

SMOKE-FREE TRIBAL HOUSING POLICIES IN CALIFORNIA

 Policies that restrict the smoking of commercial tobacco products in housing have many benefits. Such policies can improve the health of community members, encourage the preservation of culture, reduce the risk of fire, and lower maintenance costs.

Because of these benefits, many Tribal governments and Tribal housing authorities have adopted or are considering adopting smoke-free housing policies.¹ For example, the Susanville Indian Rancheria recently made a newly built fourplex completely smoke-free.² When deciding whether to adopt a Tribal smoke-free housing policy, advocates and policy makers may wish to consider several objectives, including the preservation of sacred tobacco use, obtaining Tribe-specific data, and the provision of culturally appropriate cessation materials.

This resource is intended as a guide for Tribal communities in California working on policies



to restrict the smoking of commercial tobacco products in Tribal housing. The information in this guide is not intended to be used as or to replace legal advice. Readers are encouraged to consult with Tribal legal counsel before moving forward with policy initiatives.

Benefits of Smoke-free Housing

Tribal epidemiology centers have noted that “tribal sovereignty is key to ending commercial tobacco use in our communities” and have identified smoke-free housing policies as one way to further this goal.³ The authority to adopt these policies is spelled out in the governing documents of many Tribes. For example, the Constitution of the Hopland Band of Pomo Indians gives the Tribal Council authority to “promote the peace, safety, health and general welfare of the members of the Band.”⁴ A smoke-free housing policy would fall within this authority.

Tribal housing authorities have a goal of maintaining safe housing. The San Pasqual Department of Housing and Community Development states that its primary objective is to “provide and maintain a safe and healthy environment for the occupants of the current housing stock of the Tribe or Tribally designated housing entity.”⁵ Smoke-free housing is consistent with this goal.

Indeed, smoke-free housing policies have been shown to have many benefits. In 2016, the U.S. Department of Housing and Urban Development (HUD) issued a regulation requiring public housing — whether single-family or multi-unit — to be smoke-free.⁶ Although the HUD smoke-free rule does not apply to Tribal housing, the agency identified several benefits to smoke-free housing policies. These benefits include cost savings, maintenance savings, insurance savings, reduced legal liability, and health protection for residents and staff.⁷ Most of these same benefits would also apply to Tribal housing, much of which is single-family.

Children will particularly benefit from smoke-free Tribal housing policies because they will be protected from secondhand smoke.⁸ These policies also protect children from “thirdhand smoke” — the residue from cigarettes, cigars, and other combustible tobacco products that can linger on surfaces and furnishings long after these products have been extinguished.⁹ These policies also can help preserve cultural practices in communities with a tradition of sacred tobacco use, which does not carry the same risks as commercial tobacco use.

Further, studies have shown that smoke-free housing policies decrease smoking by people who are addicted to commercial tobacco,¹⁰ reducing disparities found in commercial tobacco use patterns. Indeed, the burden of commercial tobacco use is borne more heavily by American Indian and Alaska Native (AI/AN) communities than by other ethnic groups in the United States. In 2017, according to the Centers for Disease Control and Prevention’s National Health Interview Survey (NHIS), 24.0 percent of AI/AN adults were current cigarette smokers.¹¹ In contrast, the rate was 15.2 percent for whites and 14.9 percent for African Americans. The disparity is more extreme compared to other groups: only 9.9 percent of Hispanics and 7.1 percent of Asian Americans smoked cigarettes in 2017. The prevalence of commercial tobacco use among AI/AN individuals

varies by region, with use higher in the Northern Plains (49 percent among men, 51 percent among women) than in the Southwest (19 percent among men, 10 percent among women).¹² In California, the rate of cigarette smoking among adult AI/AN populations is 19.1 percent, compared to 11.8 percent for the White population.¹³ The statewide rate of youth commercial tobacco use is 12.7 percent, yet the rate for AI/AN youth in California is 19.7 percent.¹⁴

