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Title 24 – Housing and Urban Development

Subtitle B – Regulations Relating to Housing and Urban Development

Chapter IX – Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development

Part 965 – PHA-Owned or Leased Projects—General Provisions

Subpart G – Smoke-Free Public Housing

Source: 81 FR 87444, Dec. 5, 2016, unless otherwise noted.

Authority: 42 U.S.C. 1437, 1437a, 1437d, 1437g, and 3535(d). Subpart H is also issued under 42 U.S.C. 4821-4846.

Source: 41 FR 20276, May 17, 1976, unless otherwise noted. Redesignated at 49 FR 6714, Feb. 23, 1984.

§ 965.653 Smoke-free public housing.

- (a) *In general.* PHAs must design and implement a policy prohibiting the use of prohibited tobacco products in all public housing living units and interior areas (including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures), as well as in outdoor areas within 25 feet from public housing and administrative office buildings (collectively, “restricted areas”) in which public housing is located.
- (b) *Designated smoking areas.* PHAs may limit smoking to designated smoking areas on the grounds of the public housing or administrative office buildings in order to accommodate residents who smoke. These areas must be outside of any restricted areas, as defined in paragraph (a) of this section, and may include partially enclosed structures. Alternatively, PHAs may choose to create additional smoke-free areas outside the restricted areas or to make their entire grounds smoke-free.
- (c) *Prohibited tobacco products.* A PHA's smoke-free policy must, at a minimum, ban the use of all prohibited tobacco products. Prohibited tobacco products are defined as:
 - (1) Items that involve the ignition and burning of tobacco leaves, such as (but not limited to) cigarettes, cigars, and pipes.
 - (2) To the extent not covered by paragraph (c)(1) of this section, waterpipes (hookahs).