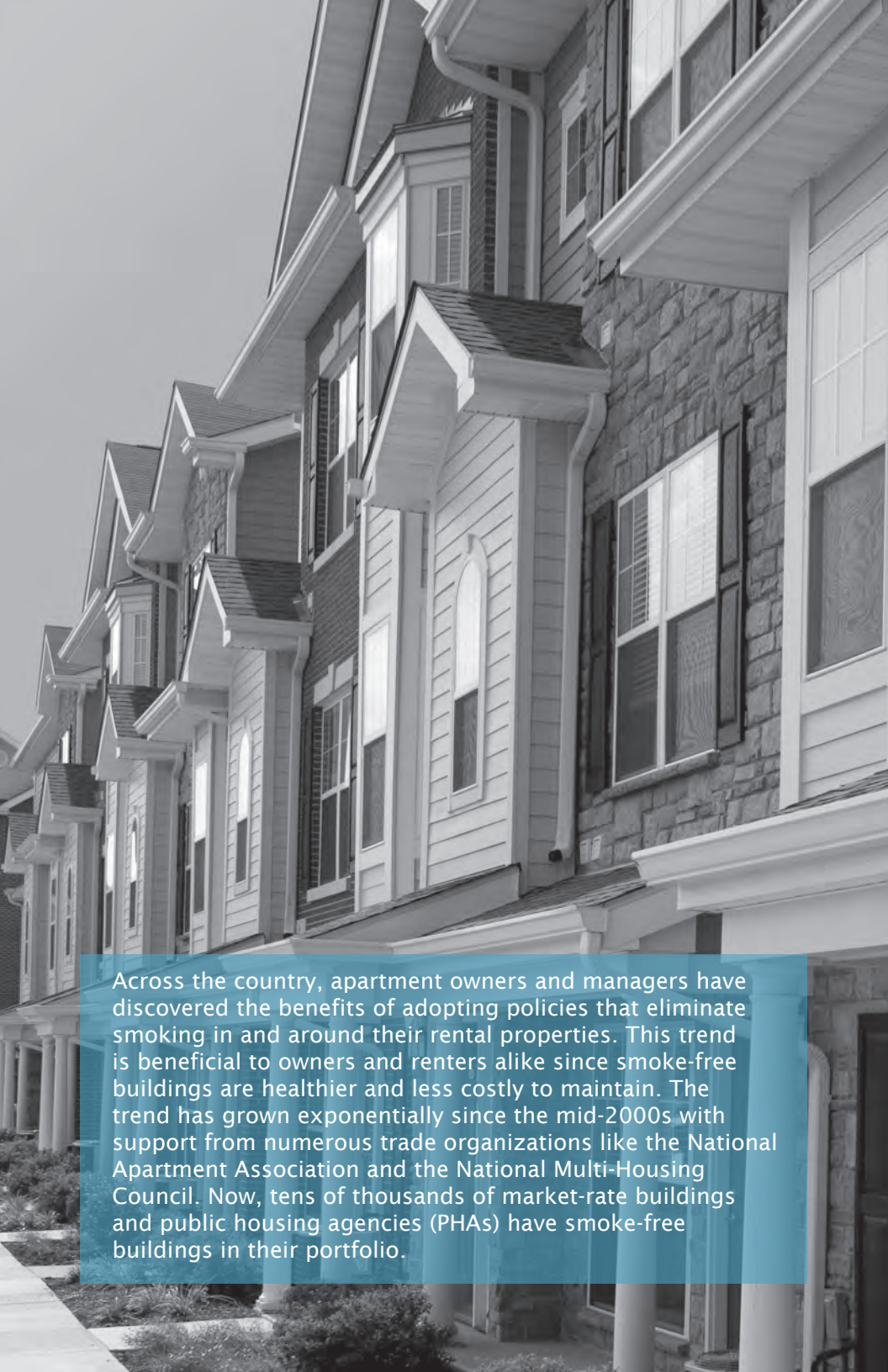


A Public Housing Agency's Guide



to adopting and maintaining a successful
smoke-free housing policy in the United States



Across the country, apartment owners and managers have discovered the benefits of adopting policies that eliminate smoking in and around their rental properties. This trend is beneficial to owners and renters alike since smoke-free buildings are healthier and less costly to maintain. The trend has grown exponentially since the mid-2000s with support from numerous trade organizations like the National Apartment Association and the National Multi-Housing Council. Now, tens of thousands of market-rate buildings and public housing agencies (PHAs) have smoke-free buildings in their portfolio.

