



REGION OF WATERLOO

PUBLIC HEALTH Environmental Health and Lifestyle Resources

PLANNING, HOUSING AND COMMUNITY SERVICES Housing

TO: Chair Sean Strickland and Members of the Community Services Committee

DATE: October 6, 2009 **FILE CODE:** P13-80

SUBJECT: SMOKE-FREE POLICY FOR NEW LEASES AND TRANSFERS IN REGIONALLY OWNED COMMUNITY HOUSING (WATERLOO REGION HOUSING)

RECOMMENDATION:

THAT, effective April 1, 2010, all new leases signed with Waterloo Region Housing (WRH) in all buildings and properties be 100 per cent smoke-free and restrict smoking outdoors to a distance of five meters or more away from any windows, entrances or exits to the building/unit, as described in PH-09-046/P-09-073, dated October 6, 2010..

AND THAT the Board of Region of Waterloo Community Housing Incorporated (ROWCHI) and other Community Housing Providers be asked to consider implementing similar restrictions regarding smoking.

AND THAT Public Health investigate, develop and implement cessation support for tenants and those on the waiting list.

AND THAT Public Health and Waterloo Region Housing staff work together to provide individualized support or other special arrangements to any tenants experiencing health conditions or other challenges that might complicate their ability to comply with the policy.

AND FURTHER THAT staff report back on the implementation process and results in October 2010.

SUMMARY:

This report summarizes the results of a consultation process undertaken with tenants living in Waterloo Region Housing (WRH) and Region of Waterloo Community Housing Incorporated (ROWCHI) regarding complaints about exposure to second-hand smoke from neighbouring units and outdoor areas as outlined in Report PH-08-034. The consultation process followed a mail-out survey of tenants living in properties owned and managed by the Region of Waterloo. The results of that survey were summarized in a memo to Council members dated March 3, 2009. A summary table and highlights of those results are included in Appendix B of this report.

A planning committee composed of tenant representatives and staff from Public Health, Legal Services and Planning, Housing and Community Services organized follow-up community consultations to seek input on policy options to address tenant concerns about exposure to second-hand smoke. This report reviews the various policy options considered and proposes

implementation of a smoke-free policy for all new tenants of Waterloo Region Housing. This policy will not apply to existing tenants unless they move to a new unit, but smoking cessation support will be offered to these tenants. Staff will report back to Council on the implementation process and results in one year's time.

REPORT:

As proposed in Report PH-08-034, a survey of 2,723 households served by Waterloo Region Housing and Region of Waterloo Community Housing Incorporated was conducted in October 2008 to learn about tenant exposure to second-hand smoke and explore tenant views on smoke-free policies.

The survey process and results were presented to Council in a memo dated March 3, 2009. The results indicate exposure to second-hand smoke in Regionally owned and operated housing is considerably higher than among the general population in Waterloo Region. A recent survey by the University of Waterloo indicated that 30.7 per cent of households in the general population reported being exposed to second-hand smoke in their homes with just 5.4 per cent always or very often exposed, whereas 56.7 per cent of respondents to the survey of Region of Waterloo Housing tenants reported being exposed and 23.7 per cent of those respondents said they were always or very often exposed (University of Waterloo, 2009). Slightly more than half of respondents to the tenant survey favoured a smoke-free policy (see Appendix B for a summary of results).

Tenant Consultation

A planning committee comprised of tenants and representatives from the Region's Planning, Housing and Community Services, Public Health and Legal Services reviewed the results of the October 2008 tenant survey. Committee members determined further consultation was needed in order to obtain tenant feedback on how best to address concerns about exposure to second-hand smoke.

In March 2009, all tenants were mailed a copy of the October 2008 survey results and invited to participate in a short follow-up online survey. Residents from a sample of housing properties were also invited to participate in community forums. A cover letter in various languages provided information about obtaining translation services to assist in reading the mailing.

A total of six community forums were conducted. Four of the forums were directed at tenants in family housing units (primarily townhouse and single family units) since there was a low response rate from these tenants in the 2008 survey (18 per cent). The remaining two forums focused on tenants in buildings geared to seniors and to adults without dependents (primarily apartment units). The forums began with a presentation summarizing the 2008 survey results and policy issues. The presentation was followed by small-group discussions to gain tenant feedback. At the end of each forum, tenants completed an anonymous two-question survey to indicate their recommendations for policies addressing indoor and outdoor smoking.

The forums were supplemented with an online consultation called *Have Your Say* which was open to all households via a website. The website included information about the policy exploration process and a link to a two-question survey. The March mailing explained that tenants without internet access could request a paper copy of the survey. Paper versions were sent to tenants via mail with a pre-paid return envelope. The information on the website and paper survey was identical to that presented at the community forums.

