

2011

ADA/EOE/AA

# Smoke-Free Multi-Unit Housing Policies in Nebraska

Tobacco Free Nebraska  
Nebraska Department of Health and Human Services  
Division of Public Health

# Table of Contents

Executive Summary ..... 1

Introduction..... 2

Methodology..... 5

Results ..... 6

Conclusion..... 12

References ..... 13

Appendix A: Questionnaire..... 14

## Executive Summary

The Nebraska smoke-free multi-unit housing survey was conducted in 2010 and 2011 with owners and managers of properties to assess the adoption of smoke-free policies. A total of 40 managers and 252 owners participated in the survey.

### *Major Findings*

- Over half of the respondents (55%) answered that they had adopted some sort of smoke-free policy for all units in all buildings;
  - 43% responded that they had adopted a 100% smoke-free policy for all units in all buildings they own or manage.
  - 11% had adopted a partial smoke-free policy covering some but not all of their properties.
- 71% of respondents indicated that owners made the final decision on smoke-free policies.
- 60% of respondents think that implementing smoke-free policies in multi-unit housing is legal for owners.
- Nearly three-quarters (72%) of those with a smoke-free policy thought that implementing a policy was legal compared to 40% of those with no smoke-free policy at all.
- Reduced fires, reduced rehabilitation costs, improved tenant health, and lower maintenance cost were the most noted benefits of smoke-free policies.
- Policy enforcement was a commonly mentioned barrier to implementation.

## Introduction

Between November 2010 and March 2011 Tobacco Free Nebraska (TFN) conducted a smoke-free multi-unit housing survey. The survey was designed in response to a high level of morbidity and mortality caused by exposure to secondhand smoke and the increased demand for information of the exposure to secondhand smoke in multi-unit housing facilities. This report provides the survey findings.

### **Background**

Secondhand smoke exposure is detrimental to the health of both children and adults. The 2006 U.S. Surgeon General's Report concluded that "secondhand smoke exposure causes disease and premature death in children and adults who do not smoke".<sup>1</sup> Secondhand smoke is a major cause of preventable morbidity and mortality and has been linked to serious health problems in both children and adults. Children are especially sensitive to secondhand smoke. Asthma, lung infections, and ear infections are more common in children who are around smokers.<sup>2</sup>

Smoke-free air laws have been passed in many states – including Nebraska – to protect non-smokers from secondhand smoke in public places and places of employment.<sup>3</sup> Homes remain the primary place where non-smokers are exposed to

---

<sup>1</sup> U.S. Department of Health and Human Services (USDHHS), 2006

<sup>2</sup> USDHHS, 2006; USDHHS, 2010

<sup>3</sup> Americans for Nonsmokers' Rights Foundation, 2010

secondhand smoke.<sup>4</sup> Homeowners have the opportunity to adopt smoke-free rules in their homes and the percentage of homeowners who have adapted the smoke-free home policy has been increasing.<sup>5</sup> However, families living in multi-unit housing may be exposed to secondhand smoke that permeates through openings – such as cracks and open windows and doors – from neighbors who smoke in their homes. In addition to the increased risk of secondhand smoke-related diseases, non-smokers are also at an increased risk from cigarette-caused fires.

Smoke-free policies offer protection from secondhand smoke for non-smokers who live in multi-unit housing. In a law synopsis, Schoenmarklin (2009) pointed out that these policies are legal to implement and that there is no constitutional right to smoke. Smokers are not specially protected under the U.S. Constitution's Equal Protection Clause.

In Nebraska, a comprehensive statewide study of smoke-free policies in multi-unit housing properties and the owners' perceptions of these policies have not been conducted to date. However, local tobacco prevention coalitions working on smoke-free housing have conducted surveys to determine the proportion of multi-unit housing properties in their areas that have smoke-free policies in place. Some coalitions have discussed and/or surveyed owners about their perceptions about smoke-free housing. Although information collected by local coalitions is useful, there is a gap in the knowledge base about smoke-free multi-unit housing policies statewide.