HUD's Smoke-Free Public Housing Rule

On Nov. 30, 2016, the U.S. Department of Housing and Urban Development (HUD) announced that Public Housing Agencies (PHAs) in the United States would be required to provide a smoke-free environment for their residents. HUD created tools to support more than 3,100 PHAs across the country with implementing the required smoke-free policy. As of July 30, 2018, all public housing must be smoke free.¹

Requirements of the Rule²

Which properties are covered? The rule applies to public housing operated by PHAs, including scattered site and single-family properties. Mixed finance properties, tribal housing, and privately financed properties such as project-based Section 8 properties or properties converted to Section 8 under HUD's Rental Assistance Demonstration (RAD) program are exempt.

Which products are prohibited under the rule? "Prohibited tobacco products," include cigarettes, cigars, pipes, and hookah. The use of electronic cigarettes – including those that contain synthetically derived nicotine – is not prohibited by the rule, although PHAs have authority to include them in their discretionary policies. While the rule does not address the use of marijuana, other HUD policies restrict marijuana use.³

Where does the rule prohibit smoking? Smoking is prohibited in all indoor areas, including individual living units, common areas, administrative office buildings, and outdoor areas within 25 feet. This 25-foot perimeter includes balconies, porches, decks, and any outdoor space within 25 feet of indoor areas. Any designated smoking areas must be outside the 25-foot buffer zone. If the property line is less than 25 feet from an indoor area, the rule applies only to PHA property. PHAs may request a waiver from HUD on the 25-foot perimeter with good cause.

Can PHAs adopt stronger policies? Yes. PHAs can adopt policies that restrict smoking to a greater extent than what is required by the HUD rule. For example, PHAs can prohibit the use of electronic cigarettes and/or prohibit smoking in all outdoor areas.

How must the rule be implemented? The smoke-free policy must be included in the applicable resident leases, and most likely in the PHA plans. Enforcement of the PHA's smoke-free policy is the responsibility of the local PHA. You can read the complete HUD rule at: www.hud.gov/sites/documents/SMOKEFREEPHFINALRULE.PDF⁴



Thirty six percent of United States residents are regularly exposed to secondhand smoke, although most people do not allow smoking in their homes.¹²

Smoke-free subsidized housing would save \$521 million a year nationally

Secondhand smoke-related healthcare expenditures	\$341 million
Renovation expenses	\$108 million
Smoking attributal fire losses	\$ 72 million

Centers for Disease Control and Prevention, 2013

The Benefits of Smoke-Free Housing

Cleaner Air

Secondhand smoke, the smoke that comes from a lighted tobacco product, contains more than 7,000 chemicals, hundreds of which are toxic and at least 70 of which cause cancer.⁵ The 2006 Surgeon General's Report concluded there is no risk-free level of exposure to secondhand smoke and the only way to protect people from the dangers of secondhand smoke is to eliminate the smoke exposure.⁶

Secondhand smoke cannot be controlled by ventilation and air purifiers.⁷ In 2016, the American Society of Heating, Refrigerating & Air Conditioning Engineers (ASHRAE) reaffirmed their position on secondhand smoke by stating, "At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity."

Thirdhand smoke, the residue from tobacco smoke that remains in the environment after smoking has occurred, is also toxic and can be ingested, absorbed, or inhaled as chemicals get released back into the air.⁸ Children and pets are especially susceptible to ingesting third hand smoke. A smoke-free policy eliminates second and thirdhand smoke from the home environment.


Cost Savings and Protected Investments

Smoking can cause extensive damage to apartment units. The smoke leaves sticky particles, residue, and stains on walls, curtains, cabinets, blinds, appliances, and fixtures. Dropped cigarettes and ashes can leave burn damage on tiles, carpets, curtains, countertops, and bathtubs. Smoke odors can remain in carpets, curtains, and walls for a very long time. Residue, burns, and odors create more turnover time, and, on average, 2-3 times greater cleaning costs for building owners and managers.⁹

Cigarettes and other smoking materials are a leading cause of residential fire deaths in the United States.¹⁰ Smoke-free policies in apartments reduce the risk of cigarette-related fires, damages, injuries, and deaths by eliminating lighted smoking materials from the building.

