



Implementing HUD's
SMOKE-FREE POLICY
in Public Housing

Smoke-Free Public Housing

**Texas Housing Association
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Smoke-Free Humble Beginnings

- HUD/PIH has strongly encouraged PHAs to adopt smoke-free public housing since 2009
- 678 PHAs have already implemented a smoke-free policy based on previous HUD guidance.
- The final rule is the culmination of years of research into the impacts smoking (second hand smoke) has in public housing.

SUCCESS

New Day in Public Housing “Bright Sunny Day”



HOWEVER,....

Voluntary efforts, although successful, left those residents not in properties that adopted smoke-free during the voluntary phase, exposed to the dangers of second hand smoke.

Instituting Smoke-Free Public Housing

- The rule states that all public housing authorities (PHAs) must implement a smoke-free policy by July 30, 2018.
- The goal of the rule is to protect the health of residents, visitors, and staff.
- The rule is also meant to reduce fire risk and lower maintenance costs.
- All local policies must be in accordance with HUD's Rule.
- HUD solicited input from PHAs, public housing residents, industry groups, and the public before issuing the final rule.

Where Does the Rule Apply?

- All public housing dwelling units, except those in mixed-finance developments.
- All PHA administrative office buildings.
- All indoor common areas (e.g., hallways, community facilities, public housing offices, laundry rooms, daycare centers).
- Outdoor areas within 25 feet of public housing and administrative office buildings.



What Products Are Prohibited?

- ✘ All lit tobacco products.
 - Cigarettes.
 - Cigars.
 - Pipes.
 - Other lit tobacco products.
- ✘ Water pipes or hookahs.
- ✘ Residents may use these products, but not in their units or within the restricted areas.



What Else Does the Rule Say?

- The smoke-free policy must be included in:
 - PHA (annual) and Moving to Work plans
 - ACOP
 - Tenant leases
- Board approval is required.
- The policy must be implemented by July 30, 2018.
- PHAs should establish an enforcement plan as part of the policy.
- PHAs should consider how they will manage requests for reasonable accommodations.

HUD's Rule Promotes Local Flexibility

- HUD's Rule provides discretion when developing your smoke-free policy.
- It may reflect your community's circumstances and preferences as long as it is consistent with the final rule.
- PHAs may use their capital and operating funds for implementation.



How to Customize a Policy: Where Is Smoking Allowed?

Mandated by the Rule

- ✘ All public housing dwelling units.
- ✘ All PHA administrative office buildings.
- ✘ All indoor common areas (e.g., hallways, community facilities, public housing offices, laundry rooms, daycare centers).
- ✘ Outdoor areas within 25 feet of public housing and PHA administrative office buildings.

Customizable Options

- ✔ Designate other smoke-free areas on the grounds (e.g., playground, all sidewalks).
- ✔ Designate all grounds smoke-free except for designated smoking areas.
- ✔ Designate all grounds smoke-free with no exceptions.

How to Customize a Policy: What Types of Products Are Allowed?

Mandated by the Rule

- ✘ All lit tobacco products.
 - Cigarettes.
 - Cigars.
 - Pipes.
 - Other lit tobacco products.
- ✘ Water pipes.
 - Hookahs.

Optional

- ✔ E-cigarettes or other electronic nicotine delivery systems.
(PHA discretion to include in smoke-free policy)



Establish Enforcement Procedures

- **Define what is evidence of a violation and what constitutes a violation.**
 - Resident complaint.
 - Staff observation.
 - Presence of tobacco paraphernalia observed during unit maintenance.
- **Consider a graduated enforcement approach including some or all of these steps:**
 - Verbal warning.
 - Written warning.
 - Final notice.
 - Eviction proceedings.

PHA Plan Process and Your Enforcement Plan

- The enforcement plan should be developed as part of the smoke-free policy, in consultation with tenants and stakeholders.
- Policy must be approved by the board.
- Policy must be included in the PHA's annual, ACOP
- As determined by the PHA, will likely constitute a significant amendment to the PHA Plan, and if so, the process for a significant amendment must be followed.



What Is a Reasonable Accommodation?

- A reasonable accommodation is a change in rules, policies, practices, or services so that a person with a disability will have an equal opportunity to use and enjoy a dwelling unit or common space.
- PHAs should do everything it can to assist, but it is not required to make changes that would fundamentally alter the program or create an undue financial and administrative burden.
- Reasonable Accommodations must be considered on a case by case basis.



Next Steps

- PHAs must begin enforcement by July 30, 2018.
- Update the PHA, MTW Plan, and ACOP.
- Update the lease and/or lease amendment.
- Make sure all tenants have signed a new lease or lease amendment by your PHA's implementation date.
- Make sure tenants understand that continuing to smoke in their units is prohibited.
- If accommodation requests are made, deal with them on a case by case basis.
- The earlier you start, the easier it will be to implement the new smoke-free policy. Resident buy-in helps with compliance.

Questions?

SmokefreePublicHousing@hud.gov

Resources

- Webinars, sample presentations, fact sheets, and a guidebook will be available on the HUD website:

<https://www.hud.gov/smokefreepublichousing>

Thank You!