The planning committee, along with Regional staff involved in managing housing waiting lists, held a day-long meeting on May 8, 2009 to review the results of the 2008 survey and follow-up consultations and agree on a policy recommendation. The meeting was facilitated by a Public Health Planner who had no previous involvement in the project. In reaching its recommendation, the committee considered:

- Tenant feedback from the original mail-out survey, the online survey and the community forums; and
- Legal considerations, health protection concerns, issues related to the feasibility of policy implementation and ensuring compliance and cost-benefit considerations.

A summary of the results of tenant consultations at the community forums and the online survey is provided in Appendix C.

Smoke-Free Policy Considerations

Legal Considerations

Indoor

As discussed in Report PH-08-034, in recent years some residential tenancy tribunals have ruled that second-hand smoke entering a tenant's home can be a substantial interference with the reasonable enjoyment or lawful right, privilege or interest of the landlord or another tenant when it is an ongoing problem that is not remedied. They have ordered remedies ranging from compensation to the landlord for damage caused by smoking in the unit to termination of the tenancy and eviction of the tenant causing the problem. It should be noted that the Landlord and Tenant Board is an administrative tribunal and less bound by precedent than a court. Accordingly, each case will be considered individually on its own merits, and there is no assurance that the result in one Landlord and Tenant Board case will be applied to another case.

While smoking is not specifically addressed in Ontario's *Residential Tenancies Act*, landlords may legally include no-smoking clauses in *new* tenancy agreements by banning smoking in individual units including outdoor patios and balconies or any areas of the residential property. Landlords have the right to seek penalties for non-compliance, including termination of the lease under the *Residential Tenancies Act* if a tenant's smoking is shown to have caused undue damage to the leased unit or substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the landlord or another tenant. Landlords may not unilaterally amend *existing* tenancy agreements.

If the Region were to adopt a smoke-free housing policy, it could legally do so only for new tenancy agreements (i.e., new tenants and existing tenants who transfer to a new unit and thus require a new lease).

Outdoor

Restrictions to smoking in private outdoor areas included under an existing lease as part of the rental unit, such as balconies, patios or yards of town homes and single family dwellings, can be included in a smoke-free policy and enforced through the quiet enjoyment clause of the *Residential Tenancies Act* in the same way as policies for indoor areas. These restrictions can apply to new leaseholders only.

Landlords have the right to restrict smoking in common outdoor areas of property not included in existing tenant lease agreements, such as entranceways, playgrounds and green spaces. Such restrictions could be implemented for all tenants, including existing leaseholders.

Health Protection

Indoor

There is no known safe level of exposure to second-hand smoke. The U.S. Environmental Protection Agency (1993) has labelled second-hand smoke a “group A carcinogen.” This means it is known to cause cancer. Second-hand smoke from cigarettes and cigars is estimated to cause 425 deaths each year in healthy non-smokers in Ontario (Physicians for a Smoke-free Canada, 2004). Recent analyses of Waterloo Region mortality data from 2000 to 2004 revealed second-hand smoke caused an estimated average of nearly 13 deaths annually in Waterloo Region during that period (Region of Waterloo Public Health, 2009).

Results from the October 2008 survey of tenants in Waterloo Region Housing and Region of Waterloo Community Housing Incorporated found 57 per cent of all respondents were exposed to second-hand smoke inside their home. Fifty-four per cent reported being bothered by it, and 36 per cent reported someone in their home has a health condition that is worsened by inhaling second-hand smoke. Thirty-eight per cent of those in seniors’ units, and 34 per cent of those in adult and family units reported that someone in their home has health problems made worse from inhaling second-hand smoke.

A report by the Ontario Tobacco Research Unit (March, 2009) found Ontario residents of multi-unit dwellings were twice as likely (27.8 per cent) to notice smoke entering their homes compared to those living in single family homes (12.7 per cent). These province-wide results reflect considerably lower rates of exposure than were reported in the survey of tenants in Regionally owned or operated housing, of whom 57 per cent reported being exposed and 24 per cent reported being very often or always exposed. As cited earlier in this report, rates of exposure among tenants in Regionally owned or operated housing were also considerably higher than those reported by residents in Waterloo Region as a whole in a recent University of Waterloo survey.

Research on air quality in multi-unit dwellings where smoking takes place is beginning to emerge. At a recent seminar at the Roswell Park Cancer Institute affiliated with the University of Buffalo, King (2009) presented a summary of air quality research he has conducted with colleagues in multi-unit dwellings in New York State. They found particulate matter measured in smoking areas was at levels considered unacceptable. Elevated levels of particulate matter were found in hallways and in neighbouring smoke-free units. These levels were considered unhealthy for sensitive groups and, in one case, unhealthy for the general population. Lag times ranging from 2 to 41 minutes occurred between the time a cigarette was smoked and the peak levels of particulate matter found in neighbouring smoke-free units. These lag times appeared to be a function of ventilation and proximity to the smoking unit (King, 2009).