Nationwide surveillance surveys such as NHIS have a proportionately low percentage of American Indians participating, so the data may not be precise. For this reason, Tribe-specific commercial tobacco use data that is culturally tailored and conducted by trusted community-based organizations is preferred. Tribe-specific commercial tobacco use data suggests commercial tobacco use could be as high at 63 percent among some American Indian Tribes.¹⁵

Commercial tobacco use is the leading cause of preventable death among AI/AN populations. The high rates of commercial tobacco use among certain AI/AN populations directly relate to the high rates of cardiovascular disease, lung cancer, and other cancers.¹⁶ High rates of other diseases such as stroke¹⁷ and diabetes¹⁸ among AI/AN populations are also associated with commercial tobacco use. There is no safe level of exposure to commercial tobacco smoke, and the damage from commercial tobacco smoke can be immediate. Commercial tobacco abuse prevention and cessation are vital for AI/AN health and well-being. Smoke-free Tribal housing policies could increase these benefits.

Finally, smoking and exposure to secondhand smoke can exacerbate the health effects of diseases such as COVID-19¹⁹ and diabetes.²⁰ Many Tribes have detailed plans to address these diseases, and adopting a smoke-free Tribal housing policy may help advance the goals of these plans. For example, the Enterprise Rancheria of Maidu Indians of California notes that the Tribe's "goal is to mitigate the potential for transmission of COVID-19 in our workplace and communities, and that requires full cooperation among our staff and tribal members."²¹ The Hopland Band of Pomo Indians has a detailed plan to address diabetes.²²

Some benefits of smoke-free housing policies may not have the same salience in Tribal settings. For example, in some Tribal settings, houses are passed on generationally. In these settings, arguments about cleaning costs may not be particularly convincing. But when the Red Cliff Band of Lake Superior Chippewa Indians adopted a smoke-free housing policy in 2016, Jim Belanger of the Red Cliff Community Health Center noted that "[o]ur goal with this policy is to create a healthier environment for the seventh generation."²³



Policy Landscape for Tribal Housing

HUD's smoke-free public housing rule does not apply to Tribal housing. HUD provides housing subsidies to American Indians and Alaska Natives and Tribes through the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA).²⁴ In contrast, the smoke-free rule applies only to public housing authorized under the U.S. Housing Act of 1937, excluding assistance under section 8 of the Act (i.e., housing that is generally privately owned). NAHASDA includes certain public health requirements — such as requirements to reduce harms associated with lead-based paint²⁵ — but it includes no requirements related to smoking.

Another distinction between Tribal housing and non-Tribal housing relates to the type of housing. While HUD's smoke-free rule does apply to single-family public housing, most public housing in the U.S. is multi-unit. One study estimated that only 19 percent of U.S. public housing is single-family.²⁶ In contrast, Tribal housing often consists of single-family homes. The Pala Band of Mission Indians, for example, has constructed over 30 single-family homes since 2002 as part of its housing program.²⁷ Some Tribes have a mix of single-family homes and multi-unit complexes. Advocates working on smoke-free Tribal housing policies should therefore take the type of housing into consideration during policy development.

Policy Preparation

With approximately 574 federally recognized Tribes,²⁸ and many more that are seeking federal recognition or that are state-recognized,²⁹ the specifics of the policy preparation process will vary greatly. This is certainly true in California. California has more federally recognized Tribes within the geographic boundaries than any one U.S. state — 109³⁰ — as well as several Tribes that are seeking federal recognition.

Despite the variety of Tribes in the United States and California, the Sault Ste. Marie Tribe identified several important steps that can provide a helpful framework before adopting a smoke-free housing policy in many communities. These steps include developing and using coalitions and partnerships; conducting a needs assessment; identifying and engaging stakeholders; creating an action plan; and planning for evaluation and sustainability.³¹

Obtaining data specific to a community and maintaining ownership of that data can help build support for a policy. In the smoke-free housing context, data can include commercial tobacco use rates among Tribal members and often includes tenant surveys. The Sault Ste. Marie Tribe's survey of Tribal housing residents showed that 70 percent of residents who completed the survey would prefer to live in a smoke-free building.³²

Laying the groundwork and providing Tribe-specific data can help address potential opposition to a smoke-free housing policy. Potential opposition can take many forms. For example, many communities face problems with substandard housing,³³ and adopting a smoke-free housing policy may not seem like the most critical policy need in a community. Tribe-specific data can show that secondhand smoke is a serious health hazard in Tribal housing and can build support for a smoke-free housing policy.

