

NON-MEDICAL Smoking at CityHousing Hamilton (including cannabis)

History

In 2009, Public Health Services investigated the development of a no smoking policy for CityHousing Hamilton as the result of a Board of Health direction in 2008. The intent of the policy was to provide current and prospective CHH residents with a choice and a focus on health, not punitive measures. All focus groups conducted in CHH buildings by Public Health Services supported all new acquisitions being smoke-free.

Provincial legislation took effect May 31, 2006 that prohibits smoking in common areas of apartment buildings including elevators, stairwells, hallways, parking garages, laundry facilities, party and entertainment rooms.

Current State

In 2009 Public Health Services (PHS) reported that in Hamilton, 78% of Hamilton residents did not smoke. However, smoking rates increase with decreasing income and for those who live in multi-unit housing. The report also stated that for those over the age of 65, smoking rates were less than 10%. Public Health receives approximately 60 calls annually about smoking and second hand smoke in multi-unit dwellings. This presents an equity issue; residents living in non-subsidized housing are able to access smoke-free housing; those in subsidized housing are exposed to second hand smoke (SHS) and are the most vulnerable to effects. Specifically, seniors and children are most impacted by SHS.

Landlords respond to and limit/remove other cancer-causing substances including moisture, mold, asbestos, but currently some do not address second-hand smoke. Mitigation is requested and supported by the majority of residents; a 2010 Ipsos Reid survey showed that 80% of multi-unit housing residents would choose a smoke-free building, and 90% of Ontario residents age 18+ think that smoking should not be allowed in multi-unit housing (CAMH monitor, 2014). Existing smoke-free policies in multi-unit housing show support from the majority of residents throughout Ontario.

Waterloo Region Housing estimated a 10% annual turnover for community housing units when they implemented their smoke-free housing policy in 2010, which means it would take a minimum of 10 years to achieve a smoke-free building if the policy pertained only to new residents. Three years after their policy implementation, Waterloo Region Housing had 32% of units smoke-free within their portfolio.

It is noteworthy that completely smoke-free conditions have been achieved in:

- Residential care facilities (indoors and within 9 metres of entrance/exit)
- Long-term care facilities (indoors and within 9 metres of entrance/exit)
- Hospitals (indoors and grounds)
- Federal and provincial prisons

- Many hotel chains (Marriott, Choice Hotels, Westin, etc. through corporate policies)
- McMaster University residences (through private policy)
- Private home-based daycares
- All public places and workplaces

Benefits of Smoke Free Housing

There are significant benefits to achieving smoke free housing including, but not limited to:

- Providing health benefits to residents, employees and visitors by reducing exposure to second hand smoke. A smoke-free policy will result in less indoor air pollution and cleaner air for all. Clean air can prevent illness from developing in healthy people, as well as slow the progression of illness in others with conditions exacerbated by tobacco smoke. Some studies have also noted improvements in mental health issues such as anxiety among people living in smoke-free environments.
- Promoting tobacco cessation among residents
- Reducing long term health care costs
- Providing cleaner, better quality housing to residents
- Reduced resident complaints
- Reduced safety hazards i.e. fire risk
- Reduced cleaning, maintenance and turnover costs. Landlords report it typically costs four to seven times more to clean a smoking unit over a non-smoking unit when there is turnover of the unit between residents. Smoking also increases maintenance costs due to cigarette burn marks, nicotine, and tar-stained walls and carpets that smell of tobacco smoke.
- Reduced insurance costs- Housing Services Corporation offers an immediate 5% reduction in insurance premiums as soon as a smoke-free policy is implemented. Insurance savings may also be realized by residents with individual policies depending on their insurance company.
- Reduced legal risks where landlord may be perceived as 'doing nothing' about non-smoking residents being exposed to second-hand smoke

Risks of Smoking in Multi-Unit Housing

There are health implications for seniors, children and employees due to exposure to second-hand smoke; there is no safe level of exposure. 93% of toxic products in tobacco second-hand smoke are colourless and odourless. Evidence is still emerging about the health effects of exposure to second-hand smoke from cannabis, but the odour is not well tolerated in our culture. There is an expectation of significant nuisance reports from cannabis odour as it becomes legal in 2018.