A survey of 2,381 households in four Canadian cities over a nine-month period found 65.9 per cent of time recorded in 24-hour diaries was spent indoors at home (Leech, Wilby, McMullen, & Laporte, 1997). Even when the time spent sleeping (about 36 per cent of time) was removed, Canadians were found to spend considerable time in indoor environments in their homes.

Given our knowledge of the dangers associated with exposure to second-hand smoke and given survey results showing high levels of exposure in Regionally owned and operated housing and more than one-third of tenants reporting health problems worsened by exposure to second-hand smoke, it is reasonable to take efforts to reduce tenant exposure as a health protection measure.

Outdoor

Evidence demonstrates that outdoor smoke exposure increases in proportion to the number and proximity of smokers, the amount of time the person spends downwind from the smoker(s), and the size of the smoking area. When outdoor smoking is taking place, the concentration of smoke within close proximity to the smoker is high and can be similar to levels of second-hand smoke found in indoor spaces, causing significant health effects for those exposed. Yet, compared to indoor second-hand smoke, outdoor second-hand smoke dissipates quickly after the tobacco source has been put out (Klepeis, Ott & Switzer, 2007; Repace, 2008).

Health effects from outdoor exposure can be reduced by extinguishing or moving away from the burning tobacco source. The greater the distance away from the tobacco source the greater the health protection benefits. This has been the rationale for many current policies requiring smokers to move nine meters or more away from entrances and exits of buildings or creating designated smoking areas away from buildings. Distances of nine meters or greater would provide optimal health protection, yet, in the case of the community housing portfolio, nine meters is not a feasible distance for implementation due to the variation in property boundaries and small property sizes. As a result of the small size and closeness of most properties and many apartment units having balconies, tenants can be frequently exposed to high levels of outdoor second-hand smoke entering their windows, doors and air intake vents. Once second-hand smoke enters the home, it does not dissipate as quickly as it would outdoors and can linger and stay on surfaces for extended periods of time (Klepeis et al., 2007; Kennedy, Johnston, Fong, Hyland, & Travers, 2009).

Based on the fact that 9 meters is not a feasible distance due to property characteristics, restricting smoking to a distance of 5 meters away from any entrance or exit to the building/unit has been recommended and will provide some health protection benefits for tenants. While a distance of 5 meters will not eliminate exposure to outdoor second-hand smoke in all circumstances, particle levels have been shown to dissipate to lower levels at distances of 5 meters. Irritation from exposure to second-hand smoke for healthy non-smokers can dip below irritation-causing levels around 5 meters (Klepeis et al., 2007; Repace, 2008). Klepeis et al. (2007) found that "outdoor tobacco smoke levels also approached zero at distances greater than 2 meters from a single cigarette (p. 1)."

Feasibility of Implementation**Indoor**

Any change to the current practice of allowing smoking in private areas of buildings and in all outdoor areas would involve implementation challenges. As described in the section on legal considerations, implementing a ban on smoking in indoor areas, including balconies, can only be done over time as new tenants arrive or as existing tenants request transfers requiring new tenancy agreements. If a smoke-free policy were adopted, tenants on the waiting list would have to be informed of the policy and notified that the policy applies to new tenancy agreements only, thus not guaranteeing smoke-free accommodations. Everyone signing a new tenancy agreement to which the policy applied would be required to sign a written statement verifying they were informed that tenants living in the buildings before the policy was adopted would not be required to follow indoor or outdoor smoking restrictions in private areas included within their existing lease (indoor unit, balcony, patio or yard). Existing tenants, however, would be required to follow any smoking restrictions applying to property not included in their existing lease (e.g., entranceways to apartment buildings).

Outdoor

As with any indoor policy, adding smoking restrictions outdoors will result in some implementation challenges. These are discussed later in this report under the review of specific policy options.

Ensuring Compliance**Indoor**

When complaints about second-hand smoke in indoor environments are received by housing staff, the current process is to negotiate a resolution between the affected parties. Staff can arrange for small repairs—such as caulking around electrical outlets, plumbing and heating conduits—to reduce air transfer between units, but these do not always eliminate the problem.

As discussed in the Legal Considerations section of this report, if a policy were adopted requiring some or all buildings to be smoke-free, the policy would be enforced through (i) the “reasonable enjoyment” provisions of the *Residential Tenancies Act*, which allow for termination of the tenancy if the conduct of the tenant or their guests is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by the landlord or another tenant or substantially interferes with another lawful right, privilege or interest of the landlord or another tenant; or (ii) the “undue damage” provision of the *Residential Tenancies Act*, which allows for compensation to the landlord or termination of the tenancy if a tenant’s smoking is shown to have caused undue damage to the leased unit. Housing staff and/or neighbours concerned about ongoing smoking would need to document these concerns and efforts to address the concerns over time. A tenant who repeatedly violated the policy despite requests to comply, could be evicted. The process followed would be similar to that used to address noise or other disturbances.

