



HUD Smoking Prohibition

Background: *Since 2003, The Department of Housing and Urban Development (HUD) has been on record that nothing prohibited a public housing authority from prohibiting smoking. In February 2017, they went on record on the Federal Registrar, publishing the requirements for a ban on smoking within 25 feet of a public housing property.*

Why the Ban?

According to HUD, this rule improves indoor air quality in the housing; benefits the health of public housing residents, visitors, and PHA staff; reduces the risk of catastrophic fires; and lowers overall maintenance costs.

Timeline

The final rule was published in the Federal Register on December 5, 2016, and requires compliance no later than 18 months from the effective date (February 3, 2017), October 3, 2018. Housing agencies are encouraged to start the process of implementing smoke-free policies early so that the necessary implementation activities can be spread out over the allowed 18-month implementation period with regular lease renewal practices (e.g., lease recertification).

Suggested Steps

- **Read the rule** – Go to <https://www.federalregister.gov/documents/2016/12/05/2016-28986/instituting-smoke-free-public-housing> for the full text of the rule. Resources for the program, including Smoke-Free Housing Toolkits can be found at <http://portal.hud.gov/hudportal/HUD?src=/smokefreetoolkits1>.
- **Communicate with your Board** – Inform your board of upcoming policy changes and timelines.
- **Meet with Staff** –Your staff needs to be knowledgeable about the rule, as they will be the front line in responding to resident questions.
- **Draft lease amendment** – Work with your counsel to draft lease addendum and supply informational letter to residents (60 day comment period).
- **Establish Partnerships with Cessation Programs** – Some residents will need help in complying with this requirement. As resources for programs are identified, we will post them on the NJPHA-JIF website.
- **Meet with Residents** – Review the policy, the roll out dates, and resources anticipated to be available to help current smokers.
- **Post signage** – Include the authority’s implementation date.
- **Advertise amended lease and PHA plan** (45 day comment period).
- **Begin using amended leases in annual recertifications**
- **Continue communication efforts** – Keep residents informed of program status and look for opportunities to inform them of resources. Celebrate successes and let them know how you are overcoming obstacles.

Is there a premium discount for this policy?

A question that arose almost immediately was whether a premium discount would be offered for compliance with this program. There are no current plans for a schedule credit for this provision, but the long term benefits of eliminating smoking should have a positive impact on the NJPHA-JIF's property loss experience, and help reduce future rate increases.

If you have any questions or would like additional information, please contact your risk management consultant, or NJPHA-JIF safety director, Jim Rhoads at 610-937-2694 or by e-mail at james_rhoads@pmagroup.com.

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