

Senior smokers told to quit or move out of Santa Cruz complex

By SHANNA MCCORD

Posted: 02/14/2009 01:30:49 AM PST

SANTA CRUZ -- Residents at San Lorenzo Park Apartments have 90 days to quit smoking or face eviction, which has come as a crushing blow to the handful of seniors who picked up the habit as teenagers and can't bear the thought of stopping now.

"For myself, it would be the end of me," said Alice Welch, 85, who has a pack-a-day habit. "This warning has fouled up our health. We're thinking, where are we going to go? We have nowhere to go."

The low-income complex for seniors, subsidized by the U.S. Department of Housing and Urban Development, is owned by longtime Santa Cruz resident Jack Baskin and managed by the John Stewart Co. of Scotts Valley.

The 78-unit complex was built in 1983, and residents were allowed to smoke inside their units and on balconies until 2003.

Smoking was banned for all new residents in 2003, but management didn't immediately change the rules for people already living there, Mary Tustin of the John Stewart Co. said Friday.

However, complaints about cigarette smoke wafting into hallways and other rooms piled up, and management issued warnings in March and October 2008 that would end smoking privileges for residents regardless of how long they've lived there, Tustin said.

No moves were made to evict anyone, Tustin said.

Earlier this month, management was bombarded with complaints of secondhand smoke and decided the 90-day notice "to cure or quit" or "you must vacate the premises..." was the only way to force

everyone to comply.

"We know it's hard to quit," said Tustin, a former smoker of 33 years. "It's just been problematic for the non-smokers with asthma and those who find the smell offensive. It is one of those addictions that affects other people."

There is no "right to smoke," and smokers are not a protected class under fair housing laws, Tustin said.

State and federal courts have found that smoking is not a protected activity under the U.S. Constitution.

There are about a half-dozen smokers at San Lorenzo Park Apartments affected by the May deadline.

Dorothy Del Mar, 82, said she got hooked on cigarettes while married to a Navy sailor during World War II.

Smoking then was the thing to do -- fashionable



HEARTLAND QUALITY
OMAHA STEAKS
SINCE 1917

SAVE
up to **64%**

Plus, get
3 FREE Gifts

Special Code: 45069ZWN

To order: www.OmahaSteaks.com/print71
or call 1-877-605-0496

and glamorous, she said.

As much as she knows the health risks, lighting up several times a day still gives Del Mar great pleasure.

"I've been smoking so long, it gives me a lift," she said. "We crave them. It's an addiction."

Welch, Del Mar and the other smokers will be allowed to smoke in a small corner of the back garden, more than 50 feet from the complex, which they say is unsettling in the cold or rain.



Send flowers
for any occasion
Bouquets
from **\$19⁹⁹**
+s/h

ProFlowers
Offer ONLY available at:
proflowers.com/happy
or call 1.877.804.1133