Insurance Savings

Some companies now offer discounts on insurance premiums for smoke-free buildings.¹¹ PHAs are encouraged to inquire about smoke-free discounts with their insurance provider. Renters may also benefit from a reduced renter's insurance premium for living in a smoke-free building.



In Minnesota, the South Saint Paul Housing and Redevelopment Authority (HRA) partnered with a local smoke-free housing program called Live Smoke Free, the Dakota County Public Health Department and the Minnesota Department of Health to assist with resident engagement activities, such as resident surveys and forums. Social service providers participated in engagement activities and helped promote the policy.

The HRA also partnered with a Minnesota-based health provider, HealthPartners, to offer onsite cessation coaching for interested residents. The contributions of the various partners eased the smoke-free transition for management and residents.

Photo courtesy of City of South St. Paul

Building Partnerships

Forming partnerships with other organizations is a key piece of a successful smoke-free public housing policy. Partners can provide consultations, tools, educational resources, and cessation assistance to support staff and residents throughout the smoke-free transition and beyond.

Local Partners Who May Provide Assistance

- Smoke-free housing programs
- State or local public health departments
- Nonprofit community or health organizations
- Health clinics and providers
- Social service providers
- Mental health clinics or organizations

The Role of Resident Service Providers and Resident Councils

Resident service providers and resident councils are crucial allies for PHA staff and residents during and after the smoke-free transition.

These entities can:

- Provide valuable input on implementation and enforcement protocol
- Reinforce policy benefit and compliance messages
- Empower residents to convey their thoughts and concerns to management
- Strategize with residents to find solutions to compliance issues
- Connect residents to cessation resources
- Assist with evaluation
- Become certified in, and provide, tobacco cessation services



Reasonable accommodations

As the smoke-free movement has grown over the years, a growing number of reasonable accommodation requests have originated from individuals who smoke to allow or facilitate smoking in some way (e.g., a transfer to a lower-level apartment unit or a unit closer to an exit).¹⁴ A request to smoke indoors cannot be granted under the HUD smoke-free rule. Further, neither HUD, the Department of Justice, nor any court has yet determined that smoking or nicotine addiction itself requires discrimination protection.

That being said, the notice accompanying HUD's smoke-free public housing rule has suggestions for how to accommodate residents who smoke.¹⁵ Where financially reasonable, these can include moving residents with mobility limitations to a floor or unit with closer proximity to an exit, providing designated smoking areas outside the required smoke-free perimeter that are accessible, or providing special assistance to help residents understand the policy and access quitting resources.

Legal Considerations

State and Local Laws

While the HUD rule prohibits smoking in public housing, few local governments have a comparable requirement for privately owned apartments. Many jurisdictions have laws prohibiting smoking in indoor common areas of multi-unit housing, such as hallways, laundry rooms, underground garages and building entryways. Here are some examples:

- Alabama prohibits smoking in “Lobbies, hallways, and other common areas in apartment buildings, senior citizen residences, nursing homes, and other multiple-unit residential facilities,” unless those areas are “enclosed and well ventilated.” Ala. Stat. Sec. 22-15A-6(a)(9).
- Tennessee prohibits smoking in “Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.” Tenn. Stat. Sec. 39-17-1803(a)(9).
- Jackson, Mississippi, prohibits smoking in “Lobbies, enclosed hallways, laundry rooms, clubhouses and other common areas in apartment buildings, condominiums, mobile home parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.” Jackson, Miss., City Code, Sec. 86-165(12).

In some states, a structure built to serve as a smoking shelter could be considered an indoor space where smoking is not legally permitted. If a PHA considers offering a smoking shelter for residents, it should first examine state and local indoor air laws before building a shelter.

For more information about your state, contact your local smoke-free housing program or your state health department.

Discrimination

Smoking is not a protected activity or right. An individual’s status as a smoker is not a protected category or recognized disability.¹³ Smoke-free policies should be implemented based on the activity of smoking and not an individual’s status as a smoker. A policy should be written so a person who smokes can continue to live in the building, but he or she must refrain from smoking in the building or other areas that are included in the policy.

Although smoking is not a constitutionally protected activity and smokers are not a constitutionally protected status of people, PHAs can and should take steps to reduce the burden of this policy change on residents who smoke by offering education and cessation resources.