Since any smoke-free policy can only affect new leases, one challenge in implementing the policy would be to deal with tenant complaints about smoking by tenants who were “grandfathered” because they held leases before the policy was adopted. Due to privacy laws, Housing staff could not let the complainant know whether the person smoking was required to follow the policy or was “grandfathered” and therefore not required to do so. One remedy proposed to address this problem is to provide “grandfathered” tenants with signs they can voluntarily place on their doors indicating that smoking is permitted in their unit. Legal staff recommend that a form of Acknowledgment be signed by these tenants acknowledging that they have chosen to volunteer this information.

With the adoption of this policy, it is anticipated that the number of smoking-related complaints would initially increase. Over time, they could be expected to decrease. Without a policy, complaints might also increase over time, particularly if other jurisdictions begin to adopt smoke-free policies.

Outdoor

The current process for addressing complaints about smoke entering homes from outdoor areas is similar to that for addressing indoor smoking concerns. Ultimately, Housing staff rely on the goodwill of neighbours to reduce the impact of smoking on their neighbours.

A policy which restricts smoking to a reasonable fixed distance away from doors and windows would be easier to enforce under the *Residential Tenancies Act* than a smoke-free policy restricting smoking to designated areas only. As with indoor smoke-free policies, the landlord could potentially evict a tenant who repeatedly refused to follow the policy and, as a result, was found to have substantially interfered with the reasonable enjoyment or lawful right, privilege or interest of the landlord or another tenant.

Financial Costs/Benefits

Costs

In the initial stages of any smoke-free policy, costs for the Region would likely increase. It is expected that over time these costs would decrease and, eventually, a smoke-free policy would result in cost savings. Below are some of the anticipated costs associated with the implementation of the recommended policy:

- It would be imperative to address the concerns about building/unit disrepair raised by forum and survey participants. This would entail repairs such as adding additional caulking to cracks and weather stripping around windows and doors;
- Tenant complaints could increase as a result of heightened awareness of the problem of exposure to second-hand smoke, requiring staff time and resources to follow-up and document complaints and to enforce the policy;
- Stringent enforcement of the policy could result in legal costs associated with bringing cases forward to the Landlord and Tenant Tribunal or to other courts of law (experience elsewhere has shown these policies are largely self-enforced);
- It is possible that a smoke-free policy may cause an increase in transfer requests and resulting unit turnover costs from tenants seeking accommodation in units/buildings with fewer smokers;
- A database would be required to track tenants permitted to smoke in their units as a result of “grandfathering” and those not permitted to smoke in their units. The database would facilitate policy implementation and response to tenant complaints about neighbours perceived to violate the smoke-free policy;
- Painted lines and outdoor signage indicating the distance smokers are required to move away from *apartment* building entrances and exits to smoke. Outdoor signage in town home complexes indicating the distance smokers are required to move away from their units to smoke;
- Printing and mailing costs of a package designed to inform all current tenants and prospective tenants on the waiting list (approximately 3500 households) of the policy;
- Ideally, implementation of a smoke-free policy should include cessation support, such as individual or group cessation programs, pharmacotherapy and cessation information, to those on the waiting list and current tenants interested in quitting tobacco use; and
- Training of all Housing staff on the policy content and protocols for documentation and enforcement.

Benefits

- **Health protection** – the 2008 turnover rates for Waterloo Region Housing and for Region of Waterloo Community Housing Incorporated were 14.9 per cent and 23.5 per cent respectively. Using these turnover rates it is estimated that, if a smoke-free policy were implemented with all new leases, Waterloo Region Housing could be 100 per cent smoke-free within 7-10 years and Region of Waterloo Community Housing Incorporated could be 100 per cent smoke-free within 4-6 years.

- **Fire risk** – a smoke-free building reduces the risk of fire. The Office of the Ontario Fire Marshall reports that lit smokers' materials are the most common ignition source in fatal fires. Between 1993 and 2002 there were 9,414 fires, more than \$231 million in losses, 688 injuries and 94 deaths in Canada caused by lit smokers' materials. A smoke-free building reduces the risk of fire, fire damage, injuries and deaths by eliminating smoking in the interior of buildings (Beck & Tilson, 2006). This may also help lower or contain insurance costs.
- **General upkeep, maintenance, paints and carpets** – landlords report it typically costs two to three times more to prepare a unit for a new tenant after heavy smoking has occurred compared to a non-smoking unit. Report PH-08-034 included a chart outlining turnover costs associated with smoke-free units compared to those where smoking took place as reported by landlords in Toronto and southern Ontario.
- **Increased marketability** – the majority of people living in Waterloo Region (81 per cent) are non-smokers. Globe Agencies, based in Winnipeg, designated more than 5000 housing units smoke-free and now has a waiting list for its smoke-free buildings.