Careless smoking is the primary cause of fire deaths in Ontario and is increasing year-over-year; one-quarter of smokers admitted to leaving lit cigarettes unattended in last 30 days (2007 ON study). During the past three years, CityHousing Hamilton has experienced 16 fires; half of which are attributable to careless smoking (see below). Fires impact far more than the unit where the fire starts. Neighbours can also experience damage and other conditions that require remediation as well as a heightened sense of fear and calamity. CHH experiences a dramatic increase in transfer requests after a fire from neighbouring residents.

Fire Statistics for CHH

Date of Loss	Location	Cause
April 14, 2015	100 Lang Ave	Cooking on stove
June 9, 2015	120 Strathcona Ave - 1006	Careless smoking
April 10, 2016	181 Jackson - 1710	Drug explosion
May 19, 2016	185 Jackson - 502	Cooking on stove
July 31, 2016	200 Jackson - 205	Arson resulting in fatality
Feb. 21, 2017	191 Main - 904	Careless smoking
Feb. 22, 2017	191 Main - 1010	Tenant placed toaster on stove
March 28, 2017	20 Sanford - 210	Careless storage of battery on balcony
April 1, 2017	245 Kenora - Unit 62	Careless smoking
April 10, 2017	20 Congress - 912	Careless smoking
June 15, 2017	36 Laird	Careless smoking
August 5, 2017	95 Hess - 501	Tenant had defective extension cord
October 6, 2017	95 Hess - 1606	Careless smoking - fatality
March 16, 2018	245 Kenora - Unit 18	Careless smoking - fatality
March 19, 2018	384 East 21st	* Being investigated
March 20, 2018	430 Cumberland - 709	Careless smoking

Smoking in units adds significant operational and maintenance costs to CHH, i.e. for units with residents who are heavy smokers, additional coats of paint are required. Experience from other subsidized housing providers in North America show the cost of unit turnover can be four to seven times more expensive for smoking units than non-smoking units. In Ontario, social housing providers have not yet tracked turnover costs based on smoking. They have however experienced significant savings as buildings become smoke-free through dramatic reductions in insurance costs. All local providers report the majority of their fires are caused by careless smoking.

Legal issues involving smoking and cannabis

Legislation governing social housing includes both the Social Housing Reform Act, 2000 and the Residential Tenancies Act, 2006. While neither Act includes specific rules about smoking substances of any kind, there is also no rule prohibiting landlords from implementing smoke-free policies.

Most recently, Bill 174 Cannabis, Smoke-Free Ontario and Road Safety Statute Law Amendment Act, 2017 updated the existing Smoke-Free Ontario Act to include medical cannabis and e-cigarettes. The Smoke-Free Ontario Act, 2017 will prohibit smoking of medical cannabis and use of electronic cigarettes (including those containing medical cannabis), in addition to the existing prohibition on smoking tobacco, in indoor common areas of multi-unit buildings such as stairwells, hallways, elevators, laundry rooms, party or entertainment rooms, lobbies, exercise areas and parking garages. The Senate passed the Act on June 7th with 48 amendments. It is anticipated that the new law will come into effect in approximately 8 weeks.

The Cannabis Act, 2017 stipulates that no person shall consume cannabis in a public place, which is a place to which the public has access as of right or by invitation, whether express or implied, and whether or not a fee is charged. Neither shall a person consume cannabis in a workplace within the meaning of the *Occupational Health and Safety Act*, which includes a vehicle or boat; or any prescribed place. This new law does not have an effective date yet, but is expected to come into force in summer 2018, on the same date the federal Cannabis Act is enacted which legalizes cannabis. With public consumption prohibited, people who smoke cannabis will likely only be able to do so in their own homes, which in turn may increase the number of odour complaints. Other methods of using cannabis aside from smoking do not carry such stringent restrictions. The Ontario government is currently in public consultation to explore the idea of smoking/vaping lounges and use in outdoor areas relating to multi-unit housing.

One other new stipulation for landlords in the provincial Cannabis Act is that they must not knowingly permit persons to sell cannabis within their premise. Landlords must have procedures to deal with complaints in relation to this item to show their due diligence.