“We attribute the success of our smoke-free transition to strong community partnerships and broad resident engagement efforts, including meetings and smoking cessation classes. Our employees promoted the policy heavily. We even held a special panel discussion broadcast on our local public broadcasting station.”

*Amy Jacobowitz,
Director of Asset Management,
Fort Wayne Housing Authority*

Implementing a Policy

HUD developed a guidebook and fact sheets to assist PHA staff with implementation and maintenance of the policy. These tools are available on HUD's website. (www.hud.gov/program_offices/healthy_homes/smokefree)¹⁶

PHAs should take the following steps when implementing a smoke-free policy:

1. Find community partners such as smoke-free housing programs or health department.
2. Develop a smoke-free policy and enforcement plan that complies with HUD's rule.
3. Update the House Rules and PHA plan.
4. Notify residents, staff, and board of the coming policy change.
5. Obtain board approval.
6. Engage and solicit resident input with surveys, meetings, and other communications.
7. Train staff on the rationale and details of the policy.
8. Ensure that all residents sign a lease or lease addendum that includes the policy.
9. Post signage in conspicuous locations around the property.
10. Offer cessation resource.
11. Continually promote compliance and enforce the policy consistently.

Updating an Existing Smoke-Free Policy

PHAs with an existing smoke-free policy that does not meet HUD's requirements must update their policy to be in compliance with the rule. PHAs should follow the steps listed above when making changes to an existing smoke-free policy. An existing policy that meets or exceeds HUD's requirements does not need to be changed but it does still need to be enforced.

Tracey Lewis is a 50-something grandmother of five who serves on the Philadelphia Housing Authority's (PHA) Smoke Free Committee, a group composed of resident leaders and housing authority personnel. She is also president of her resident council at PHA's Whitehall Apartments.

For Ms. Lewis, PHA's Smoke Free Policy is a no-brainer. The smoke from cigarettes and other smoking materials seeps through the vents of her development in Northeast Philadelphia and dirties the walls, the blinds, and clothing. Tracey Lewis was never a smoker and never wanted to be. She has lost friends and relatives to cancer caused by smoking, and she's seen the time and effort that it takes to repair an apartment when a smoker moves out, not to mention the enormous amount of money spent that could go toward buying a house or a nice summer trip for the family.



Engaging Residents

Creating Resident Buy-In

Resident engagement is necessary for a successful transition to a smoke-free environment. Regular communication, education, and opportunities for residents to provide input builds trust and ultimately promotes compliance. Engage residents before, during, and after the policy is implemented.

