

Feasibility Study of Smoking Policy for Condominiums

By Roger An, Chaiwey Chen, Jeffrey Gao, Jessica Zhang

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Office of Delegate Chao Wu

I. Purpose and Summary

Smoking in condominiums has risen as a health concern that affects both the smoker and those surrounding the smoker. Many smoke-free policies have been implemented in public spaces but many residents of multi-unit housing suffer from their smoking neighbors. Due to secondhand smoke exposure, fire hazards, property damage, smoking in condos have adverse effects for residents. Fortunately, the implementation of a smoke-free condominium policy could create a healthier and safer living environment.

II. Background and Current Facts on Effects of Smoking

The effects of smoking in multi-unit housing complexes can have severe effects on neighboring residents and their health through second hand smoke exposure. The Centers for Disease Control and Prevention [CDC] (2022) has published a list of side-effects due to inhaling second-hand smoke. Adults suffer a heightened risk of around 20-30% of coronary heart disease, stroke and lung cancer. Infants and children are at increased risk of birth defects, sudden infant death syndrome (SIDS), and respiratory system diseases. The U.S. Surgeon General (Office, 2006) said that there is no risk-free level of exposure to secondhand commercial tobacco smoke but no smoke at all.

Smoking in condominiums can also result in property damage due to toxic residue from tobacco products, called thirdhand smoke, sticking to surfaces long after the products are extinguished. It clings to walls, ceilings and is absorbed in carpets, clothing, floors and more, harming children and pets. Costs in damages can escalate quickly with the fire hazard of smoking indoors as hot cigarette butts and ashes contact flammable materials. These fires are the highest costs in property damage and leading causes of fatal residential fires. (City of Phoenix, n.d.)

III. Analysis on Legality and Effectiveness with Precedents

1. Legality, Ethics, and Precedents

Smoking is not a protected right in the United States. US court cases have reinforced this fact, and several states, including New Jersey and Delaware, already restrict smoking in government housing and private common areas. (Maryland, n.d.b; CDC, 2023) The Maryland Condominium

Act (*Real Property Title §11–101*, n.d.) gives individual boards power to regulate smoking, so a statewide ban is not unconstitutional.

In 2018, The Department of Housing and Urban Development (HUD) banned smoking in all public housing (24 CFR §965.653), protecting two million residents, including 760,000 children, from secondhand smoke. Ethically, condos have a responsibility to preserve the health of their residents from the effects of smoking and its lingering effects.

Condo anti-smoking laws have taken effect across the US, with California leading with 79 municipalities passing these laws. (American, 2023) Hawaii has passed state-wide bans on smoking in balconies and public areas of condominiums. (Rhoads, 2019)

Previous state-wide measures have been attempted (HB0315 (SB0817)), further exemplifying the demand and possibility of such a smoke-banning bill. (*Multifamily Dwellings - Smoking Policies*, 2023)

2. Effects

Smoke-free policies are the solution. In a study done by the World Health Organization, there are substantial declines in cotinine, a marker of secondhand smoke, and improvements in air quality of up to 90%, after implementation in high-risk settings such as casinos. (CDC, 2021) Similar policies in multi-unit housing ensure health and safety for all residents in their own property. Government and public housing bans have proven effective, and so will condominium bans as they share similarities to public housing in airflow and common spaces. (Anastasiou et al., 2023)

Thirdhand smoke would also decrease, reducing damage and repair costs. (Maryland, n.d.a) A study by UCLA (2011) showed that enacting smoke-free policies in all of California's multi-unit housings would save over 18 million dollars.

Further benefits include increased quit rates, reduced health care costs, and greater spending, stimulating the economy. (American, 2021)

3. Addressing Counters

Opponents of smoking bans in condominiums argue that such restrictions infringe upon individual rights and property rights, but previous legislation disproves this claim (see *Legality*). Financial arguments centered around losing smoking tenants overlooks the fact that a far larger market will be willing to move in.

Issue moderates may argue for ventilation solutions or personal responsibility or location-specific considerations, but a blanket ban is the only way to ensure safety for all condo residents across the state against severe health issues (CDC, 2022).

While enforcement might be difficult and opponents might warn of a slippery slope, precedents show that enforcement is easily possible and will not lead to overreach in government.

IV. Final Discussion

Smoking in condos has severe implications for the health of both smokers and non-smokers. Secondhand smoke exposure, health risks, property damage, and environmental pollution are compelling reasons for implementing smoke-free policies in multi-unit housing.

States that have introduced no smoking in condo policies have shown positive outcomes in reducing second and thirdhand smoke, creating healthier living environments. These policies ultimately protect condo residents from the negative effects of secondhand and thirdhand smoke.

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