The Ontario Residential Tenancy Act (RTA) provides landlords with the right to include stipulations banning smoking when drafting a lease but if they do not, a tenant can smoke in their own unit. The RTA will only allow a new no-smoking policy to apply to those residents who are signing a new lease, and existing residents must be “grandfathered”. New Standard Leases in Ontario are required for everyone who signs a lease after April 30, 2018 and these require landlords to outline smoking rules within the building. Non-medical cannabis use shifts from ‘illegal’ activity to a matter of nuisance/substantial interference with the changing legislation. It can be dealt with in the same manner as tobacco use and restrictions can be implemented building-wide through policies and lease amendments. The RTA requirements for grandfathering are the same for tobacco and cannabis.

Odour Mitigation and Health Effects from Cannabis Odours

To date, there is no evidence to suggest that cannabis odours are specifically detrimental to human health. However, exposure to unpleasant odours may affect an individual’s quality of life and sense of well-being. Exposure to odorous compounds can potentially trigger physical symptoms, depending on the intensity, frequency and duration of the exposure to the odour as well as the sensitivity of the individual detecting the odour. Strong cannabis odours can be detected 600 metres away from the source.

Health Canada regulates cannabis production facilities and requires HEPA-13 air filtration systems under agricultural production. Having experienced legal cannabis production for some years, the city of Denver, Colorado has released a best management practices document for commercial medical cannabis producers, wherein a number of odour control technologies are described. Carbon filtration has been recommended as the best control technology for cannabis cultivation facilities and producers of cannabis-infused products. Other recommended technologies include negative ion generators/electrostatic precipitators, air scrubbers and masking agents that involve citrus and pine essential oils.

No regulations and guidelines have been developed for residential use of cannabis. The Ontario Non-Profit Housing Association (ONPHA) suggests installing ventilation fans and air purifiers. The commercial cost of a HEPA13 air filtration/purifier necessary for a 300 – 500 ft² residential unit is \$500 - \$800.

In Colorado and Washington States, where cannabis has been legal for some years, the local non-profit and social housing authorities have chosen to prohibit smoking in all of their buildings. They do not entertain odour mitigation strategies since it is not consistent with their no-smoking policy. However, the Seattle Housing Authority has taken an extra step for clean air and has introduced a Breathe Easy Homes program, which is meant to address asthma in addition to the smoke-free policies. In the Breathe Easy Homes program, each apartment includes an energy recovery ventilator (ERV) with a filter, which captures 99 percent of air particulates and reduces indoor humidity while also achieving 70 to 80 percent energy recovery. The apartment units use cabinets, trim, and millwork with low or no volatile organic compounds. Most units are not carpeted, and Breathe Easy program participants with respiratory illnesses receive priority occupancy for those apartments. The Breathe Easy program increase the per-unit construction cost by less than 2 percent; a filtered ERV system costs approximately \$3,000 per unit, and the flooring in non-carpeted units costs an additional \$4,000.

Most American non-profit housing organizations have chosen smoke-free policies instead of odour mitigation through filtration because the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the international standard-setting body for indoor air quality has affirmed the only way to eliminate the health hazards of second-hand smoke from tobacco or cannabis or emissions from electronic smoking devices is with a 100% smoke-free environment. They state:

- There is no safe level of exposure to second-hand smoke.
- Ventilation and other air filtration technologies cannot eliminate all the health risks caused by second-hand smoke exposure.

Recently, on June 6th, Toronto Community Housing hosted other municipal social housing providers, including Hamilton, to discuss the impacts of changing legislation and odour mitigation strategies. Locally, the accommodation of smell complaints in regard to cannabis or tobacco is dealt with on a case by case basis. It is the landlord's obligation to pay for air purifier or filtration systems as a human rights accommodation. Additionally, any neighbour who is negatively impacted by odour can also request the landlord pay for air purifiers or filtration systems.

Social housing providers agree one of the best courses of action is to train front-line staff to offer alternatives such as oil drops or edibles or alternative places to smoke. Alternative places to smoke must respect resident privacy and dignity. The provincial government is currently consulting throughout the province on these issues and will provide further information within the next three to six months.

