

# Health Policy Brief

May 2020

## Health at Risk: Policies Are Needed to End Cigarette, Marijuana, and E-Cigarette Secondhand Smoke in Multi-Unit Housing in Los Angeles

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*“Harmful toxins in tobacco are also found in marijuana secondhand smoke and e-cigarette secondhand vapor.”*

**SUMMARY:** The proportion of Californians reporting exposure to secondhand smoke (SHS) from tobacco and marijuana and electronic cigarette (e-cigarette) vapor has grown over time, despite an increasing number of smoke-free local laws in the last 10 years. Residents of market-rate, privately owned multi-unit housing (MUH)—e.g., apartments—are particularly at risk of drifting SHS. In a 2019 study of 4,800 tenants and 176 MUH owners in the city of Los Angeles, we found that 49% of tenants reported exposure to drifting SHS, including SHS from tobacco (39%), marijuana (36%), and e-cigarettes (9%). Tenants who lived with children and those who

had lived or were living with someone who had a chronic health condition were significantly more likely to report exposure to drifting SHS. The vast majority of tenants and owners supported policies that restricted smoking in MUH, with most supporting tobacco and marijuana policies. Yet support for smoke-free policies was mixed with strong concerns about enforcement of such policies. Our findings reveal the high level of SHS in MUH, gaps in existing voluntary smoke-free policies, and the need for a consistent implementation and enforcement plan to prevent exposure to SHS for all Los Angeles residents.

Secondhand smoke (SHS) from tobacco causes approximately 33,950 deaths from heart disease and 7,330 deaths from lung cancer each year in the United States. Between 1964 and 2014, 2.5 million adult nonsmokers died from exposure to SHS.<sup>1</sup> SHS is harmful to children and other vulnerable populations,<sup>2</sup> and there is no safe level of exposure.<sup>1</sup>

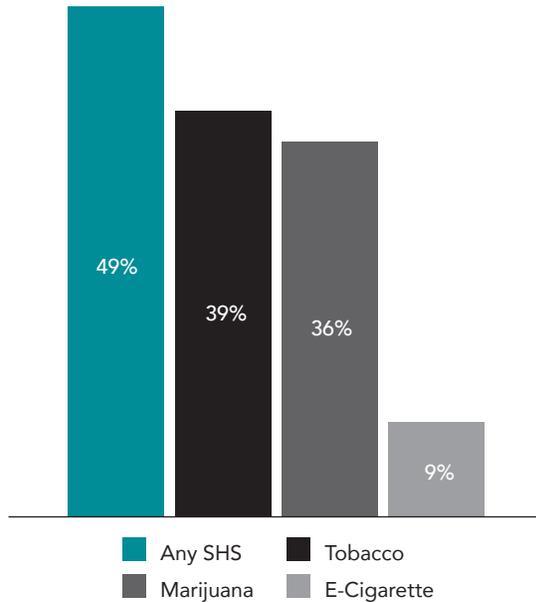
Harmful toxins in tobacco are also found in marijuana SHS and e-cigarette secondhand vapor.<sup>2</sup> Repeated exposure to marijuana SHS also affects heart health significantly.<sup>3</sup> The less perceptible e-cigarette vapor is actually an aerosol that contains ultrafine particles, which are easily inhaled. The particles can

worsen respiratory ailments, such as asthma, and they can also cause arteries to constrict, potentially triggering a heart attack.<sup>4,5,6</sup> In addition, the legalization of marijuana and the increasing prevalence of e-cigarettes have increased exposure to SHS.<sup>3</sup> E-cigarettes as a new medium for the delivery of tobacco and marijuana have reversed declining trends in tobacco use and reductions in SHS exposure. E-cigarettes have also become a new source of environmental air and waste pollution.<sup>7</sup>

SHS cannot be controlled in buildings, because the toxic fumes and particulates it contains drift throughout a property. Exposure to drifting SHS is a problem in multi-unit

## Exhibit 1

### Secondhand Smoke Exposure Among Multi-Unit Housing Tenants in Selected Los Angeles City Council Districts, 2020



Source: Authors' survey of tenants and owners in Los Angeles, 2019

Note: Tenants in 12 of 15 Los Angeles City Council Districts were surveyed.