Some Tribes may have informal smoke-free housing policies that are not written into policy or lease language. If a Tribe has a strong oral tradition or uses customary laws, these may be sufficient. However, formalizing a smoke-free policy may have benefits. Some community members may feel that a written policy can be handled more consistently and would be easier to enforce.

Many resources are available that can help advocates as part of a policy campaign. Some of these resources are listed at the end of this fact sheet. The Sault Ste. Marie Tribe Implementation Guide is a comprehensive and useful resource to support smoke-free Tribal housing work.³⁴ Technical assistance providers such as the Tribal Community Coordinating Center, tribal epidemiology centers, or the Public Health Law Center can also help with questions related to advocacy, education, and policy development.

Policy Considerations

Smoke-free Tribal housing policies raise several important policy considerations that advocates will need to consider. One important consideration for many Tribes is making sure that the difference between commercial tobacco and ceremonial tobacco is clearly defined, and that ceremonial or sacred uses of tobacco are exempted from the policy. Another example of a key consideration is whether to include electronic cigarettes and cannabis. This section addresses these and other policy considerations.

Sacred Tobacco

Many Tribal communities have a rich history of traditional or ceremonial tobacco use, which does not carry the same risk of addiction, disease, and death as commercial tobacco use. Studies also suggest when young people use traditional tobacco for spiritual purposes, there are lower rates of commercial tobacco initiation and use.³⁵ Tribal governing documents often call for the protection of cultural practices. The Bill of Rights of the Yurok Tribe, for example, states that “the Tribe shall not take any action that would abridge any Tribal religious or traditional practices.”³⁶

Because of this, policies intended to discourage the use of commercial tobacco — such as smoke-free housing policies — should be written to permit the use of traditional tobacco. Cultural advisors should be consulted to determine what constitutes traditional tobacco use in a manner consistent with Tribal practices and this should be spelled out in the policy. The definition of traditional tobacco should be broad enough to encompass all sacred plants used for ceremonial purposes, but not so broad that it limits the effectiveness of the policy.

An example can be found in the smoke-free law of the Cheyenne River Sioux Tribe.³⁷ Prior to drafting the policy, the coalition working on the policy consulted with elders to create a comprehensive definition of “traditional tobacco use” that outlines all the ways this Lakota Tribe uses traditional tobacco:³⁸

“Traditional tobacco use” as defined by the [Cheyenne River Sioux Tribe] Cultural Preservation Office and the Great Plains Tribal Chairman’s Health Board means plants for healing the mind, body, and spirit. There are four plants that are used in Lakota ceremonies: tobacco, sage, sweet grass and cedar. Traditional Tobacco is called “cansasa,” another name is ‘kinikinik.’ Cansasa translates to red willow. Tobacco is used: 1) in our sacred pipe in ceremonies and is not inhaled; 2) in its natural form to make tobacco ties for prayer or thanksgiving in times of need; 3) only for special purposes in prayer, offering or rituals; 4) as an offering to an elderly when we need his or her help, advice or prayer; 5) as an offering when we see the sacred eagle in the sky, as the eagle is the intercessor to Tunkasila, Great Spirit; 6) as an offering to the drum at powwows

to give special blessing to the heartbeat of the nation and onto the singers at the drum; 7) as an offering when a person asks someone to do a ceremony such as naming — hunka-pipe ceremony, singing-sweat lodge or any of the Lakota ceremonies; 8) as an offering to a person as a way to ask for forgiveness to heal bad feeling when emotions are hurt; 9) as an offering or to an elderly to seek knowledge and to show appreciation to that person for sharing. Traditional tobacco is never abused because it is in its natural form without additives.³⁹

If the Cheyenne River Sioux Tribe were to adopt a smoke-free Tribal housing policy, this definition could be used to describe ceremonial or sacred plants to which the policy does not apply.

