



SMOKE-FREE POLICIES IN KANSAS PUBLIC HOUSING



The Issue

Adopting smoke-free policies in multi-unit housing has many benefits. These benefits include: a healthier, cleaner, and safer living and work environment; reduced risk of fire and smoke-related property damage; cost savings because of lower cleaning expenses and reduced insurance premiums; fewer complaints from residents; and market demand.

Because of these benefits, several laws and policies limit smoking in Kansas public housing authorities (PHAs). However, these laws and policies may use different terminology and may apply to different settings. Additionally, some public housing residents may not experience the benefits of smoke-free living until mid-year 2018. As a result, not everyone who



lives in public housing in Kansas is experiencing the full benefits of strong smoke-free protections. Consequently, Kansas PHAs may wish to consider adopting their own comprehensive smoke-free policy that provides protections over and beyond the U.S. Department of Housing and Urban Development's (HUD) final rule to restrict smoking in public housing. This fact sheet is intended to be a resource for Kansas PHAs considering such policies but should not be considered lobbying or advice from an attorney that can represent you.

Existing Laws

HUD's final rule to restrict smoking in public housing went into effect on February 3, 2017. This rule requires PHAs administering public housing to adopt a smoke-free policy by July 30, 2018. The policy must prohibit the use of "prohibited tobacco products" in all indoor areas, including individual living units, common areas, administrative office buildings, and outdoor areas within 25 feet of those areas. The rule does not apply to section 8 properties, mixed-finance properties, or tribal housing and does not prohibit the use of electronic cigarettes. These are minimum requirements, and PHAs are allowed to go beyond the requirements of the HUD rule.

The Kansas Indoor Clean Air Act also restricts smoking in several locations that may be owned or administered by PHAs. Under this law, smoking is prohibited in "restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities." Smoking is prohibited in many other areas that can be found in public housing, including offices, stairwells, elevators, and "within a ten foot radius outside of any doorway, open window or air intake" of an area where smoking is prohibited. This law does not apply to private residences and does not prohibit the use of electronic cigarettes. As a result of these provisions, Kansas PHAs must prohibit smoking in common areas of any multi-unit housing complex and within ten feet of interior areas.

Finally, many Kansas PHAs already have their own smoke-free policies in place. The American for Nonsmokers' Rights Foundation (ANRF) has identified eleven Kansas PHAs with policies that restrict smoking to some extent. HUD has created a similar list that identifies fifteen Kansas PHAs. According to ANRF, the PHAs in Belleville, Douglas County, Junction City, Kinsley, Lawrence, and South Hutchinson are identified as having all units smoke-free. It is important to note that just because a PHA has a smoke-free policy in place does not mean it is compliant with the HUD rule. For example, if a PHA had a 15-foot setback rather than a 25-foot setback, it would not be compliant.



Going Further

Kansas PHAs can consider going further than the requirements of the HUD rule and the Kansas Indoor Clean Air Act by including electronic cigarettes and outdoor spaces. Kansas law specifically permits city and county governments to adopt stronger smoke-free laws. If a PHA were not willing to declare the entire grounds to be smoke-free, it could consider declaring some outdoor areas to be smoke-free. These could include playgrounds, swimming pools, or other areas that might be frequented by children. Additionally, many PHAs also administer other types of subsidized housing programs, such as Section 8 or mixed-finance properties. If PHAs are already going through the smoke-free policy adoption process for their public housing units, they may also wish to make their entire portfolio of housing smoke-free or be part of coalitions working to make market-rate apartments smoke-free as well.

Implementation

Spending time on the front end of adopting a smoke-free policy can lead to smoother implementation and resident buy-in. PHA staff can conduct a survey of residents to show resident demand and let residents know a policy is being considered. Developing an enforcement plan that includes requirements for signage, staff training, resident education, and cessation support and services can also help aid enforcement. Once a policy is in place, it is important that it be enforced in a timely, uniform, and consistent manner. In February 2017, HUD published [guidance](#) on instituting and enforcing smoke-free public housing policies.

Additional Resources

The Public Health Law Center has prepared several resources that may be helpful for Kansas PHAs considering smoke-free policies:

- [HUD's Rule to Restrict Smoking in Public Housing: An Overview](#). Provides answers to commonly asked questions about HUD's rule for smoke-free public housing.
- [Smoke-Free Public Housing: Reasonable Accommodations](#). Kansas PHAs considering smoke-free policies may receive accommodation requests from smokers. This fact sheet explains the legal framework for, and highlights a number of considerations to assist PHAs with, smoke-free reasonable accommodation requests.
- [Model Smoke-Free Lease Addendum](#) and [Model Smoke-Free House Rules Policy](#). These documents are for multi-unit housing in general and are not specific to PHAs. They can, however, be used for guidance.
- [Public Health Law Center's web site for PHAs](#).
- [HUD's Smoke-Free Public Housing web page](#). Includes resources to assist PHAs and residents with going smoke-free.

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