Tenants of districts 8, 9, and 10 were not surveyed in this study. Owners were surveyed in all city districts.

*“Nearly half of all tenants reported that secondhand smoke had drifted into their unit.”*

housing (MUH), such as apartments, condos, townhouses, duplexes, and any property in which units share a common wall. These units often share plumbing, electrical, and ventilation systems. SHS drifts from neighboring units, balconies, and shared common areas where smoking is permitted. Public health experts recommend that MUH properties be 100% smoke-free to effectively protect residents from health risks caused by SHS.<sup>8</sup> Similar policies are applied to publicly owned MUH that are regulated by the U.S. Department of Housing and Urban Development (HUD). However, privately owned MUH is under the authority of local municipalities, which enact local housing laws. Most municipalities do not consistently include restrictions on smoking in MUH.

A significant share of residents of major urban areas live in privately owned MUH, which has fewer tobacco control policies compared to more affluent suburban communities.<sup>9</sup> Many neighborhoods in the city of Los Angeles are densely populated,<sup>10</sup> but the city has no ordinance to restrict smoking in privately owned MUH. Impediments to such an ordinance have included concerns about lack of enforcement or evictions that could exacerbate homelessness;<sup>11</sup> loss of affordable housing to gentrification following smoke-free policies; and inability to change existing leases to restrict smoking in rent-controlled properties.<sup>12, 14</sup>

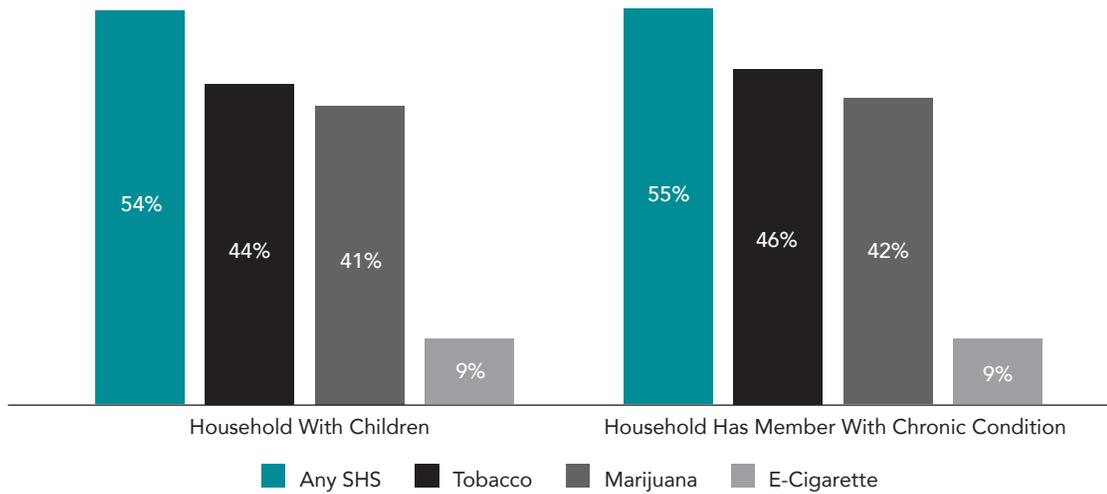
We surveyed tenants and owners of MUH in 12 of 15 city council districts in Los Angeles between 2019 and 2020 to understand exposure to tobacco, marijuana, and e-cigarette SHS and to learn their opinions on policies to reduce SHS exposure. Tenants of council districts 8, 9, and 10 were surveyed previously, in a similar study.<sup>13, 14</sup> We also interviewed some owners to gain additional insights on implementation and enforcement challenges.

#### Many Tenants of Privately Owned Multi-Unit Housing Are Exposed to Secondhand Smoke

Nearly half (49%) of all tenants we surveyed reported that SHS had drifted into their unit in the past year (Exhibit 1). The most common types of drifting smoke were from tobacco (39%) and marijuana (36%). A smaller percentage (9%) of tenants reported experiencing drifting vapor from e-cigarettes. Of those who reported smoke drifting into their unit, 74% said the smoke had come from outdoors, 64% reported that smoke had come from another unit, and 41% reported that smoke had drifted in from both outdoors and another unit (data not shown). Only 16% of tenants reported allowing smoking inside their home.

