



# Smoke-Free Housing for the Next Generation: E-cigarettes and Beyond

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Welcome

## **Tobacco Section**

Division of Chronic Disease and Injury Control  
Michigan Department of Health and Human Services

### **Our Mission**

To reduce morbidity and mortality and alleviate the social and economic burden caused by commercial tobacco use in Michigan

### **Our Vision**

A healthier Michigan, free of all forms of commercial tobacco use and secondhand smoke exposure

# Presentation Overview

- **Secondhand Smoke and Aerosol**
- **Benefits of Smoke/Aerosol-Free Housing**
- **Smoke-Free Housing: Where Are We Now?**
- **Enhancing Smoke-Free Housing Policies**
- **Tobacco Quit Resources**

# Secondhand Smoke and Aerosol



## Secondhand smoke

- Secondhand smoke is smoke from burning tobacco products, such as cigarettes, cigars, or pipes.
- Secondhand smoke also is smoke that has been exhaled or breathed out by the person smoking
- Tobacco smoke contains more than 7,000 chemicals, including hundreds that are toxic and about 70 that can cause cancer



# Health Issues Caused By Secondhand Smoke Exposure



The U.S. Surgeon General concluded: There is no risk-free level of secondhand smoke exposure



Since 1964, approximately 2,500,000 nonsmokers have died from health problems caused by exposure to secondhand smoke



**Secondhand smoke** and the **harmful** chemicals in it are known causes of **Sudden Infant Death Syndrome**, **RESPIRATORY INFECTIONS**, **ear infections**, and **asthma attacks** in infants and children.

They are also known causes of **HEART DISEASE**, **stroke**, and **lung cancer** in adult nonsmokers.

# Smoke and Asthma

- Tobacco smoke is a common trigger for asthma
- For non-smokers, avoiding this trigger can be hard if:
  - Someone in the household smokes
  - Smoke enters the home from outside/other units
- People whose partners smoke are nearly 5X more likely to develop asthma as adults



# Asthma and E-cigarettes

- Breathing the aerosol from someone else's e-cigarettes makes the risk of an asthma attack go up by 27%
- People using e-cigarettes are 2X more likely to start having breathing problems, like asthma and bronchitis

# Secondhand Smoke and Children

- Secondhand smoke increases the frequency and severity of asthma attacks among children
- Secondhand smoke increases the likelihood of developing of a child developing asthma
- Children exposed to secondhand smoke are more likely to develop:
  - Pneumonia
  - Bronchitis
  - Breathing problems that don't get better
  - Poor lung function
  - Middle ear infections



Secondhand  
**smoke can  
infiltrate** into  
other units  
**through  
hallways and  
stairwells.**

This applies to  
e-cigarettes too!

Over **one third** of multi-unit housing residents  
with smoke-free rules for their homes report  
smoke entering from elsewhere

