

## **PUBLIC HOUSING SMOKE FREE**

**A NATIONWIDE BAN ON** smoking in public housing is poised to take effect [almost two years](#) after it was passed.

The United States Department of Housing and Urban Development will prohibit the smoking of cigarettes, cigars and pipes beginning July 31, 2018 in all public housing units and common areas. The restriction will also apply to areas within 25 feet of public housing grounds, [according to a release from the department](#). Electronic cigarettes have not been banned as of yet but may be in the future. Marijuana remains illegal under federal law, and use of the drug – even for medicinal purposes – was already prohibited in public housing even in states where it has been legalized, although officials have some discretion in enforcement.

More than 600 public housing agencies comprising 228,000 housing units already comply with the rule, but now the rest – some 940,000 housing units – will have to follow suit. People who smoke are allowed to rent public housing units, and they do not need to quit smoking to live there. They are just not allowed to smoke within the restricted areas.

The smoking ban applies to housing employees, residents, guests and other visitors. HUD advises residents to remind those living and visiting public housing that it is now a smoke-free environment. People can leave the property or move to a smoking area if one is available.

If a person is caught smoking in a restricted area, the release states the offense will be treated as a lease violation and the housing agency staff will provide the offender with more "details about what the rules say."

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According to HUD, people who smoke are not protected under the Fair Housing Act and they "do not have special legal status." Therefore, the department's smoke-free policy is legal.

The department is enacting the policy to reduce secondhand smoke, which can cause health problems, including heart disease, cancer, and lung disease. It has also been linked to sudden infant death syndrome, the release stated.

"Children who breathe secondhand smoke are more likely to get sick, cough, and even have poorer performance at school," the release said.

HUD provides [resources](#) and advice to help smokers quit, including joining others to quit smoking together, using gum, patches and other aids and talking with medical providers.

## **Making Apartments and Condominiums Smoke Free Condominiums**

A homeowners association may adopt a new rule or covenants, conditions, and restrictions (CC&R) that prohibits smoking on the property, including indoor and outdoor common areas and individual units. For more information about creating this type of policy, see our publication, *[How to Make a Condo Complex Smokefree](#)*.

[https://www.changelabsolutions.org/sites/default/files/CLS\\_Condo\\_FactSheet\\_FINAL\\_20120517\\_0.pdf](https://www.changelabsolutions.org/sites/default/files/CLS_Condo_FactSheet_FINAL_20120517_0.pdf)

### **Local Law (covering apartments and condos)**

A local government can pass a law requiring certain areas in multi-unit housing to be designated as nonsmoking.

Laws restricting smoking, even in individual units, need only a "reasonable" basis. There are many sound reasons for such policies, including protecting nonsmokers from drifting secondhand smoke, reducing potential fire risk, and decreasing cleaning and maintenance costs due to cigarette smoke damage. See our *[Smokefree Housing Model Ordinance](#)* for more information.