stakeholder consultations, and anecdotal evidence from residents confirm that there is a significant shortage of smoke-free housing options for British Columbians.¹⁴
- For example, of the 710 family housing units listed on BC Housing's website in February 2012 only 14 were listed as smoke-free.¹⁵
- SHS in MUDs is a particularly severe problem for residents of social housing units. Many residents are especially vulnerable to SHS including children, seniors, and persons with chronic health conditions such as asthma and heart disease that are worsened by exposure to SHS.¹⁶

A PATCHWORK OF SMOKE-FREE POLICIES FAILS TO MEET THE NEEDS OF MUDS RESIDENTS

- There is a patchwork of smoke-free policies for all types of residential buildings in BC. Few ban smoking in the entire building.
- Yet while 82% of apartment building owners and strata residents/owners/agents see a market demand for smoke-free buildings, only about 15% plan to implement smoke-free policies in the future.

BANNING SMOKING IN MUDS IS LEGAL

- Banning smoking in MUDs is legal. Two legal opinions commissioned by the Smoke-Free Housing Initiative found that:

- ◆ Landlords can ban smoking in private rental units (including balconies) and the entire property.

The policy must "grandfather" existing tenants. But as these tenants leave, the no-smoking policy applies to new tenants.¹⁷

- ◆ Strata corporations can adopt non-smoking bylaws that ban smoking in strata lots (i.e., individual units or apartments) interior common property, and on patios and balconies.¹⁸

The bylaws would generally apply to all residents of the complex unless a "grandfather" clause is included.¹⁹

BANNING SMOKING IN MUDS IS FINANCIALLY VIABLE

- Surveys in BC consistently show strong public demand for smoke-free housing. The most recent survey in March 2012 found over 78% of respondents support the goal of increasing the number of smoke-free MUDs.²⁰
- No-smoking policies reduce clean-up costs for refitting smokers' apartments. The cost of painting, clean up, and carpet cleaning for a non-smoking unit ranges from \$250 to \$1,120, compared to a cost of \$1,025 to \$3,400 for smoking units.²¹
- No-smoking policies reduce fire risks.²² Tobacco use is the number one known cause of fire-related fatalities in Canada.²³ (See recent article on six separate apartment fires in Edmonton, caused by improperly discarded cigarettes and causing an estimated \$131,000 in property damage.)²⁴

IMPLEMENTING SMOKE-FREE POLICIES IN MUDS IS EASY AND EFFECTIVE

- Transitioning to smoke-free MUDs is reported by property managers and owners to be easy; and enforcement is not reported to be a problem. Smoke-free MUDs are as self-enforcing as smoke-free workplaces and public places. A clear smoking policy can help to resolve disputes between smokers and non-smokers.²⁵

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RECOMMENDATIONS

PROVINCIAL GOVERNMENT

It is recommended that the Government of British Columbia take the following steps. These steps are no/low cost and relatively easy to implement.

1. Develop a smoke-free housing policy for BC Housing that addresses the huge deficit in smoke-free housing by requiring all new social housing complexes to be designated as smoke-free. This will help to protect residents of social housing, including many residents with acute and chronic conditions that are particularly vulnerable to SHS.
2. Recognizing that there is a very small number of tobacco addicted vulnerable persons with mental illness or physical disabilities for whom smoking permissible housing may be required, BC Housing should:
 - a. grandfather existing units with resident smokers;
 - b. develop a strategy for addressing complaints of SHS where the smoke transfer is found to be excessive and consistent;
 - c. educate tenants about free nicotine patches/gum or subsidized pharmacotherapy to help them quit smoking; and ...
 - d. assist tobacco addicted residents to access QuitNow Services
3. Amend the Strata Property Act to make all new condominiums non-smoking unless the Strata Council votes to allow smoking.
4. Amend the Residential Tenancy Act Policy Guidelines to include SHS as an example of breach of Quiet Enjoyment (see BACKGROUND), similar to existing protections against loud music and pets.
5. Include information on the legality and benefits of smoke-free housing in the Permits applications for new MUDs.
6. Pass legislation requiring landlords to have a written smoking policy and disclose the policy to all current and future tenants and applicants for tenancy. The policy must indicate whether smoking is permitted on the premises and if so, in what locations.
7. Amend the Residential Tenancy Branch tenancy lease (including the lease posted on their website) to include a box to indicate smoking or non-smoking units.
8. Encourage municipalities to adopt smoke-free housing options and policies by providing information and education to municipalities, housing authorities, building and apartment managers, owners and renters respecting the legality and financial viability of smoke-free policies.

