

March 30, 2018

Secretary Ben Carson
c/o Reports Management Officer, QDAM
Department of Housing and Urban Development
451 7th Street SW, Room 4176
Washington, DC 20410-5000

Re: Proposed Information Collection: Evaluation of Public Housing Program Activities

Docket No. FR-7006-N-01

Dear Secretary Carson:

The Public Health Law Center (“the Center”) and the Association for Nonsmokers-Minnesota (“ANSR”) are pleased to submit these comments to the U.S. Department of Housing and Urban Development (HUD) on HUD’s proposed Evaluation of Public Housing Program Activities. The Public Health Law Center is the coordinating center of the Tobacco Control Legal Consortium, a national network of nonprofit legal centers providing legal technical assistance to public health professionals and advocates concerning legal issues related to tobacco and public health.¹ ANSR is a nonprofit organization dedicated to reducing the human and economic costs of tobacco use in Minnesota.

HUD has requested information to assist the agency in its survey of public housing authorities (PHAs) to assist in the implementation of its smoke-free rule. One specific area of information requested by the agency is “Ways to enhance the quality, utility, and clarity of the information to be collected.” The Center and ANSR have extensive experience working with PHAs and public health advocates on adopting and implementing effective smoke-free policies.

¹ The Tobacco Control Legal Consortium’s activities are coordinated by the Public Health Law Center, at Mitchell Hamline School of Law in St. Paul, Minnesota. The Consortium’s affiliated legal centers include: ChangeLab Solutions, Oakland, California; Legal Resource Center for Tobacco Regulation, Litigation & Advocacy, at University of Maryland Francis King Carey School of Law, Baltimore, Maryland; Public Health Advocacy Institute and the Center for Public Health and Tobacco Policy, both at Northeastern University School of Law, Boston, Massachusetts; Smoke-Free Environments Law Project, at Center for Social Gerontology, Ann Arbor, Michigan; and Tobacco Control Policy and Legal Resource Center at New Jersey GASP, Summit, New Jersey.

Based on this experience, we believe HUD's survey would be enhanced by inclusion of questions related to the following topics:

- **HUD should survey not just “PHA leadership and staff” as proposed, but other affected parties, including tenants, tenant leadership councils, tribal housing authorities, and social services staff.** Although this would presumably necessitate unique survey questions for each group, it would yield a more complete picture of how the smoke-free rule can be effectively implemented.
- **HUD should ask if PHAs voluntarily include electronic cigarettes in their policies, and if so, for what reason.** Electronic cigarettes (“e-cigarettes”) might be included in a smoke-free policy either for enforcement purposes or for public health reasons. More data on this topic could provide valuable information that could support HUD in expanding the smoke-free rule to include e-cigarettes.
- **HUD should ask if the agency should provide to PHAs additional information on e-cigarettes.** This would help HUD determine whether PHAs have unanswered questions about e-cigarettes.
- **HUD should ask what sort of feedback PHAs have received from residents on existing smoke-free policies or policies that have been discussed but not yet implemented.** This could help HUD tailor the information it provides to PHAs to most effectively answer resident questions and respond to their concerns.
- **HUD should ask PHAs with existing smoke-free policies what form enforcement has taken.** Many PHAs and housing advocates have expressed concern that smoke-free policies might lead to evictions. Anecdotal information suggests that evictions due strictly to a smoke-free policy are rare. It would be helpful to have more complete data relating to whether smoke-free policies have led to evictions or just warnings. This could help allay concerns about the possibility of eviction.
- **HUD should ask if PHAs have noticed health benefits or cost savings because of existing smoke-free policies.** This could help strengthen the case for the HUD rule. Moreover, cost savings because of factors like reduced maintenance costs should be straightforward for PHAs to calculate.
- **HUD should ask if PHAs have provided cessation materials to residents, or if PHAs would benefit from additional cessation materials from HUD.** HUD has emphasized the importance of providing cessation materials to residents. Consequently, it would be helpful to know if this is an area PHAs have found manageable or if they would benefit from additional support from HUD or other agencies.
- **HUD should ask what it can do to facilitate expanding its rule to Section 8 properties or mixed finance properties.** PHAs might have experience with other types of subsidized housing and could provide valuable information in the event HUD expands the scope of the rule.

- **HUD should ask how many reasonable accommodation requests PHAs have received and how they were handled.** Our organizations have fielded numerous questions related to reasonable accommodations. Having data and anecdotes in this area could help identify best practices.
- **HUD should ask if PHAs would benefit from additional materials and resources about ongoing policy compliance and enforcement.**

We appreciate this opportunity to share our observations and recommendations regarding HUD's proposed information collection.

Respectfully,

Association for Nonsmokers - Minnesota
Public Health Law Center