Municipal Comparators

Large municipal social housing providers in approximately 30 municipalities in Ontario have smoke-free policies, beginning with Waterloo in 2010. There are also many municipalities with 1 or 2 buildings in their portfolio that are smoke-free. Many Ontario municipal non-profit housing providers are on track to smoke-free housing.

Waterloo prohibits tobacco smoking and other similar substances (not specifically cannabis) in their leases. They currently have 70% smoke free units after changing their policy in 2010. They are adding 3 cannabis questions to their tenant survey in 2018.

Brantford is looking at prohibiting cannabis and tobacco smoking, but allowing vaping and other forms of cannabis use. Their policy will come into effect potentially in 2019.

Wellington Dufferin Guelph have a current policy in effect to prohibit tobacco and cannabis smoking and vaping.

Niagara completed a tenant survey in 2017 and developed a non-smoking policy that applies to new builds only.

Haldimand-Norfolk plans to discuss potential policy with community housing provider in 2018.

Halton is still discussing with their community housing provider and has not developed a policy.

Simcoe County (Barrie) is transitioning to smoke free buildings through grandfathering. As of July 2012 new residents are required to sign a lease that stipulates they understand the building is transitioning to become 100-per-cent smoke free and they agree to the No Smoking clause. If they do smoke, they may go outside to designated areas.

Ottawa is becoming smoke-free, but have a grandfathering clause. Today they have 4,500 smoke free units and when grandfathering is completed, 14,800 units will be smoke-free.

Grey County and Owen Sound will have 888 smoke free units at the end of grandfathering, which began Jan 1 2014.

Hastings Local Housing Corporation will have 2700 smoke-free units at the end of grandfathering; they began in 2015.

Prince Edward Lennox and Addington Housing smoke-free policy (cannabis and tobacco) for 450 units beginning May 1, 2018.

Chatham-Kent Social Housing Division started in January 2016 with one smoke-free building only.

Bruce County Housing Corp. will have 633 smoke-free units at the end of grandfathering, which began in 2011.

Windsor- Essex started January 1, 2018 with 4707 units in total going smoke-free (tobacco and cannabis).

Housing York Inc. policy prohibits smoking beginning November 1, 2014 and will include 2, 600 units.

Peel Region Housing – prohibits lit herbal material, cannabis and tobacco; beginning in 2018.

Within the past five years, the following non-profit housing corporations have all begun to move towards smoke-free housing:

- County of Northumberland Housing
- Township of Russell Non-Profit Housing Corp.
- Gananoque Housing Inc.
- Haliburton Community Housing Corp.

- Hawkesbury Non-Profit Housing Corp.
- Kingston and Frontenac Housing Corp (2 buildings only smoke-free)
- Kirkland Lake Non-Profit Housing Corp.
- Walden Municipal Non-Profit Housing
- Marmora District Housing Commission
- York Region
- Durham Region Non-Profit Housing Corp.
- Parry Sound DSAAB
- Peterborough Housing Corp.
- Port Hope Non-Profit Housing Corp.
- Renfrew County Housing
- County of Lambton - Housing Services Dept.
- Tillsonburg Non-profit Housing
- Cochrane DSAAB
- City of Timmins Non-Profit Housing
- Quinte West Non Profit Housing

Next Steps

There is no safe level of second-hand smoke. It is incumbent upon CityHousing Hamilton to address resident health issues and begin to provide no-smoking accommodations, especially to children and seniors who experience greater health risks from exposure to second-hand smoke.

CityHousing Hamilton is in the midst of developing new and refurbishing social housing buildings, which provides a unique opportunity to establish no-smoking policy for new builds and redevelopments.

Next steps include:

- Approval and implementation of a no smoking policy developed for new buildings and refurbished buildings (500 McNab)
- Further exploration of no-smoking policies to encompass all CityHousing properties with initial step of a resident smoking survey
- Education and change management around the new Smoke-Free Ontario Act, 2017
- Education and support regarding smoking cessation
- Decision regarding odour mitigation recommendations for cannabis use