Policy Recommendation

Tenant representatives and staff from Housing, Planning and Community Services, Public Health and Legal Services considered a number of options for addressing tenant concerns about exposure to second-hand smoke in properties owned or operated by Waterloo Region Housing and Region of Waterloo Community Housing Incorporated. Appendix D summarizes each of the alternative policy options considered and the rationale for not recommending these options.

The following policies are recommended:

Indoor

Smoke-free policy for new leases in all buildings and properties

Regional staff, in an effort to balance all interests, have determined that the best course of action is to require all properties to transition to smoke-free status. While legally the Region cannot require existing tenants to maintain smoke-free units, it can require all new tenants to adopt a smoke-free policy in their lease agreement. In this manner, the Region would operate in a consistent manner within the confines of the law. This would require the Region to notify all tenants transferring to a new unit and all people on the waiting list that a smoke-free policy had been adopted. The policy would not prohibit people who smoke from accepting new tenancy agreements, but would require them to refrain from smoking in their units (including balconies) and to comply with outdoor restrictions forbidding smoking within 5 meters of any entrances or exits to units/buildings.

During the review and analysis of tenant preferences for policy options, the planning committee considered each option based on the extent to which it would protect tenants from exposure to second-hand smoke. Making all units and buildings smoke-free with each new lease was seen as the best option from a health protection and promotion perspective. Such a policy would decrease and eventually eliminate tenant exposure to second-hand smoke in their homes.

A policy that applies to all properties ensures the policy will not create complications in administering waiting lists. As discussed in Appendix D, creating a dual system with some smoke-free buildings and others that are not would result in complications for both clients and administrators of housing waiting lists.

Outdoor

The problem of smoke entering tenants' homes from outdoors was frequently raised at the forums. While tenants complained of its impact in their homes, nearly as many comments were made by tenants who did not think it was a concern.

Prohibit smoking within a fixed distance (5 metres) of building windows, entrances and exits

Evidence suggests nine metres is an ideal distance to protect people from exposure to second-hand smoke in outdoor environments. However, this distance is not feasible due to the small property size of most town homes in the Region's housing portfolio. Reductions in exposure to outdoor second-hand smoke can occur at distances of three to five metres (Klepeis et al., 2007). This option would considerably reduce tenant exposure to second-hand smoke from neighbouring properties. As opposed to designated smoking areas, this option permits smokers to smoke anywhere outside of the fixed distance restriction. This is likely to reduce the extent to which smokers congregate in the same area, thus reducing the risk of creating a supportive environment for smokers to continue smoking. It is recognized that restricting smoking to a fixed distance away from the perimeter of buildings could result in litter problems and may push people onto neighbouring properties. These factors would need to be addressed in implementing the policy.

Conclusions

Tenant representatives and staff from Housing, Planning and Community Services; Public Health and Legal Services considered a variety of options for addressing tenant concerns about exposure to second-hand smoke in properties owned or operated by the Region.

Following consultation with tenants and careful review of policy considerations, the planning committee recommends the Region include a smoke-free policy in all new leases signed with Waterloo Region Housing effective April 1, 2010. The recommended policy would require units to be 100 per cent smoke-free and would restrict smoking outdoors to a distance of five meters or more away from any entrance or exit to buildings and units. Public Health has made a commitment to investigate, develop and implement appropriate cessation support for tenants and those on the waiting list should the policy be approved. It is recognized that a small number of tenants may experience health conditions or other challenges that could complicate their ability to comply with the policy. Public Health and Housing staff will work together to provide individualized support or other special arrangements for these tenants.

CORPORATE STRATEGIC PLAN:

Strategic Focus Area 3: Healthy and Safe Communities – Support safe and caring communities that enhance all aspects of health.

Strategic Focus Area 4: Human Services – Promote quality of life and create opportunities for residents to develop to their full potential.

Strategic Focus Area 6 – Service Excellence – Foster a culture of citizen/customer service that is responsive to community needs.

FINANCIAL IMPLICATIONS:

It is anticipated that the policy will be implemented within existing budgets and staff resources. Costs will be monitored and assessed to identify any potential budget impacts over time.