## Secondhand Smoke Exposure Among Multi-Unit Housing Tenants and Among Households With Children and Chronic Health Conditions, Selected Los Angeles City Council Districts, 2020

Exhibit 2



Source: Authors' survey of tenants and owners in Los Angeles, 2019

Note: Tenants in 12 of 15 Los Angeles City Council Districts were surveyed.

Tenants in districts 8, 9, and 10 were not surveyed in this study. Owners were surveyed in all city districts.

### Households With Children and Those Living With Chronic Conditions Are Frequently Exposed to Secondhand Smoke

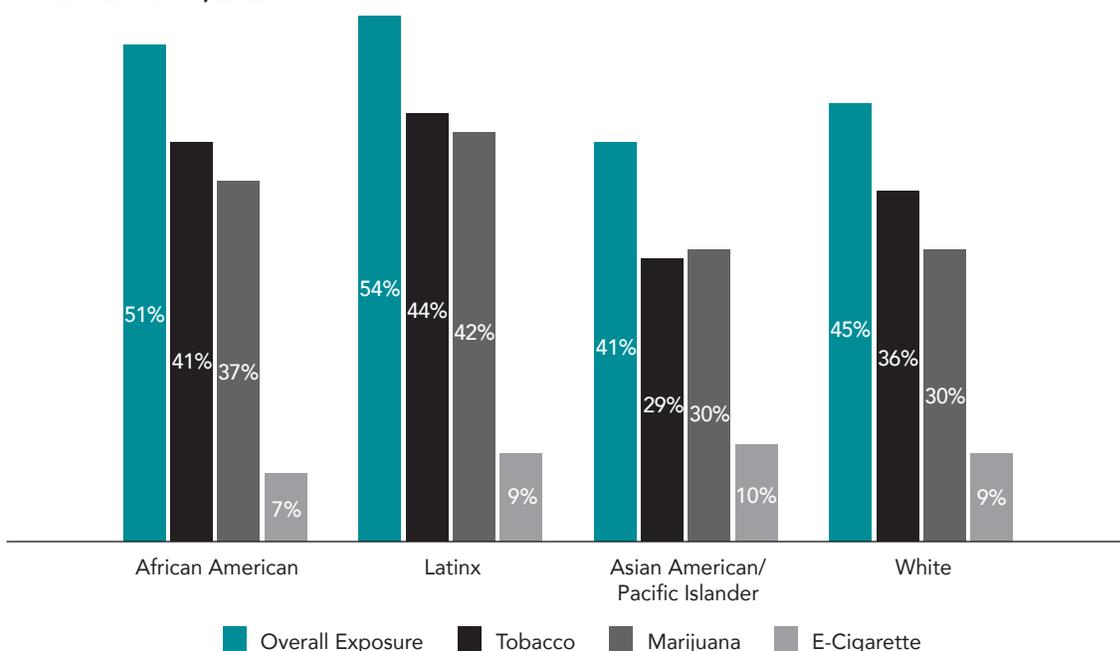
Secondhand smoke exposure was reported in 54% of households with children (ages 0-17). Examining the type of SHS, we found higher exposure to both tobacco (44%) and marijuana (41%), with a smaller percentage

(9%) reporting exposure to e-cigarette SHS (Exhibit 2). We also examined households in which someone was living with a chronic condition and found similar rates. Households without children or anyone with a chronic condition had lower rates of reporting SHS (41% and 45%, respectively; data not shown).

