

What is HUD's Smoke-free Public Housing Rule?

On December 5, 2016, HUD published a final rule in the federal register, *Instituting Smoke-Free Public Housing*. The rule requires housing authorities administering public housing programs to design and implement a local policy barring the use of prohibited tobacco products in all public housing units, interior common areas, and outdoor areas within 25 feet from residential and office buildings. The rule is applicable to all public housing, except units in mixed-financed buildings.

Prohibited tobacco products include cigarettes, cigars, pipes, and hookahs (water pipes). Electronic Nicotine Delivery Systems (ENDS) are not prohibited, but a housing authority may choose to adopt a policy that bans ENDS. Interior common areas include, but are not limited to, hallways, rental and administrative offices, community centers, day care centers, laundry centers and similar structures.

The rule is intended to improve indoor air quality, benefit public health, reduce the risk of fires, and lower maintenance costs. Housing Authorities must establish local smoke-free policies as soon as possible but no later than July 30, 2018.

What does the smoke-free rule require of housing authorities and residents?

PHAs will have to:

- Amend resident leases to incorporate the requirement that residents and guests must not smoke.
- Provide residents 60-days notice of the lease revisions.
- Obtain board approval of their smoke-free policy and amend their housing authority plans.
- If adoption of a smoke-free policy constitutes a significant amendment to their plans, housing authorities must go through a public notice and comment process.
- Employ various methods of communication to inform residents of the smoke-free policy, including consideration of language access needs for residents with Limited English Proficiency and effective communication methods for people with disabilities.

Residents will have to:

- Sign lease amendments as a condition of continued occupancy.
- Ensure that all members of the residents' household, residents' guests and other persons under the resident's control cannot smoke in restricted areas or in outdoor areas designated smoke-free

What are the impacts of the rule?

Benefits of the rule:

- Smoke-free housing promotes healthy living for families in public housing and housing authority staff.
- Implementation of the rule will reduce the cost of turning over vacant units for new tenants.
- Housing Authorities have a lot of discretion in how they implement smoke-free policies.
- HUD provided implementation guidance and resources on its website to assist housing authorities with implementation.

Challenges of the rule:

- The primary enforcement mechanism is the smoke-free lease provision, which will lead to more evictions.
- The rule could have an especially harmful effect on elderly and disabled residents who face challenges with compliance.
- The rule will reduce housing opportunities for families who have a smoking member(s).
- No new resources are provided for cessation services.