OTHER DEPARTMENT CONSULTATIONS/CONCURRENCE:

Planning, Housing and Community Services
Corporate Resources—Legal Services

ATTACHMENTS:

APPENDIX A: References
APPENDIX B: Summary of 2008 Tenant Survey Results, Overall and by Housing Type
APPENDIX C: Results of Tenant Consultation: Community Forums and Online Survey
APPENDIX D: Review of Alternative Policy Options

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APPENDIX A References

- Beck, P., & Tilson, M. (2006, November). *When neighbours smoke: Exposure to drifting second-hand smoke in multi-unit dwellings*. Background document. Non-Smokers Rights Association & Smoking and Health Action Foundation.
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APPENDIX B
Summary of 2008 Tenant Survey Results, Overall and by Housing Type*

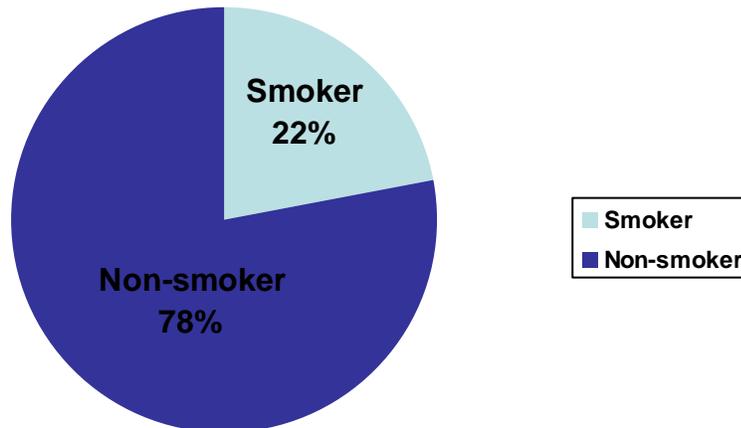
Question		Overall (%) (n=967)	Family (%) (n=249)	Senior (%) (n=553)	Adult (%) (n=126)
1. Do you smoke?	Yes	22	25	19	32
	No	78	75	81	68
2. Does any other member of your household smoke?	Yes	6	10	4	9
	No	94	90	96	91
3. Does anyone smoke inside your home?	Often	7	7	6	15
	Sometimes	18	14	17	25
	Never	75	80	77	60
4. Does anyone smoke on your balcony or patio?	Often	9	17	5	11
	Sometimes	32	27	34	37
	Never	58	56	61	53
5. How often are you exposed to second-hand smoke in your home? This may include smoke coming in from outside.	Always	10	10	9	16
	Very often	14	13	13	14
	Sometimes	33	36	32	36
	Never	43	41	46	33
6. Does second-hand smoke bother you or others in your home?	Yes	54	58	52	56
	No	46	42	48	44
7. Do you or others in your home have health problems that worsen from breathing in second-hand smoke?	Yes	36	34	38	34
	No	48	49	48	44
	Don't know	16	17	14	22
8. Do you believe second-hand smoke is harmful to a person's health?	Yes	81	90	78	72
	No	9	4	10	16
	Don't know	10	6	12	12
9. Want some parts of housing community smoke-free? For example, not allowing smoking in one wing or floor in apartment buildings, or in a row of townhouse units.	Yes	57	59	57	54
	No	26	24	24	37
	Don't know	17	18	19	10
10. Would you like your building to be 100% smoke-free, including no smoking on balconies and patios?	Yes	50	54	51	45
	No	37	36	36	48
	Don't know	13	11	14	8
11. Do you think the Region of Waterloo should make a smoke-free policy for Regionally owned Community housing units?	Yes	52	54	52	48
	No	34	29	33	44
	Don't know	15	17	15	8
12. Does it concern you that current tenants may still be allowed to smoke in their units for the remainder of their lease, if the Region of Waterloo changed its current policy to make Regionally owned Community Housing units smoke-free?	Yes	36	34	37	33
	No	49	46	49	53
	Don't know	16	20	14	14
13. Want to know more about?	Quitting smoking	7	8	6	10
	Second-hand smoke?	18	16	19	18
	Not interested	76	76	75	73

* 39 respondents did not provide their housing location. Their responses are included in the overall results but not in the results presented by housing type. The response rate for family units was low at 18.6%, making it difficult to draw conclusions from this group.

APPENDIX B
Summary of 2008 Tenant Survey Results, Overall and by Housing Type*

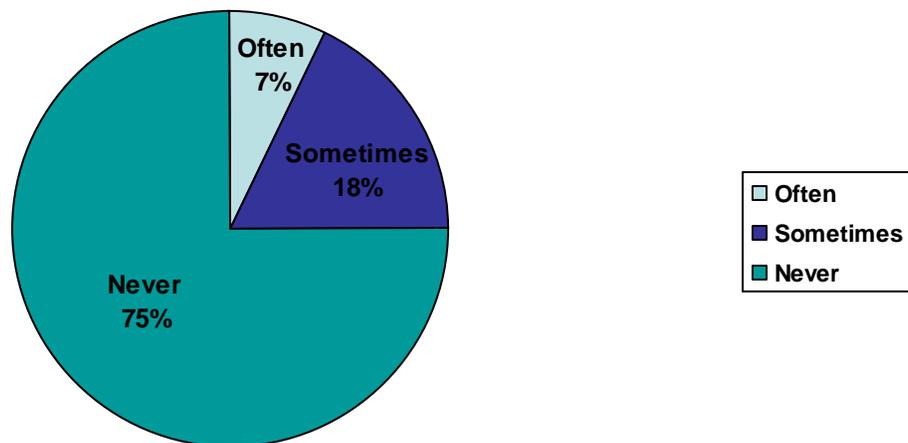
Highlights

Smoking Status of Survey Respondents (n=967)