---

<sup>4</sup> USDHHS, 2006

<sup>5</sup> from 76% in 2003 to 84% to 2011 (Source: Nebraska Adult Tobacco Survey, 2011)

This study assesses how commonplace smoke-free multi-unit housing policies are across the state as well as owner and manager perceptions about the policies.

## Methodology

The primary purpose of the survey was to 1) determine smoke-free housing policy practices in Nebraska, 2) to understand the motivations, perceived benefits, and barriers for instituting smoke-free policies, and 3) to assess the experiences of owners and managers in implementing smoke-free policies. To accomplish the objectives, TFN designed a survey.

A list of property managers and owners of multi-unit housing properties in Nebraska was purchased. The list contained 4,225 owners of multi-housing units and 945 managers. The questionnaire initially developed by Tobacco Free Nebraska (TFN) was mailed to all the managers and owners on the list (see Appendix A). A stamped envelope was enclosed to encourage survey return. A total of three hundred and thirty (355) completed surveys were returned from 252 owners and 40 managers. Among them 63 respondents were excluded from the analysis due to incorrect addressing, recipients not owning or managing multi-unit housing properties, recipients being a public housing authority, or those returned with no responses.

The questionnaire was developed asking owners whether they managed their property or whether they had a manager. Only owners who managed their own properties were included in the survey which eliminated duplication between managers and owners connected to the same property.

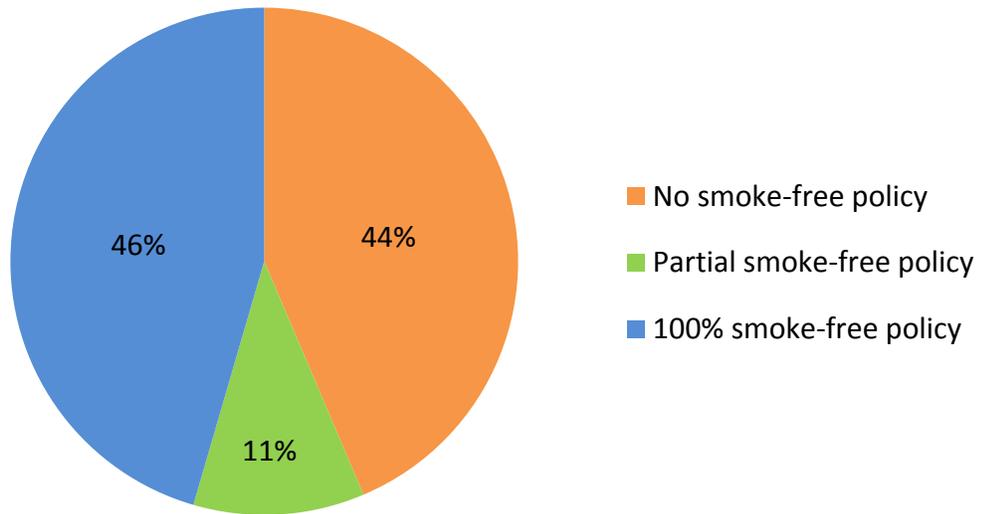
All analyses presented in this report were conducted using SAS, version 9.2.

# Results

## Smoke-Free Multi-Unit Housing Policies

Over half of all the respondents (56%) had adopted a smoke-free policy for their multi-unit properties; 44% reported adopting a 100% smoke-free policy in all units in all buildings they own or manage and 11% adopting a smoke-free policy in some – but not all – of their properties. Another 46% of the respondents had not adopted any smoke-free policy for any of the properties they own or manage.