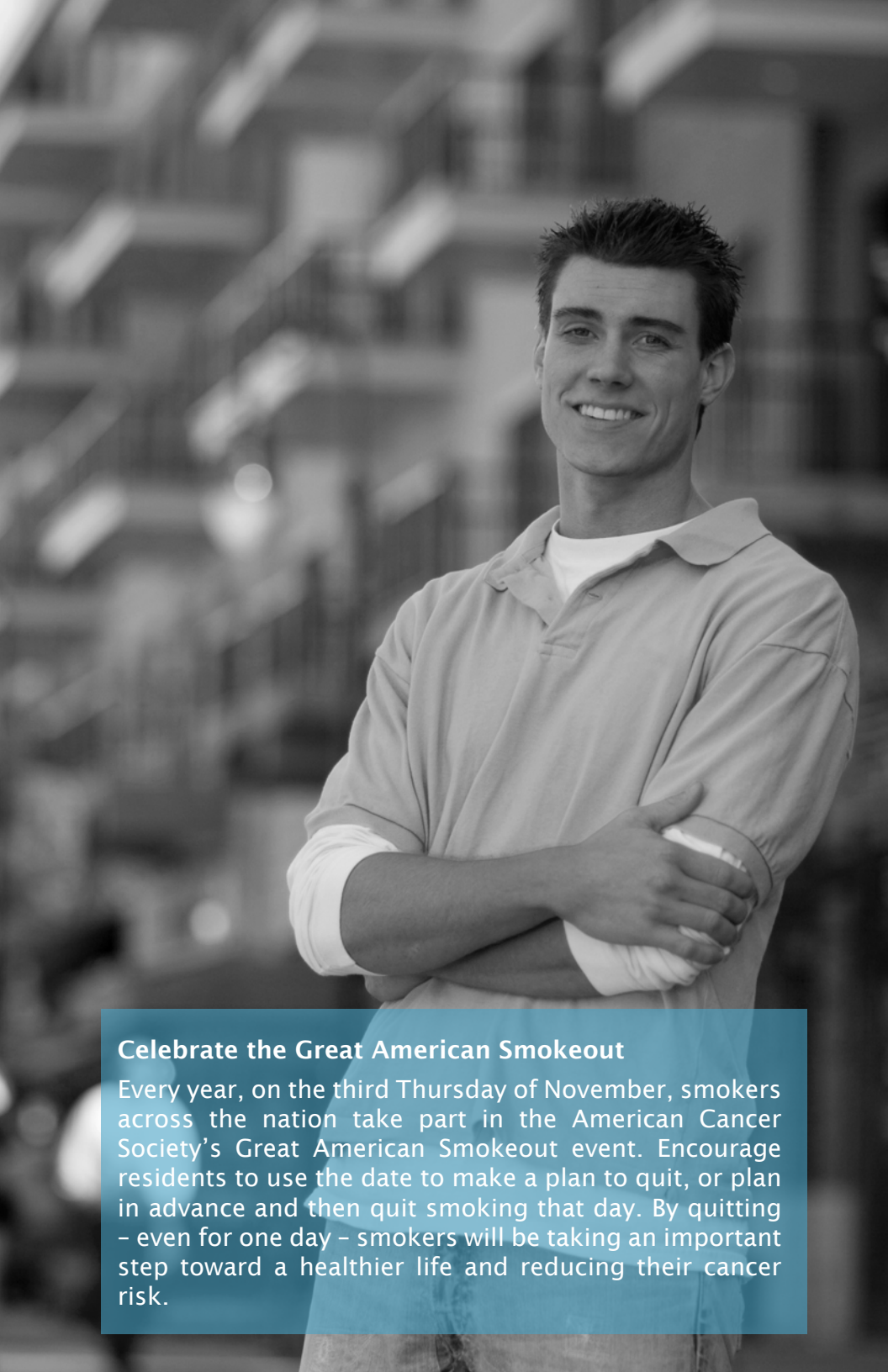
Positive Messaging

When engaging residents on policy transition, it is important to utilize positive, culturally appropriate messaging. Consider these tips when communicating with residents about the policy.

- Focus on the activity of smoking, not someone's status as a smoker
- Use the words "smoke free" instead of "no smoking"
- Emphasize the benefits of smoke-free housing (it creates a healthier, cleaner, and safer home)
- Acknowledge that going smoke free can be difficult for smokers and offer them support
- Regularly thank residents for complying with the policy
- Acknowledge to smokers that change can be hard and offer support

Opportunities to Engage Residents

- Ask residents what resources or support they need to be successful
- Hold resident meetings
- Conduct pre and post-implementation resident surveys to gain input
- Involve the resident council in decision making, such as asking them to help plan a celebration
- Host smoke-free kick off or anniversary celebrations
- Offer on-site health fairs to promote the policy and discuss cessation resources
- Provide tips for how non-smokers can support their neighbors who smoke
- Raffle off a door prize to recognize a successful implementation
- Communicate regularly and often about the policy



Celebrate the Great American Smokeout

Every year, on the third Thursday of November, smokers across the nation take part in the American Cancer Society's Great American Smokeout event. Encourage residents to use the date to make a plan to quit, or plan in advance and then quit smoking that day. By quitting – even for one day – smokers will be taking an important step toward a healthier life and reducing their cancer risk.

Smoking Cessation

Promoting Cessation

Seven out of 10 smokers want to quit and numerous studies show that a smoke-free policy can help them do so.¹⁷ In federally assisted housing, one third of adult residents are smokers.¹⁸ It is likely when a PHA implements a smoke-free policy some residents will feel motivated to quit. PHAs can make a big difference in residents' lives by connecting them with cessation resources.