# Eliminate smoking indoors to address secondhand smoke



Opening Windows



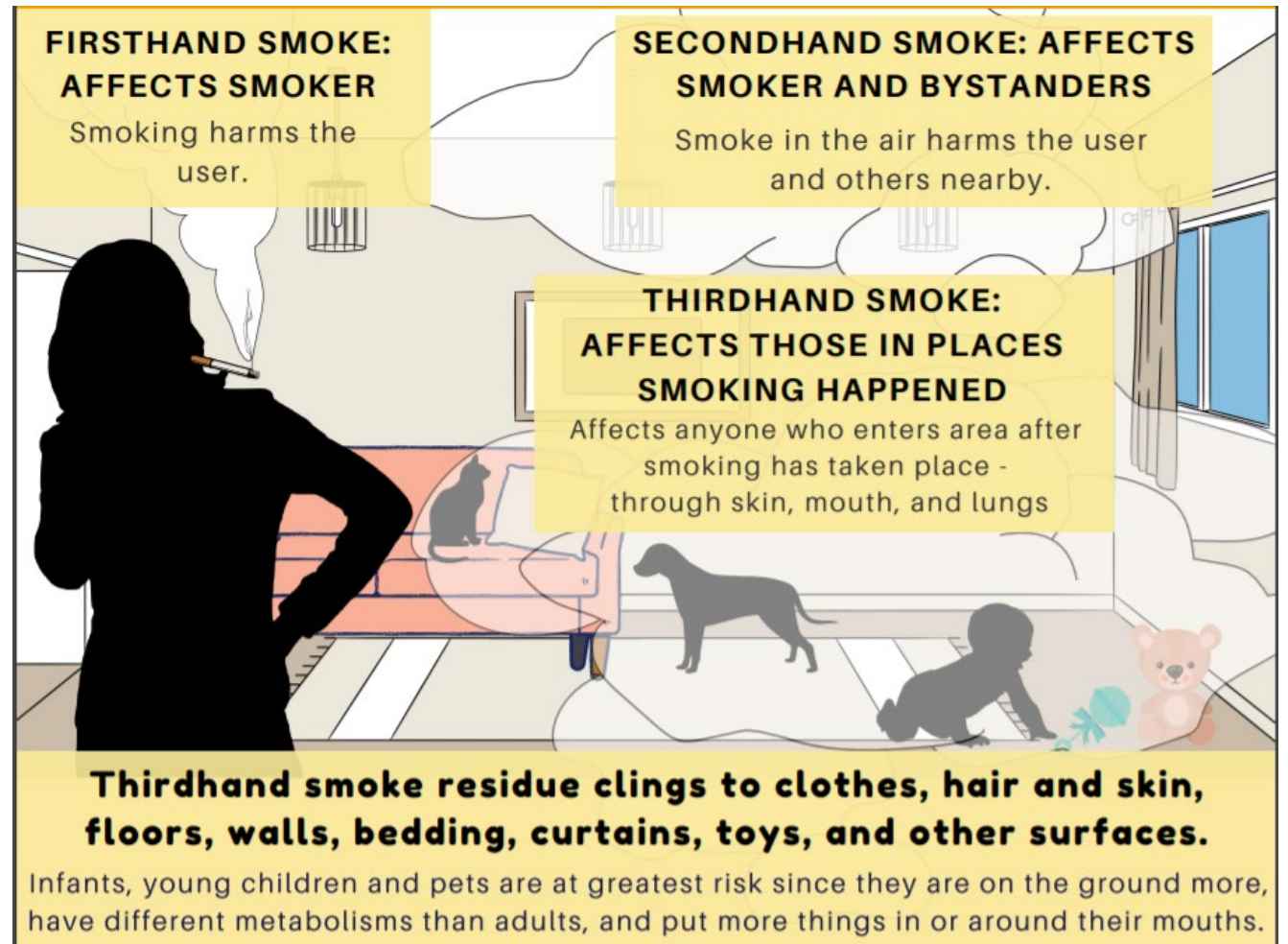
Using fans



heating, air conditioning  
and ventilation systems

- **Secondhand smoke exposure still occurs when you:**
  - Separate smokers and non-smokers
  - Open windows
  - Use fans
  - Have ventilation systems

# Thirdhand Smoke: The chemical residue left when smoke particles settle



# Thirdhand Smoke

- Thirdhand smoke has been detected indoors months after the last cigarette was used, even after cleaning for new residents
- Thirdhand smoke is not removed by opening windows, airing out an area, or vacuuming
- It can be very difficult and expensive to remove

# E-Cigarette Aerosol



- Electronic cigarettes or “e-cigarettes” are battery operated tobacco products that allow users to inhale aerosolized liquid (e-juice) containing nicotine.
- The e-cigarette aerosol is not harmless “water vapor”
- Aerosol can contain harmful chemicals like nicotine, ultrafine particles, volatile organic compounds, and chemicals known to cause cancer



This Photo is licensed under [CC BY](#)