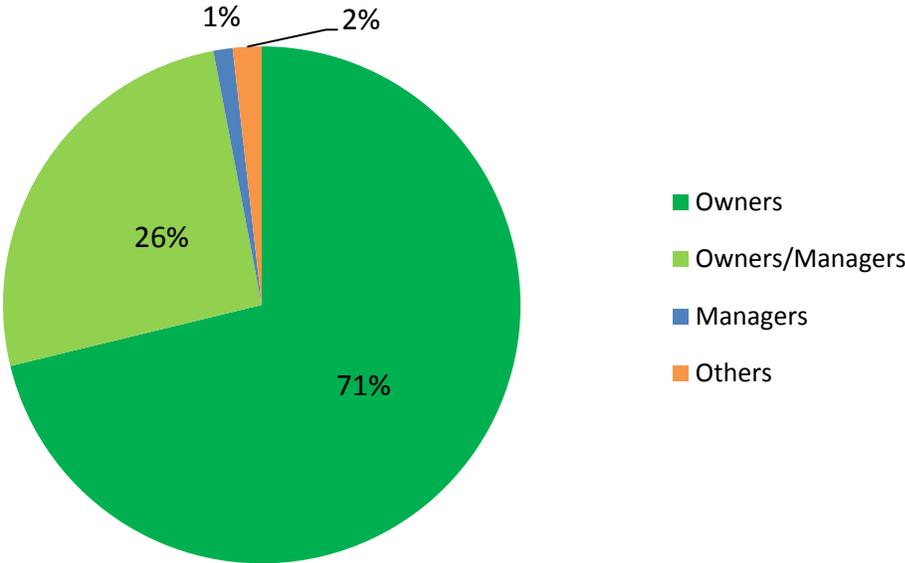
**Figure 1. Smoke-Free Policies among Nebraska Multi-Unit Housing Properties**



**Who Makes Decisions about Smoke-Free Policies**

Decisions about the adoption of a smoke-free policy are mostly made by the owner (71%). Only about a quarter of the decisions are made jointly between managers and owners and about three percent by managers alone (1%) or others (2%).

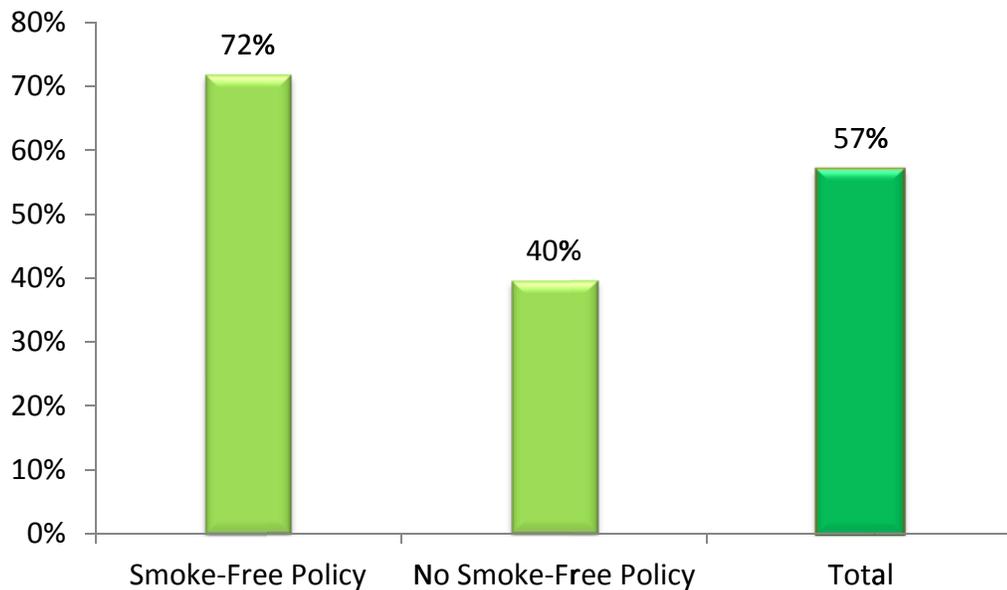
**Figure 2. Who Makes Decision about Smoke-Free Policies**



### ***Perceptions about Legality of Smoke-Free Policies***

Over half (57%) of respondents thought that implementing a smoke-free policy in multi-unit housing properties was legal. Managers and owners that had an existing smoke-free policy (72%) were more likely to think that the policy was legal than those with no smoke-free policy in existence (40%). This indicates that there is a need to continue to educate property owners and managers that they can legally implement smoke-free policies and leases.