How to Promote Cessation Before and After Implementation

1. Learn about cessation resources available locally and nationally
2. Find community partners to provide assistance, such as local public health, insurance provider or business, etc.
3. Promote resources and link residents with cessation services
 - a. Distribute flyers, door hangers, or posters about quitline support
 - b. Distribute cessation brochures with tips for quitting smoking
 - c. Organize cessation meetings or onsite programs with community partners
 - d. Create an onsite quit contest or event
 - e. Ask the resident council what resources would be helpful
 - f. Include cessation support in other preexisting healthy living programs

National Cessation Resources

PHAs can refer residents to the CDC's free national quit line at 1-800-QUITNOW or the American Lung Association's Tobacco QuitLine at 1-800-LUNGUSA, to speak to an expert about quitting smoking. Community partners such as health departments, health clinics, and nonprofit organizations may be able to provide local cessation support for PHA residents as well.



For more resources, visit:
www.smokefreepublichousingproject.org

Compliance & Enforcement

Promoting Compliance

Promoting compliance will make enforcement easier. Positive messaging, frequent reminders, and regular resident engagement will increase buy-in and reduce violations. Additionally, PHAs should implement protocols to train all staff, including management, maintenance staff, and social service providers, on the reasons for and the details of the smoke-free policy.

Best Approaches to Enforcement

The goal of a smoke-free policy is to keep residents in healthy, clean, and safe housing. While a possibility, eviction is only a last resort to policy enforcement. A well-documented, multi-step approach to enforcement is recommended so that each resident has adequate support and opportunity to comply with the policy. HUD states that “[t]ermination of assistance for a single incident of smoking, in violation of a smoke-free policy, is not grounds for eviction.”⁴

Enforcement Tips

- Communicate enforcement plan to residents in the lease addendum and/or house rules
- Reinforce the policy and enforcement plan at lease signing and annual recertification
- Encourage staff and residents to report violations
- Consistently document all violations and witnesses
- Strategize with individual residents to address barriers and refer them to social services for support
- Offer cessation resources
- Enforce violations uniformly
- Educate all new staff about policy details and benefits

Remember, change takes time. Even if a smoke-free policy doesn't eliminate all secondhand smoke immediately, reducing exposure still results in important benefits for PHAs and residents. Enforcement is a process that requires commitment. Over time the cultural norms around smoking in a community will shift towards a healthier, smoke-free community and efforts will pay off.

Resources

Implementation and Enforcement Tools and Resources

- Clean Air for All: The Smoke-Free Public Housing Project:
www.smokefreepublichousingproject.org
- Minnesota Smoke-Free Public Housing Web Portal: www.sfpublishousingmn.org
- The Office of Healthy Housing and Lead Hazard Control at the U.S. Department of Housing and Urban Development:
https://www.hud.gov/program_offices/healthy_homes/smokefree
- The Centers for Disease Control and Prevention Resource Bank:
<https://www.cdc.gov/tobacco/campaign/tips/partners/hud/index.html>
- Tobacco Control Legal Consortium at the Public Health Law Center:
www.publichealthlawcenter.org
- National Housing Law Project:
<https://www.nhlp.org/our-initiatives/implementing-a-smoke-free-policy-in-public-housing/>

Smoke-Free Multi-Housing Programs

Find a smoke-free housing program near you: www.mnsmokefreehousing.org/resources

American Lung Association

Contact the American Lung Association office in your area to learn if local assistance is available: www.lung.org

National Health Organizations

- **American Cancer Society:** www.cancer.org
- **American Heart Association:** www.americanheart.org
- **Americans for Nonsmokers' Rights:** www.no-smoke.org

Tobacco Cessation Resources

- **Smokefree.gov**
- **National Quitline: 1-800-QUIT-NOW**
- **American Lung Association's Tobacco Quitline: 1-800-LUNGUSA**

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Smoke-Free Housing Help

This guide was created by Clean Air for All: The Smoke-Free Public Housing Project, a program that provides training and technical assistance to PHAs, resident services staff, and public housing residents impacted by HUD's smoke-free public housing rule. The Smoke-Free Public Housing Project enhances stakeholders' capacity to transition to and maintain successful smoke-free public housing environments.

This program is a collaboration of Live Smoke Free (LSF) a program of the Association for Nonsmokers-Minnesota, the National Association of Housing and Redevelopment Officials (NAHRO), and the National Association of Resident Services in Affordable and Assisted Housing (NAR-SAAH).

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Visit us at: www.smokefreepublichousingproject.org

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www.mnsmokefreehousing.org

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CLEAN AIR FOR ALL
THE SMOKE-FREE PUBLIC HOUSING PROJECT