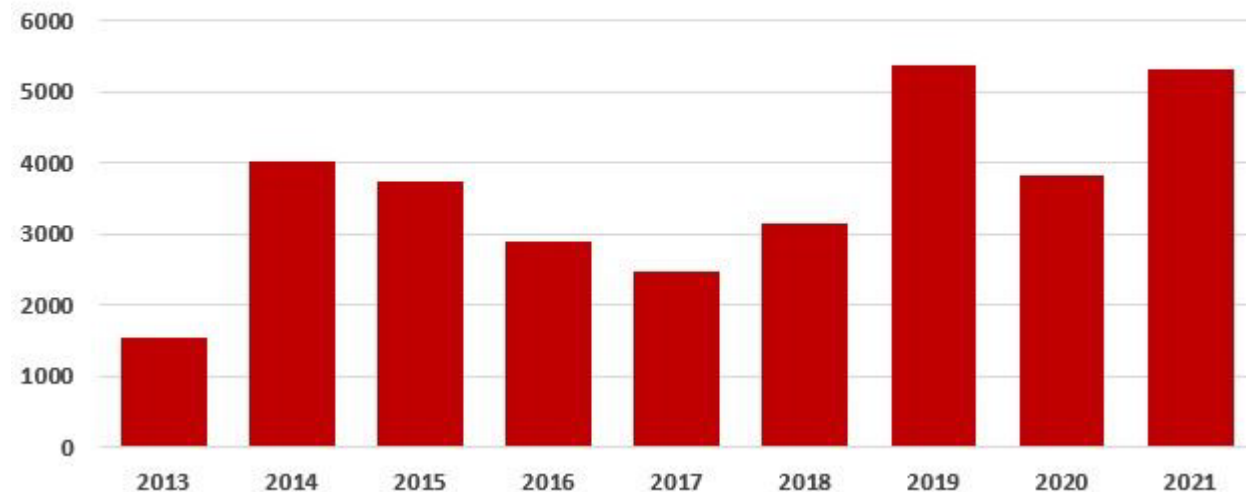
- E-cigarette aerosol also affects non-users, especially indoors
  - Nicotine and other chemicals have been found in non-users
- E-cigarettes can also be a source of thirdhand exposure to nicotine on surfaces
- We need more research to know how much aerosol impacts vulnerable populations



Liquid nicotine is  
poisonous

- The nicotine in e-liquid is an acute hazardous waste
- Thousands of calls are made every year to poison control about e-cigarettes and liquid nicotine

Electronic Cigarette and Liquid Nicotine Cases  
All Ages



“National Poison Data System, American Association of Poison Control Centers.” Any and all print, digital, social, or visual media using this data must include the: “You can reach your local poison control center by calling the Poison Help hotline: 1-800-222-1222. To save the number in your mobile phone, text POISON to 797979.”

# Benefits of Smoke/Aerosol- Free Housing

**For Property  
Owners and  
Managers**



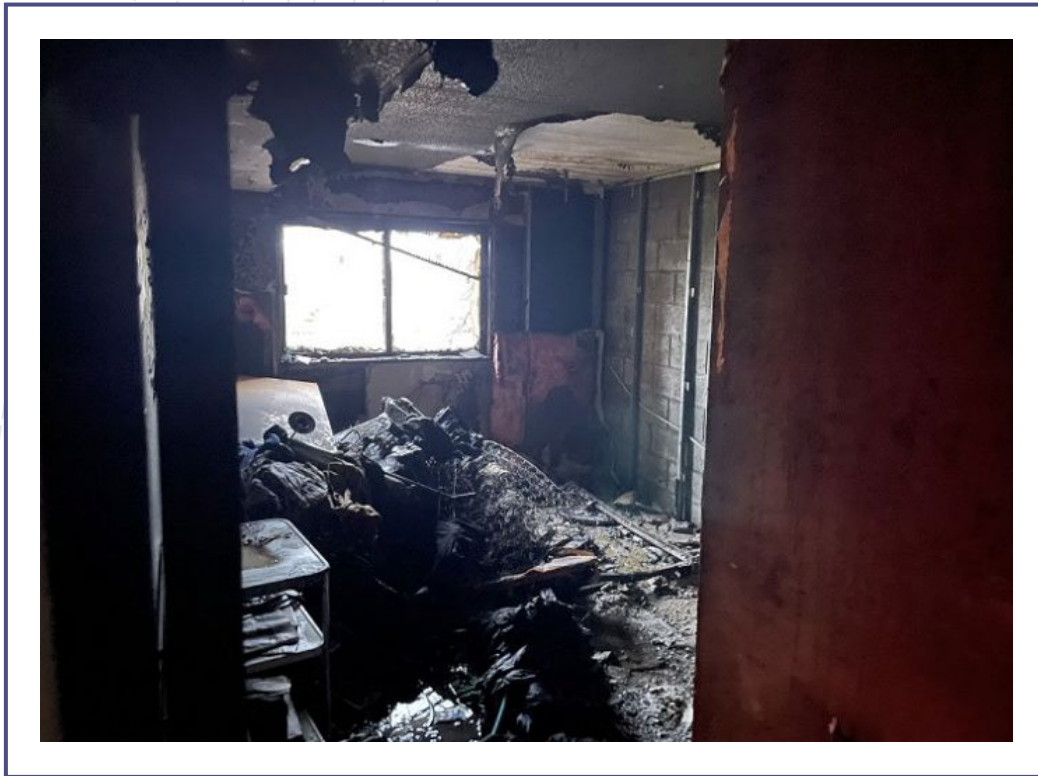
# Benefits of Smoke-Free Housing Policies for Property Owners