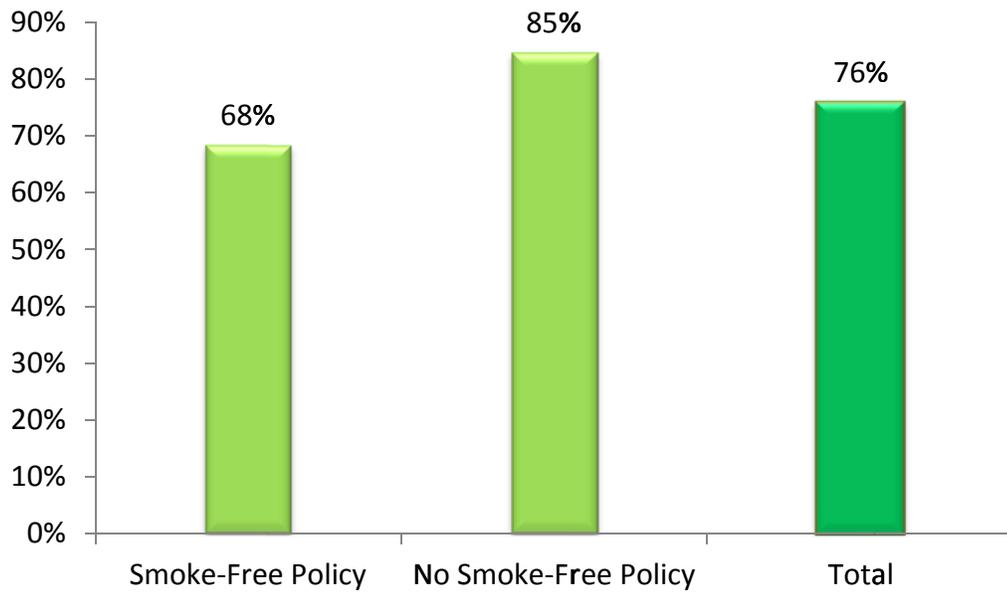
**Figure 3. Perception about the Legality of Smoke-Free Policies**



### ***Perceptions about Enforcement of a Smoke-Free Policy***

Three-quarters of the respondents (76%) believe that enforcement of smoke-free policies in multi-unit housing properties was difficult. Those with a smoke-free policy in place (68%) were less likely to perceive enforcement as difficult than those with no smoke-free policy in place (85%).

