UCLA CENTER FOR HEALTH POLICY RESEARCH

Health Policy Fact Sheet

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Apartment Owners Support Nonsmoking Policies in Los Angeles

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SUMMARY: Smoking is currently prohibited in workplaces and public places in the city of Los Angeles as part of efforts to limit exposure to secondhand smoke (SHS).[1] Recognizing that there is no safe level of SHS exposure,[2] the Housing Authority of the County of Los Angeles adopted a smoke-free policy in all of its public housing developments in 2014.[3] However, smoke-free policies are still voluntary for privately owned apartments and condominiums. Because of this, individuals living in lower-cost market-rate multi-unit housing are still vulnerable and are exposed to SHS from neighboring units, balconies, and outdoor areas. This fact sheet highlights preliminary findings from a survey of 93 multi-unit housing property owners and managers in the city of Los Angeles (referred to as "owners"). Initial results indicate that most properties in the area do not have smoke-free policies in place, but property owners with and without policies are largely supportive of these policies. Some reasons for not already having a smoke-free policy include not knowing they could do it, perceiving that rent control laws restrict adoption of smoke-free policies, and not having enough information about the issue. These initial results show a need to educate and inform property owners about smoke-free policies and increase collaboration among property owners, tenant groups, and government agencies to protect the health of Los Angeles tenants with smoke-free policies for multi-unit housing.

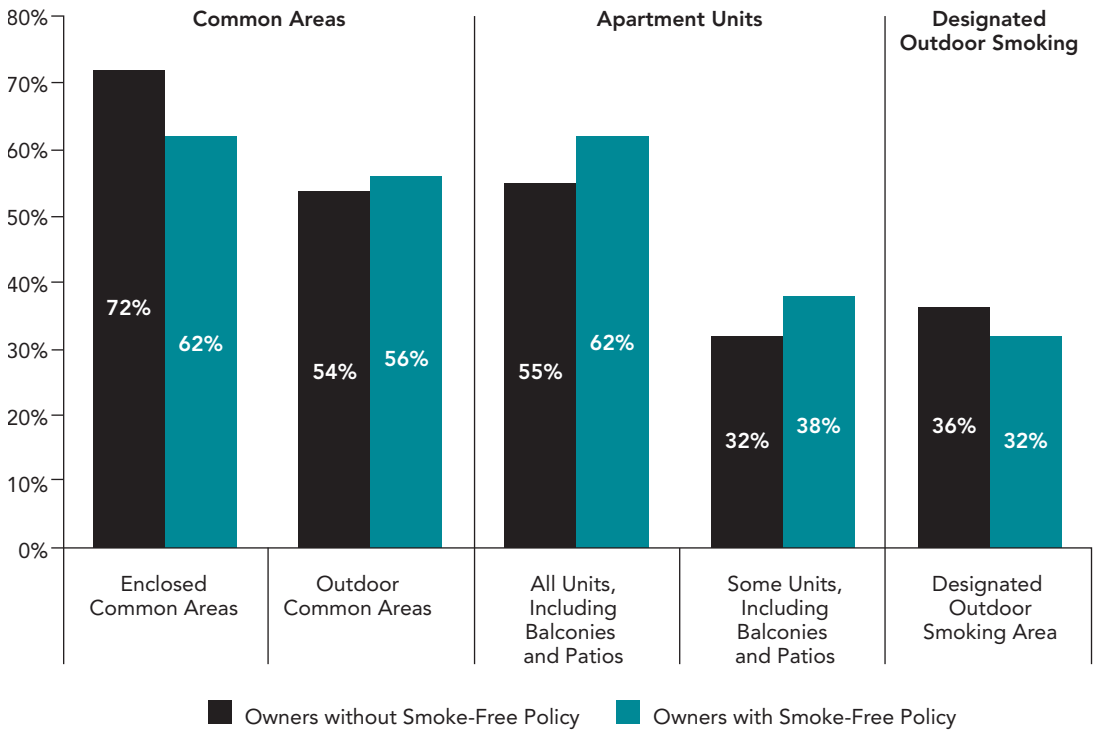
"Individuals living in lower-cost market-rate multi-unit housing are still vulnerable to secondhand smoke."

Majority of Owners Support, but Do Not Have, Smoke-Free Policies

In Los Angeles, property owners are legally permitted to adopt and enforce a smoke-free policy as long as they comply with existing citywide policies, such as the Los Angeles Rent Stabilization Ordinance.[4] As of January 2016, 59 out of 93 owners surveyed (63 percent of owners) did not currently have any kind of smoke-free housing policy in place at their properties. These 59 owners own or manage 4,600 units throughout the city of Los Angeles, or 85percent of all units in the survey. These data indicate that the majority of owners in the city of Los Angeles may not have smoke-free policies. When asked about their support for various levels of nonsmoking policies, the majority of owners, including those with and without smoke-free policies, were in favor of restricting smoking on their properties. Many property owners without smoke-free policies were supportive of such policies in common areas (72 percent for enclosed common areas, and 54 percent for outdoor common areas), as well as in all units (55 percent), including balconies and patios. Owners with smoke-free policies were supportive of these measures

Exhibit 1

Owners' Support for Various Levels of Nonsmoking Policies in Multi-Unit Housing



"Having a smoke-free policy did not hinder owners' ability to fill available vacancies."