Michigan smoke-free policies in subsidized housing (excluding public housing) would save\*:

- \$6.7 million in health care costs
- \$3.9 million in renovation expenses
- \$1.2 million in smoking-related fire losses
- \$11.8 million total cost savings

\*adjusted for inflation

# Smoking Poses a Fire Hazard



Benton Harbor Apartment Fire December 2021  
Resident fell asleep while smoking

- Smoking is the leading cause of fire deaths in Michigan - [39% of fire deaths were caused by smoking in 2021](#)
- Every year, there are approximately 7,000 smoking-caused residential building fires, 320 deaths, 750 injuries, \$314 million in losses
- Although relatively rare, e-cigarettes pose some risk of fires and explosions



## Allowing Smoking Increases Cleaning and Maintenance

- Costs are nearly double for properties that allow smoking compared to smoke-free
- Cleaning & refurbishing costs can be up to \$3,000 more for units with heavy smoking
- Multi-unit housing caretakers report that smoke-free units have:
  - Shortened turnover times
  - Less need for turnover supplies and capital replacements
  - A reduce workload for staff
  - Less staff exposure to secondhand and thirdhand smoke

# The Marketplace is Changing

- Online apartment listing companies, such as RentLinx, list “smoke-free” as an amenity
- Find Michigan smoke-free housing:
  - <http://mihousingcouncil.rentlinx.com/>

Property Managers: [Click here to add your properties to our website.](#)

## Search for a Property

To search for a property, fill in any of the fields below.

Location:

Specific Location

Enter city OR zip code OR full address:

Max Distance:

Any Distance ▾

Entire County

Bedrooms:

Any Number ▾

Property Type:

Any Property Type ▾

Max Rent:

Move-in Date:

Amenities:

Show only properties with ALL of the following...

- Accept HCVs (Section 8)
- Contain accessible units
- Dogs Allowed
- Cats Allowed
- Smoke Free

Keywords:

(dishwasher, pool, etc.)

Search



# Smoke-Free and Aerosol-Free Policies are Legal



- No state or federal laws prohibit smoke-free or aerosol-free policies
- According to HUD:  
*“The right to smoke or not to smoke is **not a right that is protected under the Civil Rights Act of 1964** because smokers are not a protected class under federal law.”*

## Smoke-Free Policies Reduce Liability

- Residents negatively impacted by secondhand smoke have the right to seek legal action against owners
- Complaints can be filed under the Fair Housing Act for a “reasonable accommodation” for people living with disabilities impacted by secondhand smoke
- Smoke-free policies may lower property insurance costs due to lower risk
- Smoking and e-cigarette use could be considered a nuisance to neighbors
  - E-cigarettes are often flavored and may be strongly scented



# Fair Housing

- State and federal laws prohibit housing discrimination on the basis of disability, including breathing disabilities
- The Fair Housing Act is available to people with breathing disabilities to seek reasonable accommodations from owners and operators of most housing in the United States in order to address the serious health hazards posed by secondhand smoke entering their housing.
- [Submit a complaint to the U.S. Department of Housing and Urban Development](#)
- Submit a complaint to the Michigan Department of Civil Rights: 1-800-482-3604 or [MDCR-INFO@michigan.gov](mailto:MDCR-INFO@michigan.gov)