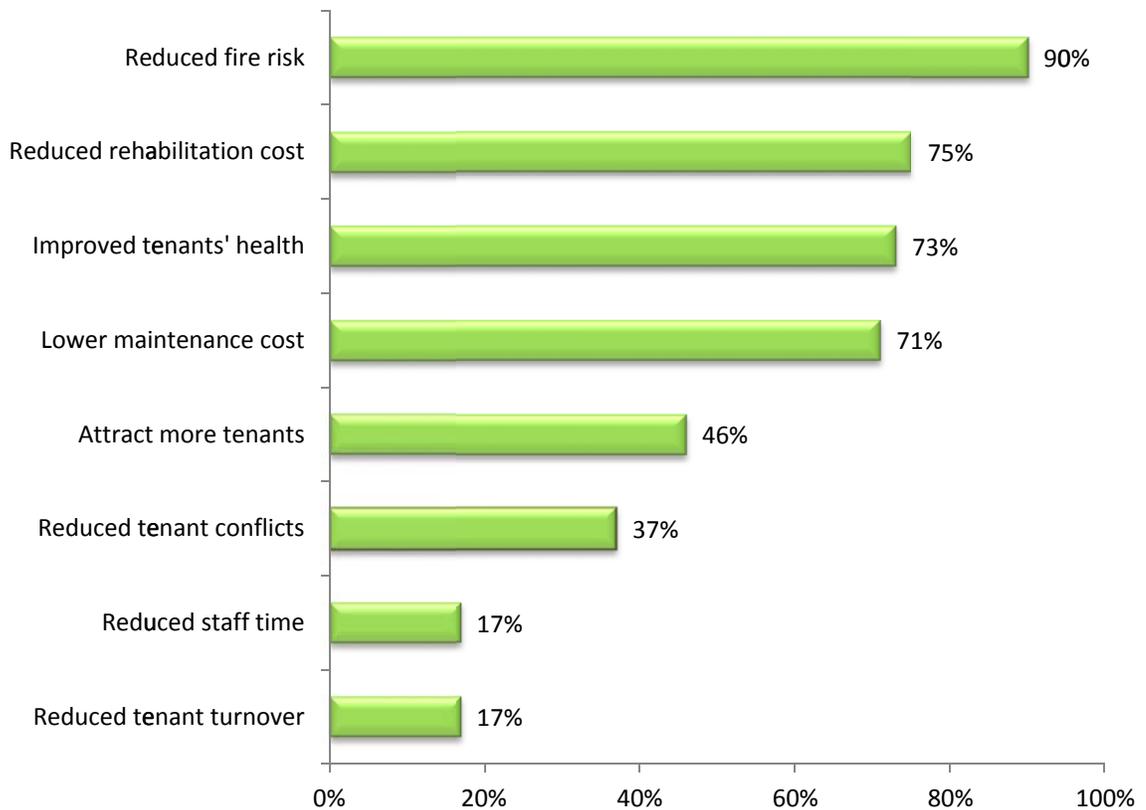
**Figure 4. Belief that Enforcement of a Smoke-Free Policy is Difficult**



## Perceived Benefits

Four main benefits of implementing a smoke-free policy emerged, including 'reduced fire risk' (90%), 'reduced rehabilitation costs' (75%), 'improved tenant health' (73%), and 'lower maintenance costs' (71%). Other benefits identified were 'attract more tenants' (46%), 'reduced tenant conflicts' (37%), 'reduced staff time' (17%) and 'reduced tenant turnover' (17%).

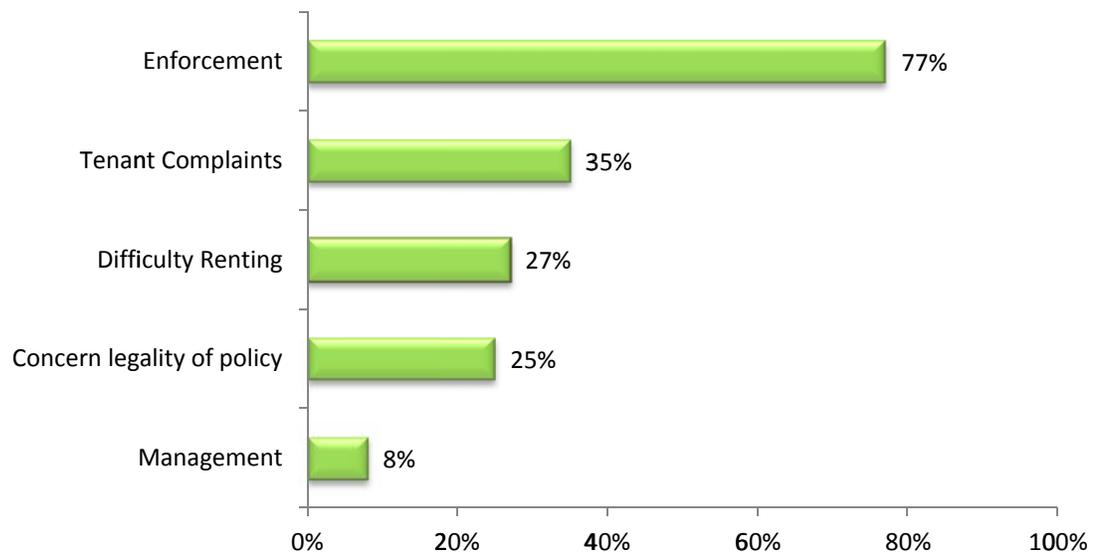
**Figure 5. Perceived Benefits of a Smoke-Free Policy**