MUNICIPAL GOVERNMENTS

It is recommended that municipal governments:

1. Following the lead of local authorities in Ontario and Newfoundland and Labrador, develop a non-smoking policy for social housing that includes:
 - Prohibiting smoking in newly acquired multi-unit buildings.
 - Prohibiting smoking in existing MUDs units (owned, managed or funded by municipal governments) as they turn over. (Since existing tenants must be 'grandfathered', the housing provider will have to 'phase-in' the no-smoking policy as existing tenants vacate the premises, and make all future tenancies smoke-free.)
 - Disclosing to prospective tenants where the smoking units are located in the building so renters can be forewarned.
 - Supporting residents who want to quit by making them aware of the QuitNow Program and of PharmaCare assistance with smoking cessation medications, including free nicotine patches or gum.
2. Develop policy to assist social housing providers in addressing tenants, complaints respecting SHS. The policy (which could be included in the providers' contracts) should include education for social housing providers respecting their legal authority to adopt non-smoking policies to protect tenants from SHS.
3. Develop by-laws requiring new residential MUDs to be smoke-free.
4. Adopt tax and fee incentives to support the adoption of smoke-free policies in MUDs.

CONCERNED STAKEHOLDERS, ASSOCIATIONS, BUILDING MANAGERS, OWNERS, RESIDENTS AND TENANTS

It is recommended that all concerned stakeholders:

1. Write to the provincial government and their municipal government calling on them to take steps to make more smoke-free housing available in BC, including those recommendations noted above.
2. Adopt smoke-free by-laws and policies for their buildings, including building owners and Strata Councils.
3. Disclose to new and existing tenants the smoke-free policies and location of non-smoking units for their apartments; and, adopt smoke-free policies, grandfathering existing tenants.
4. Develop a strategy for addressing complaints of SHS (see Smoke-Free Housing BC website on how to address complaints of SHS for owners and strata councils).

It is recommended that residential MUDs complex managers (apartment building landlords and owners, and strata corporation councils):

1. Publicize their smoking policies and smoke-free status through such vehicles as the smoke-free housing registry – see http://www.smokefreehousingbc.ca/landlords/registry_form.php.

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BACKGROUND

- The Heart and Stroke Foundation and the BC Lung Association have been working together for more than a decade, through the Clean Air Coalition of BC, to reduce the harm caused by tobacco and SHS.
- With the support of national and provincial level funding the Heart and Stroke Foundation has implemented a number of pilot projects to raise public awareness and engage key stakeholders in the MUDs sector.
- In 2007, the Heart and Stroke Foundation was chosen to lead a two-year Smoke-Free Housing in Multi-Unit Dwellings Initiative, one of five initiatives that made up the Tobacco Reduction Strategy funded by the BC Healthy Living Alliance and supported by ActNow BC. One key result of this initiative was the development of Canada's first comprehensive website on SHS in MUDs: www.smokefreehousingbc.ca.
- The Residential Tenancy Act (section 28) stipulates that tenants are entitled to "quiet enjoyment" of their property, which includes the right to be free from unreasonable disturbances by other tenants.²⁸ The Policy Guidelines for the Act could be amended to include SHS. This would give landlords and building managers a tool for possible eviction should a building resident continue to ignore the non-smoking policy provisions.