*“Secondhand smoke exposure was reported in 54% of households with children.”*

Exhibit 3

### Secondhand Smoke Exposure Among Tenants by Race/Ethnicity, Selected Los Angeles City Council Districts, 2020



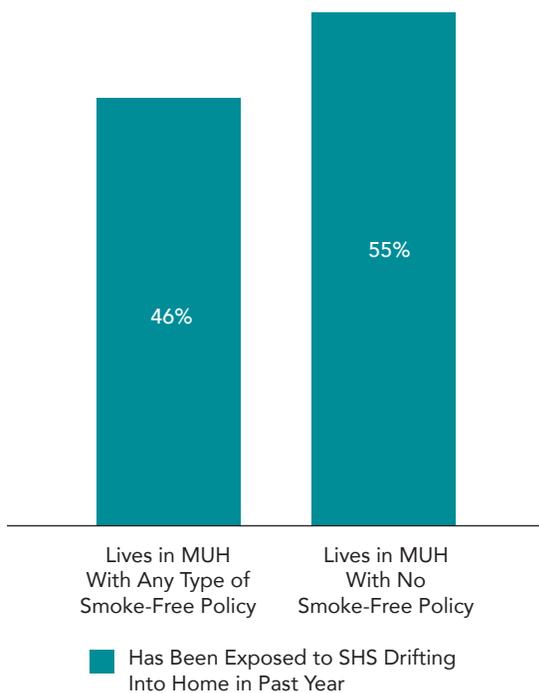
Source: Authors' survey of tenants and owners in Los Angeles, 2019

Note: Tenants in 12 of 15 Los Angeles City Council Districts were surveyed.

Tenants in districts 8, 9, and 10 were not surveyed in this study. Owners were surveyed in all city districts.

Exhibit 4

### Secondhand Smoke Exposure Among Tenants of Multi-Unit Housing With and Without Smoke-Free Policies



Source: Authors' survey of tenants and owners in Los Angeles, 2019

Note: Tenants in 12 of 15 Los Angeles City Council Districts were surveyed.

Tenants in districts 8, 9, and 10 were not surveyed in this study. Owners were surveyed in all city districts.

### African American and Latinx Tenants Report Higher Rates of Secondhand Smoke Drift in Their Homes

In examining racial/ethnic differences in tenant exposure to SHS, we found that more African Americans (51%) and Latinx (54%) reported drifting SHS in the past 12 months compared with whites (45%) and Asian Americans/Pacific Islanders (41%) (Exhibit 3). Across racial/ethnic groups, Latinx had the highest levels of exposure to tobacco SHS (44%), and Asian Americans/Pacific Islanders reported the lowest rates of tobacco SHS exposure (29%). Asian Americans/Pacific Islanders and whites reported the lowest rates of exposure to marijuana SHS (30%).

### Existing Smoke-Free Policies in Multi-Unit Housing Are Not Comprehensive But Reduce Exposure

Thirty-seven percent of tenants said either there was no policy restricting smoking in their building or they were unaware of one. The remaining 63% lived in MUH with some type of smoking-restriction policies. These policies appeared to reduce SHS exposure.

*“African Americans and Latinx reported the highest levels of drifting secondhand smoke.”*

Among tenants living in MUH with any smoke-free policies, 46% reported exposure to SHS in their homes, compared to 55% of those living in MUH without such policies (Exhibit 4).

### Tenants, Even Those Who Smoke, Support Smoke-Free Housing Policies

Ninety percent of tenants surveyed believed SHS is harmful to a person's health. The majority of tenants preferred to live in smoke-free housing, including 86% who stated a preference for living in a section of a building that is nonsmoking, and 80% who said they preferred to live in an entirely nonsmoking building.

When asked whether tobacco, marijuana, or e-cigarettes should be included in a smoke-free policy, 72% said they would support a policy that covered both tobacco and marijuana, and 48% said all three should be included. Even among the 17% who smoked either tobacco or e-cigarettes, 86% supported some type of smoke-free housing policy.

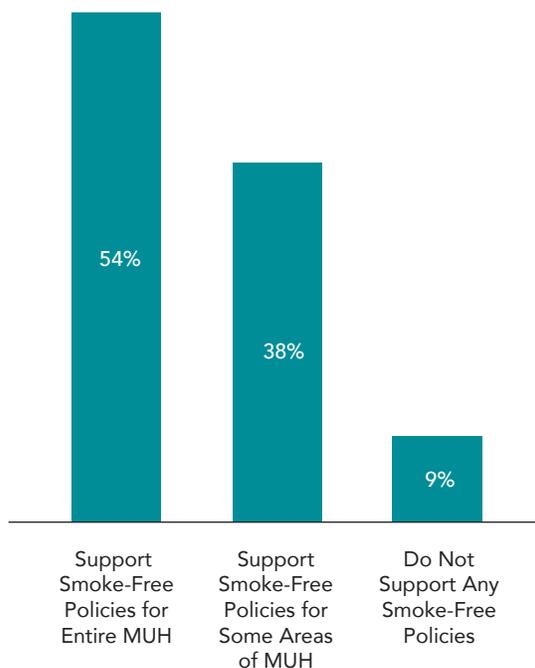
The majority of tenants believed property owners had the right to prohibit smoking in common areas (86%) and in private areas (79%), such as units and balconies. Most (67%) believed it is okay to levy a fine, and more than half (55%) believed it is okay to evict tenants who repeatedly violate an agreement not to smoke in their unit (data not shown).