# Smoke-Free Housing: Where are we now?



## Current Status of Smoke-Free Multi- Unit Housing

- 100% of Public Housing Commissions are smoke-free (but not necessarily aerosol and e-cigarette-free)
- Approximately 1 in 3 multi-unit housing residents are covered by smoke-free housing
- Approximately 8 in 10 multi-unit housing residents have chosen to make their own homes smoke-free
- Annually, 28 million multi-unit housing residents are exposed to secondhand smoke in their home or apartment that came from elsewhere in their building

Source: CDC. Going Smoke-Free Matters. <https://www.cdc.gov/tobacco/infographics/policy/pdfs/going-smokefree-matters-multiunit-housing-infographic.pdf>

# Residents support smoke-free policies



- Surveys show that a **majority** of residents in multi-unit housing support smoke-free policies, including low-income tenants in subsidized buildings
- Most Michiganders don't smoke

# Michigan's Smoke-Free Indoor Air Law



- The Dr. Ron Davis Smoke-Free Air Law was passed on December 10, 2009
- All indoor common areas of apartment and condominium buildings must be smoke-free
- In this act, “smoking” or “smoke” means: “the burning of a lighted cigar, cigarette, pipe, or any other matter or substance that contains a tobacco product”

(MCL 333.12601)

# U.S. Department of Housing and Urban Development (HUD) Public Housing Rule

Finalized on December 5, 2016

All Public Housing Authorities/Public Housing Commissions (PHAs/PHCs) were required to implement smoke-free policies no later than July 31, 2018

3 Feb. 2017

5 Dec. 2016

31 July 2018

Effective February 3, 2017

# U.S. Department of Housing and Urban Development (HUD) Public Housing Rule

- Required the following areas to be smoke-free
  - Public housing units except for mixed-finance project units
  - All indoor common areas (such as, community facilities, public housing offices, laundry rooms, daycare centers)
  - Outdoor areas within 25 feet of public housing and administrative office buildings
- Prohibited these products
  - Cigarettes, pipes, cigars, water pipe tobacco (hookahs)

# Not Required in the U.S. HUD Rule

- The policy did not require:
  - Inclusion of electronic nicotine delivery devices (ENDS), such as e-cigarettes
  - Outdoor areas beyond 25 feet to be smoke-free (such as playgrounds and sidewalks)
  - Public housing authority grounds and administrative grounds to be smoke-free
  - Certain procedures to ensure reasonable and fair enforcement



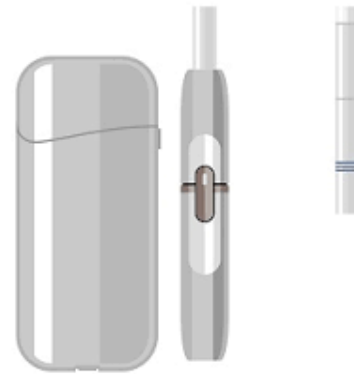
# Housing Not Covered by the U.S. HUD Rule



- Market-rate housing
- Section 8 Housing Choice Voucher Program housing
  - HUD encourages private property owners participating in project-based Section 8 housing to adopt smoke-free policies

“Smoking” and tobacco products keep evolving

## Heated Tobacco

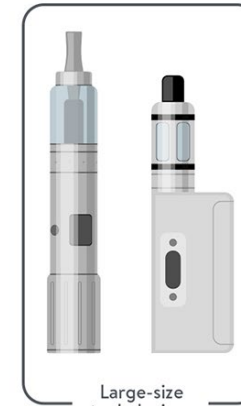


E-pipe



E-cigar

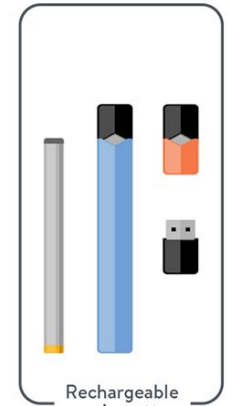
## E-cigarettes



Large-size tank devices



Medium-size tank devices



Rechargeable e-cigarette



Disposable e-cigarette

- E-cigarettes
- Heated tobacco products
- Products made with synthetic nicotine
- Michigan legalized recreational marijuana