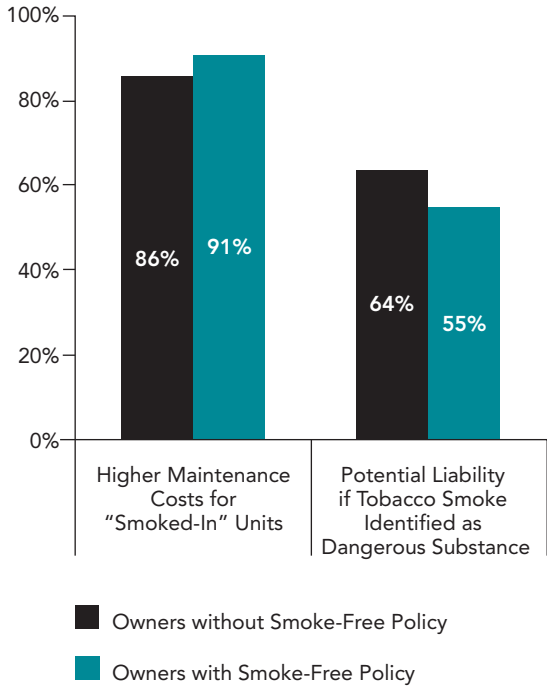
for enclosed common areas (62 percent), outdoor common areas (56 percent), and all units (62 percent), including balconies and patios. When asked to consider the adoption of policies that would allow smoking in some designated outdoor areas or in some units, the owners' support for smoke-free policies decreased from two-thirds to one-third (Exhibit 1). It is important to note that while state law requires no smoking in enclosed common areas,[5] many property owners may be unaware of its applications to their properties and therefore do not enforce this requirement.

Some Owners See the Benefits of Smoke-Free Policies

About 37 percent of owners surveyed have smoke-free policies already in place, representing 15 percent of multi-unit housing units covered by the survey in the city of Los Angeles (800 of out of 5,400 units). About half of owners with smoke-free policies restricted smoking in the units, while less than half restricted smoking in both apartment units and common areas. Those surveyed indicated many reasons for establishing smoke-free policies, including creating a healthy environment, improving air quality, lower maintenance costs, marketability or ability to rent the unit, and complaints from nonsmokers. Additionally, all surveyed owners with a nonsmoking policy reported that having smoke-free policies on their properties did not hinder their ability to fill available vacancies.

Exhibit 2

Owners' Beliefs of Financial Costs and Potential Liability for Permitting Smoking in Their Properties



"Most surveyed owners reported that they understood the high costs associated with smoking in their properties."

Most of the surveyed owners reported that they understood the high costs associated with smoking in their properties; about 9 out 10 owners reported higher maintenance cost as an issue for smoked-in units (Exhibit 2). A recent study conducted in California indicated that the average cost to maintain and turn over a smoked-in unit for the next resident is $4,935 per apartment.[6] When asked about potential liability for owners in the absence of a smoke-free policy, about 6 out of 10 owners reported believing that identifying tobacco smoke as a dangerous substance creates a potential liability for owners.

Among owners without policies, 53 percent indicated they had considered adopting smoke-free multi-unit housing policies for their property. Among the remaining 47 percent of owners who had not considered adopting such a policy, their top reasons for not doing so include not knowing they could do it (38 percent), never having thought about it (35 percent), being restricted because properties are under rent control (31 percent), and needing more information about this issue (27 percent).

Recommendations

To assess the level of awareness and implementation of smoke-free policies in Los Angeles, apartment owners and managers with property in Los Angeles were surveyed. The owners largely supported smoke-free housing policies and understood the benefits of having such a policy in their properties. More than half of owners without smoke-free policies have considered adopting such measures, but they report difficulties in making the informed decision of incorporating smoke-free provisions in their property agreements. The Los Angeles Rent Stabilization Ordinance may add another level of complexity to the implementation of smoke-free multi-unit housing policies because it does not allow an owner to incorporate new policies for existing tenants. Therefore, the following are needed to support landlords' efforts to make their properties nonsmoking:

- ***Educate multi-unit housing owners in the city of Los Angeles:*** All multi-unit housing property owners should receive education on their legal rights and responsibilities to implement voluntary smoke-free policies to protect tenant health and property investment.

- ***Develop Rent Stabilization Board guidelines:*** The Rent Stabilization Board of Los Angeles, in collaboration with the city's housing department, can develop guidelines and appropriate protocols for implementing nonsmoking provisions in compliance with the rent control law.

- ***Support implementation and enforcement of smoke-free policies:*** Landlord associations can help owners of private multi-unit housing by providing information and education on the issues related to smoke-free multi-unit housing. Resources may include sample language to incorporate nonsmoking provisions into the lease or rental agreement or providing sample "No Smoking" signage and other supplies. Additionally, these associations can provide landlords with listings of the available free or low-cost smoking-cessation resources that are essential to supporting tenants who want to quit smoking.

Survey Methodology

These preliminary findings represent data from 93 surveys that were collected with the help of the Apartment Association of Greater Los Angeles. Surveys were provided to multi-unit housing property owners and managers at local property owner seminars and events and also though a web link. The surveys were completed between October 2015 and February 2016, with responses stored in Survey Analytics. All survey respondents own or manage qualifying properties (apartments, condominiums, or townhouses) in the city of Los Angeles.

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Endnotes

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