### Multi-Unit Housing Owners Support Smoke-Free Policies but Differ in Types of Policies

Most owners (69%) already had some voluntary smoke-free policies. Among these property owners, most had tobacco (90%), marijuana (75%), and e-cigarette (62%) restrictions. Among 31% of owners without a policy, most had considered tobacco (83%) and marijuana (69%) policies, and 43% had considered e-cigarette restrictions.

**Multi-Unit Housing Owner Support for Various Smoke-Free Policies, City of Los Angeles, 2020**

Exhibit 5



Source: Authors' survey of tenants and owners in Los Angeles, 2019

Note: Tenants in 12 of 15 Los Angeles City Council Districts were surveyed.

Tenants in districts 8, 9, and 10 were not surveyed in this study. Owners were surveyed in all city districts.

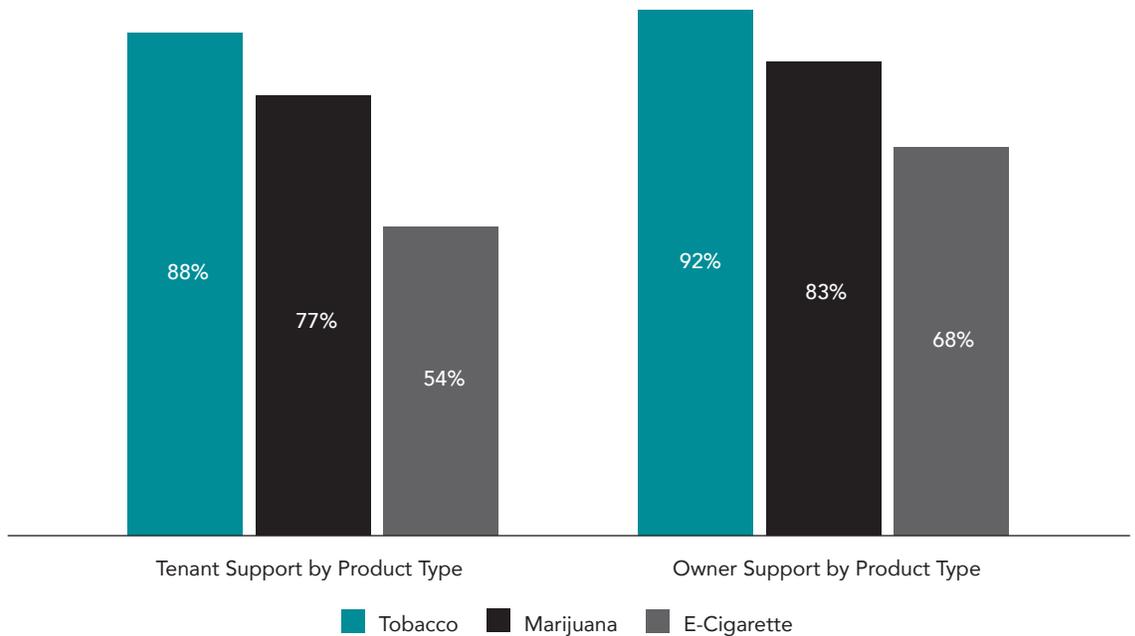
Decreased maintenance costs and tenant health were among the top reasons given for adopting nonsmoking policies, followed by reduced tenant conflicts and complaints. Most owners (60%) reported that they had received tenant complaints about SHS. Among those who had received complaints, 52% had received complaints about tobacco smoke, 38% had received complaints about marijuana, and 9% had received complaints about e-cigarettes.

When asked what areas of the property should be covered by a smoke-free policy, more than half of owners said they would include the entire property. In contrast, less than 10% would not support any smoke-free policy (Exhibit 5).