The majority of respondents to the 2008 survey were non-smokers. While the proportion of smokers to non-smokers is similar to the regional average, it is likely that smokers were somewhat under-represented in the survey based on the relationship between smoking and income.

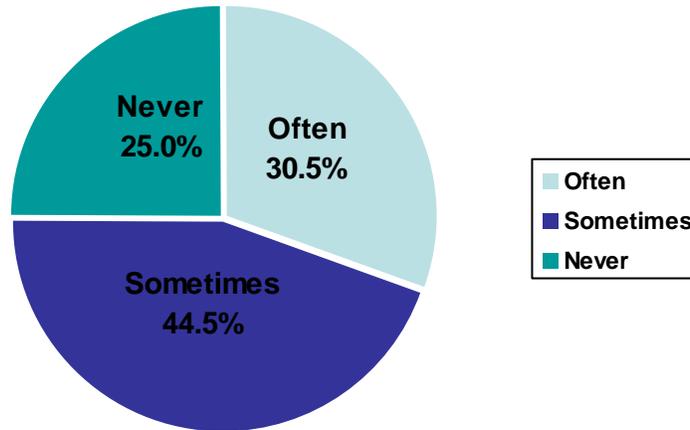
Smoking in the Home (n=967)



Most respondents said smoking never occurs in their home (75%).

APPENDIX B
Summary of 2008 Tenant Survey Results, Overall and by Housing Type*
Highlights

Smoking in Homes of Smokers (n=201)



Among the 201 smokers who completed the survey, 25% never smoke in their home and 45% said they “sometimes” smoke inside their home. Less than one third of smokers said they “often” smoke in their home.

APPENDIX C

Results of Tenant Consultation: Community Forums and Online Survey

Tenant feedback received at the six community forums and from the online two-question follow-up survey relates to policy options for addressing concerns about exposure to second-hand smoke. This feedback adds to the information obtained in the October 2008 survey which asked about levels of exposure to second-hand smoke and support for smoke-free policies in general (see Appendix B).

One hundred and forty-three (143) follow-up surveys were submitted either at a forum, online or by mail in April 2009. Due to the small number of respondents to the online and forum survey questions, the results should be interpreted with caution. The sample is not necessarily representative of all tenants of housing owned or operated by the Region.

Those who participated were asked their smoking status. Most (69.2 per cent) described themselves as non-smokers (31.3 per cent of these were former smokers). The remaining 30.8 per cent described themselves as smokers. The proportion of smokers to non-smokers is higher than that in the general population, but is likely representative of smoking rates in a community housing setting based on demographic factors associated with smoking.

A total of 142 responses were received from tenants to the question "How many homes/buildings should be smoke-free?" In order of preference, the responses were:

- Some homes/buildings (43.0%)
- All homes/buildings (28.9%)
- No homes/buildings (21.1%)
- Other (7.0%).

Tenants were also asked about smoking restrictions in outdoor areas. The response options differed slightly for apartment and non-apartment units as a result of varying property boundaries and existing lease agreements under the *Residential Tenancies Act*.

A total of 93 tenants living in *apartments* responded to the question "If smoking is not allowed indoors, how much outdoor space should be smoke-free?" Responses were fairly evenly divided across the three options provided:

- Smoking allowed only in designated smoking areas (33.3%)
- Smoking allowed everywhere outdoors (33.3%)
- Smoking allowed at a fixed distance away from buildings (31.2%)
- Other (2.2%).

A total of 38 tenants living in *non-apartment* units (i.e., town homes or single family dwellings) responded to the same question about outdoor smoking restrictions. In order of preference, responses were:

- Smoking allowed everywhere outdoors (34.2%)
- Smoking allowed only in designated smoking areas (26.3%)
- Smoking allowed at a fixed distance away from units (13.1%)
- Smoking allowed on the property of some units only (13.1%)
- Other (13.1%).

Verbal comments received at the forums and written comments on the surveys were analyzed and grouped into themes and separated into those that expressed support for an idea and those that expressed disagreement.

Support was most frequently identified for the following ideas:

- Building/unit disrepair contributes to drifting second-hand smoke (62 comments)
- Experiencing negative health effects as a result of exposure to second-hand smoke (50 comments)
- Concern about exposure to second-hand smoke from outdoor sources (46 comments)
- Need to respect the rights of smokers (44 comments)
- Need to respect the rights of non-smokers (39 comments).