## Perceived Barriers

The majority of respondents considered enforcement (77%) as the major barrier to implementing a smoke-free policy. Other barriers included: tenant complaints (35%), difficulty renting (27%), concern about the legality of the policy (25%), and management (8%).

**Figure 6. Perceived Barriers of a Smoke-Free Policy**



## Conclusion

This study shows that over half of the respondents had adopted a smoke-free policy for their multi-unit housing property. More than forty percent had adopted a 100% smoke-free policy in all units in all buildings. Property owners – rather than managers – primarily made the decision to go smoke-free. Just over half of owners/managers understand that implementing a smoke-free policy is legal. Owners and managers that have adopted a 100% smoke-free policy were more likely to agree or strongly agree that smoke-free policies were legal, than those with a partial or no smoke-free policy.

The major concern identified in the study was enforcement. Owners and managers that had adopted a partial smoke-free policy or had no policy were more concerned about enforcement than those who had a 100% smoke-free policy in place. However, the majority of respondents were in agreement with four main perceived benefits of adopting a smoke-free policy: reduced fire risk, improved air quality, improved tenant health and reduced rehabilitation costs.

## References

- Americans for Nonsmokers' Rights. "States, Commonwealths, and Territories with 100% Smokefree Laws in all Non-Hospitality Workplaces, Restaurants, and Bars". <http://www.no-smoke.org/pdf/WRBLawsMap.pdf>. Accessed: July 16, 2012
- Graff, Samantha, K., "There is No Constitutional Right to Smoke." Tobacco Control Legal Consortium, 2005. [http://www.smokefreeapartments.org/Registry\\_Pix/noright.pdf](http://www.smokefreeapartments.org/Registry_Pix/noright.pdf). Accessed: August 16, 2011.
- Hewett M.J., Sandell, S.D., Anderson J., Miebuhr, M. (2007). "Secondhand Smoke in Apartment Buildings: Renters and Owner or Manager Perspectives." *Nicotine Tobacco Research* 2007:9 suppl 1:S39-47
- Pizacani B., Laughter D., Menagh K., Stark M., Drach L., Hermann-Franzen C., "Moving Multiunit Housing Providers Toward Adoption of Smoke-Free Policies." *Preventing Chronic Diseases* 2011; 8(1). [http://www.cdc.gov/pcd/issues/2011/jan/10\\_0015.htm](http://www.cdc.gov/pcd/issues/2011/jan/10_0015.htm). Accessed: August 16, 2011.
- Schoednmarklin, Susan, "Infiltration of Secondhand Smoke into Condominiums, Apartments and Other Dwellings." Tobacco Control Legal Consortium. Accessed: August 31, 2011.
- U.S. Department of Health and Human Services. *How Tobacco Smoke Causes Disease: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.
- U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.

## Appendix: Questionnaire

**Nebraska Multi-Housing Unit  
Smoke-free Survey**

**Questionnaire**

**INSTRUCTIONS: Please mark (x) in your response box next to your response choice or write down your response in the space provided**

Tobacco Free Nebraska  
Lincoln, Nebraska

August 2010

## Multi-Unit Housing Property

**<INSTRUCTIONS: Please mark (x) in your response box next to your response choice or write down your response in the space provided>**

**1. Are you the owner or manager of the multi-unit housing property?**

- a. Manager  **<if “a” go to question # 1.B>**  
b. Owner  **<if “b” go to question # 2 >**

**1.B. Do you manage your own property?**

- a. Yes  **<if “a” go to question # 3>**  
b. No

**<if “b” Thank you for your willingness to participate, however, we are looking for property owners who manage their own property.>**