“Ninety percent of tenants surveyed believed secondhand smoke is harmful to a person's health.”

## Exhibit 6

## MUH Tenant and Owner Support for Citywide Policy, by Product Type



Source: Authors' survey of tenants and owners in Los Angeles, 2019

Note: Tenants in 12 of 15 Los Angeles City Council Districts were surveyed.

Tenants in districts 8, 9, and 10 were not surveyed in this study. Owners were surveyed in all city districts.

*“Owners without policies reported that enforcement was a top reason for not implementing a smoke-free policy.”*

### Owners' Enforcement of Smoke-Free Policies

We examined the implementation of smoke-free policies by owners and the challenges they experienced. Almost 90% of owners with smoke-free policies had included no-smoking policies in formal lease agreements, and the remaining 10% of owners with smoke-free policies used other methods to communicate their policy to tenants, such as signs or verbal communication.

Some owners with a smoke-free policy (43%) reported having experienced problems in enforcing their policy. Among owners who do not have a smoke-free policy, 82% anticipate that enforcement would be a barrier to implementing a smoke-free policy on their property. One challenge to enforcement was the difficulty in identifying those who smoke and in proving the source of the smoke. Nearly all owners with smoke-free policies (94%) said they did not evict tenants for violations. Among owners with smoke-free policies, 95% reported having no problems filling vacancies for nonsmoking units.

In interviews, owners without policies reported that enforcement was a top reason for not implementing a smoke-free policy. Owners expressed concerns over eviction of violators due to associated costs of eviction and potential loss of rent. Owners also did not believe that the city of Los Angeles would support owners' policies or consequences for violations. Without that support, owners were reluctant to enforce their policies. If there were no consequences for violating the policy, owners anticipated that tenants would be more likely to disregard the policy entirely.

### Both Tenants and Owners Support a Citywide Smoke-Free MUH Policy

Both tenants and owners support a citywide policy, with the broadest support expressed for a smoke-free tobacco policy: 88% of tenants and 92% of owners favored such a citywide policy (Exhibit 6). Marijuana and e-cigarette policies were supported at a slightly lower rate, but by the majority of both groups.

Support for a citywide policy was higher among MUH tenants and owners who had smoke-free policies than among those in MUH without such policies (97% vs. 92% and 94% vs. 84%, respectively; data not shown).

### Barriers to Owners' Support for Citywide Smoke-Free Policy

In interviews, owners—especially those who owned or managed large buildings—said that they did not want the responsibility of enforcing a citywide smoke-free policy. Some were concerned that they would face fines or other consequences if their tenants did not comply with a citywide policy.

Many owners said they would be more likely to support the policy if the city were to take full responsibility for handling enforcement or to make a commitment to enforcing it. Many owners were unwilling to give support without an enforcement provision.

However, a guarantee of city support for enforcement did not ease the concerns of all owners. Some expressed skepticism that a city as large as Los Angeles would be able to devote resources to enforcing MUH smoke-free policies effectively.

### Policy Implications and Recommendations

Our findings indicated that nearly half of tenants of privately owned MUH in Los Angeles were exposed to tobacco, marijuana, and e-cigarette SHS in their homes. Communities of color and households with vulnerable populations were disproportionately represented among tenants exposed to SHS in their homes.

We found evidence of voluntary partial smoke-free policies in privately owned MUH for specific units and common areas and of reduced SHS exposure where these policies existed. We found broad support for smoke-free policies implemented by owners or citywide.

However, owners expressed concerns over their ability to enforce their own or citywide policies. Owners indicated that city support for enforcement of owners' policies was essential. They believed that accountability for enforcement of a citywide policy should rest with the city, and that resources should be devoted to effective enforcement of such a policy. Additional findings from this study can be found at <https://healthpolicy.ucla.edu/publications/search/pages/detail.aspx?PubID=1933>.

Our findings are similar to results from a previous study of the three Los Angeles City Council Districts that were not included in this study.<sup>14</sup>

Our findings highlight the importance of uniform and effective policies that can protect all residents from the health risks of SHS in their homes. Previous evidence shows that uncertainty persists over how to implement such policies, especially a city law, which has been a significant barrier to a citywide policy.<sup>15</sup> The following recommendations address such uncertainty.