Any Tribe with a tradition of ceremonial tobacco use that is considering a smoke-free housing policy should consult with elders and other knowledgeable parties to determine how sacred plants are used ceremonially in the community. Because of colonization, laws banning cultural practices, and tobacco industry marketing to American Indians, many Tribes now use commercial tobacco products in ceremonial settings. Extra thought must be given to policies in these communities. Tribal tobacco leaders like the National Native Network promote reclaiming the use of sacred plants for ceremonies and discourage the use of commercial tobacco products for ceremonial purposes, as evidenced by their slogan “Keep It Sacred.”⁴⁰

Because smoke-free housing policies are often adopted with fire prevention as a supporting rationale, advocates and policy makers should consider whether it is appropriate to limit locations and circumstances under which plant matter can be burned. Because of the importance of sacred tobacco to many Tribal communities, however, its use should not simply be restricted as is commercial tobacco use.

Electronic Cigarettes

Another consideration in any smoke-free housing policy is whether to include e-cigarettes in the smoking restriction. The HUD rule does not include e-cigarettes, but the agency noted that public housing authorities (PHAs) “may exercise their discretion to include a prohibition on [e-cigarettes] in their individual smoke-free policies if they deem such a prohibition beneficial.”⁴¹

Emerging evidence suggests that it would be beneficial to include e-cigarettes in a smoke-free housing policy, and many PHAs have done so. The U.S. Surgeon General has noted many risks associated with e-cigarettes that suggest they should be included in smoke-free housing policies:

The aerosol from e-cigarettes is not harmless. It can contain harmful and potentially harmful chemicals, including nicotine; ultrafine particles that can be inhaled deep into the lungs; flavoring such as diacetyl, a chemical linked to a serious lung disease; volatile organic compounds such as benzene, which is found in car exhaust; and heavy metals, such as nickel,

tin, and lead.... Another risk to consider involves defective e-cigarette batteries that have been known to cause fires and explosions, some of which have resulted in serious injuries. Most of the explosions happened when the e-cigarette batteries were being charged.⁴²

The public health risk of breathing in secondhand aerosol, the risk of product explosions, and the risk of fire argue strongly in favor of including e-cigarettes in a smoke-free housing policy. Further, some e-cigarettes physically resemble conventional cigarettes, which may lead residents to think smoking is permitted if e-cigarette use is allowed, which can complicate enforcement. Finally, there is no history of traditional or ceremonial use of e-cigarettes, so restricting their use should not impact cultural practices.

Tribes considering smoke-free housing policies should consider including e-cigarettes in the smoking restrictions. If e-cigarettes are added, a comprehensive definition of “smoking” should include the use of e-cigarettes. The policy should also contain a broad definition of “e-cigarette,” preferably using a neutral term like “electronic smoking device.” A definition is included below in the section on marijuana.

Marijuana

The national landscape for marijuana regulation is changing dramatically, with sixteen states, two territories, and the District of Columbia legalizing small amounts of marijuana for recreational use.⁴³ Some Tribes are also moving into this area.⁴⁴ Regardless of the status of marijuana in a community, there are compelling reasons to restrict the smoking and vaping of marijuana in housing. Much like commercial tobacco smoke and aerosol, secondhand marijuana smoke and aerosol poses public health risks,⁴⁵ a risk of fire, and increased maintenance costs. Enforcement of smoke-free policies may also be more challenging if smoking or vaping of marijuana is permitted.

Should a Tribe considering a smoke-free housing policy wish to restrict smoking or vaping of marijuana like smoking or vaping of commercial tobacco, the policy should contain a comprehensive definition of “smoking” that includes marijuana. Here is a sample definition that would include e-cigarette use and marijuana, but would exclude sacred tobacco use:

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic. “Smoking” does not include traditional tobacco use but does include the use of an electronic smoking device. “Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.



