

## Public Housing and Non-Smoking Policies

### *HUD Notices*

Since 2009, the U.S. Department of Housing and Urban Development (HUD) has strongly encouraged Public Housing Authorities (PHAs) to adopt smoke-free buildings to protect the health of residents. A year later, HUD also extended this recommendation to all federally assisted multifamily property owners. To this end, HUD has developed [smoke-free housing toolkits](#) to provide user-friendly information on making all buildings smoke-free. Below are links to these official notices, as well as a brief summary of what they contain.

<a href="#">PIH-2009- 21 (HA)</a> <b>Non-Smoking in Public Housing</b>	Issued: 7/17/09 Expires: 7/31/10	This notice strongly encourages Public Housing Authorities (PHAs) to implement non-smoking policies in some or all of their public housing units.
<a href="#">H 2010-21</a> <b>Optional Smoke-Free Housing Policy Implementation</b>	Issued: 9/15/10 Expires: 9/30/11	This notice encourages owners and management agents (O/As) participating in one of the Multifamily Housing rental assistance programs listed in Section III of this Notice to implement smoke-free housing policies in some or all of the properties they own or manage.
<a href="#">PIH 2012-25</a> <b>Smoke-Free Policies in Public Housing</b>	Issued: 5/29/12 Expires: Effective until amended, superseded, or rescinded	This notice is a reissuance of PIH Notice 2009-21 which strongly encourages Public Housing Authorities (PHAs) to implement smoke-free policies in some or all of their public housing units.
<a href="#">H 2012-22</a> <b>Further Encouragement for O/As to Adopt Optional Smoke-Free Housing Policies</b>	Issued: 10/26/12 Expires: This notice remains in effect until amended, revoked, or superseded	The purpose of this Notice is to further encourage the adoption of smoke-free housing policies by O/As who have not yet chosen to do so.

### *Overview of Other States' Laws*

- No state or federal law prohibits making a property “smoke-free”.
- No state or federal law prohibits smoking in private units of multi-unit housing (either public or private), although some states prohibit smoking in the certain areas of multi-unit properties, such as common areas, offices, or utility rooms. However, smoke-free policies have been adopted by PHAs or managers/ owners of subsidized housing across multiple states, either through their own voluntary decision regarding the buildings they own or manage, or required by municipal ordinance<sup>1</sup>.

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<sup>1</sup> Connecticut state law preempts any municipal or local law regarding smoking.

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## Connecticut Information

- CGA §19a-342
  - Prohibits smoking in any building owned/operated or leased/operated by the state - public housing projects are specifically exempted from this provision
  - Preempts local government from regulating smoking
- CGA §47a-3
  - Allows landlord and tenants to include in a rental agreement terms and conditions not prohibited by law, including provisions governing the rights and obligations of the parties

Below is a chart that shows smoke-free policies of CHFA and State-Sponsored portfolio properties as of October 7, 2013:

## Smoke Free Survey Summary as of 10/7/13

# of Properties	Smoke Free	Not Smoke Free	Unknown	Total
CHFA	55	92	139	286
State Sponsored*	56	200	87	343
Total	111	292	226	629

\*Within the State-Sponsored Portfolio, there are 19 Public Housing Authorities (PHAs) with 48 properties and 8 non-profit owners with smoke-free policies (total of 56 properties). All PHAs receiving state funds are accounted for in this chart – however, some may have both state-funded and federally-funded units.

According to HUD, 2,790 out of 15,365 CT federally subsidized public housing units (18.2%) are smoke-free.