*Establish a single smoke-free MUH policy that requires all MUH properties in the city of Los Angeles to be 100% smoke-free to protect all tenants.* Such a policy would support owners' implementation of no-smoking policies covering the entire property and would protect all tenants. A citywide policy would not require changes to leases in rent-controlled areas or contribute to gentrification.

*Identify a viable smoke-free MUH policy enforcement model to meet the needs of tenants and owners.* Enforcement is crucial to ensuring the effectiveness of the policy. Enforcement is likely to be most effective if conducted by the city administration, using the administrative citation process and community justice approaches. Alternative options to fines and evictions for violators can

“Enforcement is crucial to ensuring the effectiveness of the smoke-free policy.”

“For many tenants ... home is not a sanctuary from unwanted exposure to secondhand smoke.”

be considered, such as mandated cessation education classes, community service, and increasing penalties for repeat violations. These options would not contribute to homelessness and would address the concerns of housing rights and tenants’ rights advocates who fear the inappropriate use of smoke-free policies to evict tenants.<sup>12</sup>

**Engage and mobilize stakeholders to ensure effective implementation.** Broader public support is needed to develop, implement, and enforce a citywide smoke-free policy. Engaging tenants, owners, housing advocates, apartment associations, and community groups in the development of a citywide policy and its methods of enforcement is likely to promote compliance and its effectiveness. The support of 9 million California voters for Proposition 56 to enact the California Healthcare, Research, and Prevention Tobacco Tax Act may be an indication of the likely support for such a policy.

**Promote access to cessation resources to support compliance and enforcement.** HUD’s model for smoke-free public housing includes referral to cessation resources to foster compliance. Educating tenants on the effects of SHS, dispelling the perception that marijuana and e-cigarettes are benign and less harmful than tobacco or not harmful to others, and assisting those who want to quit all promote compliance with smoke-free policies, reducing the need for enforcement. Increasing awareness of available resources—such as the California Smokers’ Helpline, to help smokers quit, or the Truth Initiative, which uses social media and youth network texting to help individuals overcome e-cigarette addiction—can help promote smoke-free policy compliance.<sup>15</sup>

The recent COVID-19 pandemic and the “shelter-in-place” orders have heightened the importance of the home as a safe sanctuary from exposure to unwanted and harmful environmental threats to health.

For many tenants of privately owned MUH in Los Angeles and elsewhere, home is not a sanctuary from unwanted exposure to secondhand smoke.

### Methodology

We conducted the Smoke-Free Multi-Unit Housing Evaluation in 12 Los Angeles City Council Districts: 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 14, and 15. Districts 8, 9, and 10 were surveyed in a similar project in 2016.

We adapted the MUH Tenant Survey from the 2012 Smoke-Free Multi-Unit Housing Survey of the Los Angeles County Department of Public Health, Division of Chronic Disease and Injury, Tobacco Control and Prevention Program. The MUH Tenant Survey asked tenants about their experiences with SHS in their homes, their support for a smoke-free policy, and some demographic questions. Tenant survey participants were adults ages 18 and older living in multi-unit housing (e.g., apartments, condominiums, and townhouses) in 12 Los Angeles City Council Districts. No personal identifying information was collected for the survey.

We engaged community partners, including Day One, FAME Corporations, and Koreatown Youth Community Center (KYCC), to conduct the tenant surveys in English, Spanish, and Korean. Each organization was assigned four council districts. A total of 4,800 surveys were completed between May and October of 2019, equally divided between each council district.

We engaged the Apartment Association of Greater Los Angeles (AAGLA), which has more than 6,000 members in the Greater Los Angeles area, to recruit owners to take part in surveys and interviews. MUH Owner Survey participants owned properties throughout the city of Los Angeles, totaling 21,911 units. Surveys were conducted online using Survey Monkey. Members of the evaluation team conducted the interviews.

To participate in the MUH Owner Survey, owners had to have a property in any Los Angeles City Council District. Property managers could take the survey if the owner was unavailable. We conducted 156 surveys and 20 phone interviews from June to December 2019. The survey asked owners about their experiences with SHS on their property and their support for different types of smoke-free policies. Key informant interviews provided insights into owners’ views on voluntary and legislated smoke-free housing policy and their recommendations for addressing barriers to policy adoption.

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