**2. How many multi-unit housing properties do you or your company manages?**

- a. Number of Buildings       b. Number of Apartments/Units

**3. Which of the following best describes the smoking policy for your property(ies)?**

- a. All properties are required to be 100% smoke-free indoors (including all units in all buildings).  **<if “a” go to question # 4>**  
b. Some properties are required to be 100% smoke-free indoors (including all units in all buildings) and some are not required to be 100% smoke-free.

b.1. Approximately, what percent of your properties are 100% smoke-free \_\_\_\_\_ % **<Go to question # 5>**

- c. None of the properties are required to be smoke-free indoors **<Go to question # 6>**

4. Is a smoke-free policy included in your lease agreement?
- a. Yes  <Go to question # 8>
- b. No  <Go to question # 8>
5. Is a smoke-free policy included in your lease agreement?
- a. Yes  <Go to question # 7>
- b. No  <Go to question # 7>
6. Is your company currently considering or planning adopting a smoke-free policy for your multi-unit housing?
- a. Yes  <Go to question # 8>
- b. No  <Go to question # 8>
7. Is your company currently considering or planning adopting a smoke-free policy for your multi-unit housing?
- a. Yes
- b. No
8. Who makes the decision about smoke-free policy designation?
- a. Owner/s
- b. Manager
- c. Owners/Manager
- d. Other specify \_\_\_\_\_

<b>Perceptions about Secondhand Smoke Policy in Multi-Unit Housing</b>
------------------------------------------------------------------------

9. Implementing a smoke-free policy/lease in multi-unit housing is legal for owners?
- a. Legal
- b. Not legal
- c. Some units must be designated smoke-free
- d. Not sure /don't know

10. Please indicate whether you agree or disagree with the following statement:

Enforcement of smoke-free laws in multi-unit housing is difficult?

- a. Strongly agree
- b. Agree
- c. Neutral
- d. Disagree
- e. Strongly disagree

11. What do you see as the benefits to having smoke-free multi-unit housing? (Check all that apply)

- a. Reduced risk of fire
- b. Positive impact on tenant health
- c. Attract more tenants
- d. Reduced staff time to manage building
- e. Fewer conflicts between tenants
- f. Lower tenant turnover
- g. Lower maintenance costs
- h. Unsure
- i. Reduced rehabilitation cost for smoking apartments/units
- j. Other specify:

12. What do you see as the biggest obstacle to implementing a smoke-free policy? (Check all that apply)

- a. Tenant complaint
- b. Enforcement
- c. Management
- d. Difficult renting vacant units
- e. Concern over legality of policy
- f. Unsure
- g. Other specify:

**Multi-Unit Housing Location**

13. In what city, town, or village is the majority of your property located?

City/town/village: \_\_\_\_\_

**Additional Information**

Thank you for participating in the survey. We would be happy to send you more information on smoke-free housing policy. We would also want to promote your property on a statewide list of smoke-free housing and invite you to enter a drawing for one of the three **\$50.00** gift certificates at **Menards**.

14. Please select which of the following you would like to be considered for:

- a. Receive more information on implementation smoke-free housing.
- b. Include your property on the statewide list of smoke-free apartments.
- c. Enter in the gift card certificate drawing
- d. None

15. If you chose one or more of the in question 13, please provide your contact information below:

<i>Name</i>					
<i>Company</i>					
<i>Address</i>					
<i>City</i>		<i>State</i>		<i>Zip</i>	
<i>Tel. #</i>					
<i>Email</i>					

**Thank you very much for your participation in this survey.**



**Division of Public Health**

Tobacco Free Nebraska

301 Centennial Mall South

P.O. Box 95026

Lincoln, NE 68509-5026

(402) 471-2101

[dhhs.tfn@nebraska.gov](mailto:dhhs.tfn@nebraska.gov)

<http://www.dhhs.ne.gov/tfn/>