# Enhancing Smoke-Free Housing Policies



## Commit to a Smoke-Free Household

- Never smoke or use e-cigarettes inside the home or car
- Let guests know your household is smoke-free and aerosol-free
- If someone insists on smoking, discuss where they can smoke outside and ensure it is a sufficient distance away

## Ask Your Building to Go Smoke-Free

- Renters can ask their landlord/housing manager to make the property smoke-free
- Gather interest and support among neighbors



# MDHHS Tobacco Control Program is available to assist with policy adoption

## Provide

Provide technical assistance and resources to multi-unit housing staff, managers, property owners, tenants, or other housing partners

## Connect

Connect property owners and managers with partners for free legal and policy technical assistance

## Support

Support residents with quitting with the Michigan Tobacco Quitline  
Support the policy adoption and implementation process

# Model Smoke-Free Policies: House Rules or Lease Addendum



PUBLIC HEALTH  
LAW CENTER  
Tobacco Control Legal Consortium

## Model Smoke-Free Lease Addendum

*[This model lease addendum prohibits smoking of all tobacco products, including e-cigarettes, everywhere on property—both inside and outside—and encourages consideration of an enforcement policy. It should be modified to fit your property's needs. Changes to one part of the policy may require changes to other parts as well. This document is provided for educational purposes only and should not be considered legal advice.]*

Tenant and all members of Tenant's household are parties to a written lease with Landlord (the Lease). This Addendum states the following additional terms, conditions, and rules that are hereby incorporated into the Lease. A breach of this Lease Addendum gives each party all the rights contained herein, as well as the rights in the Lease.

**1. Purpose of Smoke-Free Policy.** The parties desire to mitigate (i) the irritation and known adverse health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of property insurance for a non-smoke-free building;

### 2. Definitions:

"Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. *[Some smoke-free policies provide exceptions for traditional, ceremonial, and sacred uses of tobacco practiced by some tribal communities, while prohibiting the use of commercial tobacco. If this is an area you'd like more information about, please visit [www.KeepItSacred.org](http://www.KeepItSacred.org).]* "Smoking" also includes the use of an electronic smoking device.

"Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.

**3. Scope of Smoke-Free Policy.** Tenant agrees and acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a smoke-free living environment. Tenant, members of Tenant's household, and any guests under control of the Tenant will not smoke anywhere:

- In the unit rented by Tenant, including any associated balconies, decks, or patios;
- In the common areas of the property, including, but not limited to, lobbies, hallways, stairwells, elevators, laundry rooms, community rooms, community bathrooms, or offices; or
- On the grounds of the property, including, but not limited to, entryways, playgrounds, pool areas, walking paths, or sitting areas.

- Addresses tobacco, marijuana, and other plants
- Includes newer products like electronic smoking devices (e-cigarettes), synthetic nicotine, and heated tobacco products

# Ensuring Success of Smoke-Free Policies



**Cigarette or e-cigarette?**

**Including e-cigarettes and other tobacco products makes enforcement less confusing.**



## Additional Smoke-Free Multi-Unit Housing Resources

- **Public Health Law Center**
  - Model policies, best practices, step by step guidance
  - <https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/smoke-free-housing>
- **Americans for Nonsmokers' Rights**
  - Model policies, step by step guidance, tip sheets, sample tenant surveys
  - <https://no-smoke.org/resources-tools-smokefree-multi-unit-housing/>
- **American Lung Association**
  - Fact sheets, training
  - <https://www.lung.org/our-initiatives/tobacco/smokefree-environments/multi-unit-housing/>

# In Summary: Smoke-Free and Aerosol-Free Housing



- It protects health
- It saves money
- It's legal
- It's enforceable
- It's supported by residents
- Free resources are available!

# Contact Us

- Amanda Gallaher, MPH – Public Health Consultant
  - Email: [GallaherA@Michigan.gov](mailto:GallaherA@Michigan.gov)
  - Phone: 517-335-8342
- Michigan Department of Health and Human Services
  - [www.Michigan.gov/tobacco](http://www.Michigan.gov/tobacco)
  - Request tobacco quit resources:  
[MDHHS-QuitKit@michigan.gov](mailto:MDHHS-QuitKit@michigan.gov)

Questions?