REFERENCES

1. BC Vital Statistics reports for the latest three years available show smoking attributable deaths of 6135, 6367 and 6089. See Selected Vital Statistics and Health Status Indicators, 2009, 2008, and 2007.
2. See Center for Disease Control, MMWR Weekly, November 14, 2008, "Smoking Attributable Mortality, Years of Potential Life Lost, and Productivity Losses, United States, 2000-2004." <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5745a3.htm#tab> The US Surgeon General Report (see note 6) cites a similar number of deaths from SHS. The Ontario Tobacco Research Unit in a 2001 report estimated between 1100 and 7800 deaths per year from SHS. However, Roberta Ferrence, Director of the Unit suggested (personal communication) that US estimates "may be much better. See "Protection from second-hand tobacco smoke in Ontario: a review of evidence regarding best practices," May 2001 http://www.otru.org/pdf/special/special_ets_eng.pdf. In January 2006, the California Environmental Protection Agency's Air Resources Board declared second-hand smoke to be a Toxic Air Contaminant (TAC). This is a serious designation that is reserved only for those air pollutants which may cause or contribute to an increase in deaths or serious illness, or which may pose a present or potential hazard to human health. Second-hand smoke now joins benzene, arsenic and diesel exhaust on the TAC list.
3. Health Canada, CTUMS 2009. http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/_ctums-esutc_2009/ann-histo-eng.php#tab4. Context Research Ltd. Residents in "Multi-Unit Dwellings Survey", BC Stats, March 2008, see <http://www.smokefreehousingbc.ca/pdf/BC%20Stats%20Residents%20in%20MDUs%20Survey.pdf>
4. BC Stats, March 2008 op. cit.
5. BC Stats advised that the latest figure for BC residents of MUDs is 1,719,505 from the 2006 Census. It is estimated that by 2012 this number is at least 2 million. Source: BC Stats personal communication, March 21, 2012. Forty-eight percent of dwellings in BC are MUDs according to Canada Mortgage and Housing Corporation, 2008, "Canadian Housing Observer," using data for 2006.
6. US Surgeon General, "The Health Consequences of Involuntary Exposure to Tobacco Smoke" Department of Health and Human Services, 2006. <http://www.surgeongeneral.gov/library/secondhandsmoke/report/fullreport.pdf>
7. "Preventing Tobacco Use Among Youth and Young Adults : A Report of the US Surgeon General," US Department of Health and Human Services, 2012. See <http://www.surgeongeneral.gov/library/preventing-youth-tobacco-use/full-report.pdf>
8. See <http://www.healthlinkbc.ca/healthfiles/hfile30a.stm#E46E294>
9. The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the pre-eminent body responsible for setting ventilation standards for buildings has concluded that ventilation technology cannot remove the health risks from exposure to SHS. ASHRAE states, "Currently, the only way to effectively eliminate health risks associated with indoor exposure is to ban smoking activity." See ASHRAE Position Document on Environmental Tobacco Smoke," October 22, 2010. Also see Ontario Tobacco Research Unit 2001 report, op. cit.
10. BC Stats, March 2008, op. cit.
11. BC Stats, 2008, op. cit. The findings of this survey compare closely with a Decima Research survey of Canadians living in MUDs conducted for Health Canada. The February/March 2008 survey found 36% of residents have experienced smoke seeping into their homes and 85% would prefer to live in a building where smoking was prohibited or allowed only in designated areas.
12. See <http://www.bchrt.gov.bc.ca/>
13. Canada Mortgage and Housing Corporation, cited in Ontario Tobacco-Free Network, "Highlights of IPSO Reid Research on Drifting Smoke in Multi-Unit Dwellings" 2007. <http://www.newswire.ca/fr/story/52799/ontario-majority-wants-smoke-free-apartments>
14. Clean Air Coalition, Smoke-Free Housing Initiative. Heart and Stroke Foundation of BC & Yukon, "Smoke-Free Housing in Multi-Unit Dwellings, Addressing an Emerging Public Health Crisis," March 15, 2011. See also, "Survey of Apartment Owners, Property Managers and Strata Corporations/Agents," Heart and Stroke Foundation of BC the Yukon, <http://www.smokefreehousingbc.ca/pdf/Landlord%20Survey.pdf>
15. See http://www.bchousing.org/Options/Subsidized_Housing/Listings
16. A 2006 Ontario Tobacco Network survey found that 16% of all MUDs units affected by SHS included someone in their household suffering from smoking-related illness or conditions worsened by SHS. See, Ontario Tobacco-Free Network, "Highlights of IPSO Reid Research on Drifting Smoke in Multi-Unit Dwellings."
17. See Smoke-Free Housing BC website <http://www.smokefreehousingbc.ca/landlords/laws.html>
18. See Smoke-Free Housing BC website, <http://www.smokefreehousingbc.ca/strata/legal-opinion.html> Residents in strata housing can also use the common law provision respecting "nuisance" to take action against another strata resident whose smoking is unreasonably interfering with their enjoyment of the premises. See <http://www.smokefreehousingbc.ca/strata/laws-in-bc.html>
19. There are some complexities with renters in strata complexes. See Smoke-Free Housing BC website.
20. Survey conducted for the Heart and Stroke Foundation by Mustel Group. See also "Survey of Apartment Owners," op. cit. and BC Stats, March 2008 op. cit.
21. See Smoke-Free Housing BC website, <http://www.smokefreehousingbc.ca/pdf/Table%20of%20Costs.pdf>
22. See "Survey of Apartment Owners," op. cit.
23. See <http://www.hc-sc.gc.ca/sr-sr/activ/protection/fire-feu-eng.php>
24. See http://edmonton.ctv.ca/servlet/an/local/CTVNews/20110512/edm_fireservices_110512/20110512/
25. See Smoke-Free Housing BC website.
26. BC municipalities can look to steps taken in Ontario and Newfoundland and Labrador. The Region of Waterloo in Ontario adopted a policy making all regionally-owned and operated community housing units 100% smoke-free. Thirty other Ontario social housing providers have adopted smoke-free policies. St. John's was the first municipality in Canada to adopt a smoke free policy for all its (124) non-profit housing complexes. See Heart and Stroke Foundation of BC & Yukon, March 15, 2011, op. cit.
27. See for example, <http://www.smokefreehousingbc.ca/landlords/policy-enforcement.html>
28. See Smoke-Free Housing BC website, <http://www.smokefreehousingbc.ca/landlords/quiet.html>