Comments sometimes reflected disagreement with ideas or concerns raised by others. The areas of disagreement most frequently identified were:

- Disagree that exposure to second-hand smoke from outdoor sources is a problem (42 comments);
- Disagree that some units should be required to be smoke-free (rather, these comments expressed support for either all units being made smoke-free or for no units being made smoke-free) (18 comments);
- Disagree that people who smoke have a right to smoke where they wish (16 comments)
- Disagree that some tenants' mobility restrictions make them unable to smoke outside (15 comments)

Reported not personally experiencing health effects as a result of exposure to second-hand smoke in contrast to those who said they had experienced health effects (13 comments)

APPENDIX D

Review of Alternative Policy Options

Below is a summary of the policy options considered by tenant representatives and staff from Housing, Planning and Community Services; Public Health and Legal Services at a facilitated meeting on May 8, 2009 and the rationale for not recommending these options.

Two options were not considered by the committee because they fail to significantly address tenant complaints and would not reduce health or legal risks. They were:

- *Implementing measures such as new ventilation systems, door sweeps, caulking and weather stripping to prevent smoke from traveling between units* – These measures alone have very limited effectiveness in reducing air transfer between units and tenant exposure to second-hand smoke.
- *Designated smoking and non-smoking floors within existing apartment buildings* – There is no effective way to prevent smoke from traveling between units and floors within a building or complex.

Policy Options Considered

Indoor

Continue to permit smoking in private units – Not recommended

Housing staff currently prevail upon the goodwill of neighbours to address tenant concerns about second-hand smoke, but these solutions are not always satisfactory and do not result in long-term resolution of the problem. Failing to implement smoking restrictions would ignore the serious health implications of ongoing exposure to second-hand smoke, particularly for children, elderly residents and those with other health complications. It would not respond to the majority of tenants who indicated support for a smoke-free policy. This option was viewed as unacceptable due to the increasing number of complaints, the known health hazards of exposure to second-hand smoke, and the concerns raised by tenants in the survey and forums.

Smoke-free policy for new leases in a designated percentage of buildings and properties – Not recommended

An option favoured by many apartment dwellers in the consultation process was to adopt smoke-free policies for some units/buildings and not others. A policy by which some units/buildings would transition to smoke-free status, while others would not, would protect the health of tenants in one set of buildings and would offer choice to tenants. However, such a policy could increase exposure and health risks for those units/properties without policies. Over time, units/properties without smoke-free policies could attract an increasing number of tenants who wish to smoke inside their homes, resulting in increased health risks to all tenants living there. Tenants living in these units/buildings may successfully argue that their health and their right to reasonable enjoyment of their homes was affected by exposure to second-hand smoke resulting from an increased concentration of tenants who smoke inside the units/buildings.

This option also entails considerable complications for administration of waiting lists. People on housing waiting lists are allowed to refuse up to three offers of housing before being returned to the bottom of the list. If a smoke-free policy were applied to some of the portfolio's 180 properties and not others, people currently on the waiting list would need to be given the opportunity to reselect their preferred housing locations. Managing housing waiting lists is

already complex. Some properties are not available to people receiving rent supplements, for example. People with certain types of disabilities face restrictions because not all properties are suited to their needs. By adding into this mix some buildings having smoking restrictions and others not and the need to re-open the selection process for the more than 3000 people currently on the waiting list, this process becomes increasingly complex.

Further complicating the matter is the issue of internal transfers, which are given priority over external applications. If a dual system were in place, internal transfer requests would likely increase, further extending waiting times for those on external waiting lists.

Outdoor

Continue to permit smoking in all outdoor areas – Not recommended

While many tenants preferred retaining the status quo with no outdoor restrictions, the majority of complaints received by housing staff relate to concerns about outdoor smoking. These include complaints about smoke entering units via windows, doors and vents and uncomfortable levels of exposure on balconies and outdoor patios, playgrounds and other outdoor spaces. Applying no outdoor restrictions would fail to address these complaints.

Restrict smoking to designated outdoor areas – Not recommended

Designated smoking areas are a valid option for moving smokers away from units/buildings and are an effective health protection strategy provided the designated area is in a safe location well away from homes and playgrounds. Many tenants preferred the option of designated smoking areas. However, designated smoking areas would be difficult to enforce, could create barriers to compliance with indoor prohibitions for people with mobility concerns, and could potentially stigmatize smokers or, alternatively, create “hang outs” that would entice youth and inadvertently foster increased youth smoking and other risk-taking behaviours. Staff time would be required to determine ideal locations for designated smoking areas on each housing property and funding would be required to set up and maintain the sites, protect them from vandalism and prevent litter.