Outdoor Areas

Recent studies have shown that secondhand smoke from commercial tobacco products poses a health risk in outdoor areas as well as indoors.⁴⁶ HUD's smoke-free rule does not generally apply to outdoor areas, although it does apply to outdoor areas within 25 feet of indoor areas.⁴⁷ Still, public housing authorities are given authority to declare other outdoor areas as smoke-free.⁴⁸ HUD also suggests that PHAs can consider creating outdoor designated smoking areas outside the 25-foot smoke-free zone, although they need not do so.⁴⁹

Tribal housing authorities considering smoke-free policies will face similar questions. Public health considerations would suggest that property managers should prohibit the smoking of commercial tobacco in all outdoor areas under a manager's control. Such policies might face some resistance, however. In such cases, it might be possible to prohibit smoking in certain areas. If, for example, a Tribal housing authority manages outdoor areas frequented by children, such as playgrounds, youth modeling and health considerations suggest those areas should be free of commercial tobacco smoke.

If a Tribal housing authority is considering limiting the burning of plant matter in indoor areas — for fire prevention reasons, for instance — it should consider designating areas in which traditional or ceremonial tobacco or other sacred plants can be used. This must be considered with sensitivity to ensure that Tribal traditions are respected.

Cessation

An important part of any smoke-free housing policy is ensuring residents who smoke have access to cessation materials. This could be as simple as directing residents to free resources such as the American Indian Commercial Tobacco Program,⁵⁰ the California Smokers' Helpline (1-800-NO-BUTTS), or 1-800-QUIT-NOW. And if a Tribal health center provides free cessation services or products such as nicotine gum, lozenges, or patches, a housing authority could post signs directing residents who smoke to these resources.

In the context of Tribal housing, it is particularly important that cessation materials be culturally appropriate. For Tribes and Tribal members whose traditions may call for the use of tobacco for ceremonial purposes, this could include providing resources that encourage traditional or ceremonial tobacco use. Any policy related to cessation should be clearly spelled out so property managers know the proper procedures.

Implementation

In any smoke-free housing policy, advocates and policy makers must consider the implementation of the policy. Implementation can include several components, including educating residents, signage, and appropriate enforcement measures.

Educating residents about the dangers of commercial tobacco smoke is not only important before policy consideration, but also before any policy goes into effect. This education can include individual or group meetings with residents, celebrations of the policy, and signage. Signage can help ensure both initial notice and ongoing compliance with the policy. In the Tribal housing context, signage should be tailored to the community. For example, the signage can reference the harm of commercial tobacco and the importance of traditions like sacred tobacco, and can be written in Indigenous languages.

Policy makers and property managers must also ensure there are appropriate consequences for noncompliance. Generally, property managers should create a graduated enforcement structure and seek alternatives to eviction whenever possible. The Public Health Law Center's publication *Smoke-free Multi-Unit Housing: Equitable Enforcement Strategies* has more information on this topic. Some PHAs impose fines for noncompliance, but this is a





California Native baskets made to hold traditional tobacco.

Photo courtesy of: Jay Macedo of the Yurok Tribe

controversial approach. Most residents in subsidized housing have a low income; fines can be disproportionately punitive among this population. Thus, a typical graduated enforcement policy may look something like this:

- **First Violation:** verbal warning, cessation referral
- **Second Violation:** verbal warning, cessation referral, resident services referral
- **Third Violation:** written warning, cessation referral, resident services referral
- **Fourth Violation:** notice to vacate with option to remedy, cessation referral, resident services referral
- **Fifth Violation:** 10-day notice to vacate without the option to remedy

Other examples of graduated enforcement policies can be found in the *Equitable Enforcement Strategies* publication mentioned above. If eviction becomes necessary, many Tribes have detailed processes in place. The Rincon Band of Luiseño Indians, for example, has a detailed ordinance under which eviction can occur for “violating tribal laws and ordinances.”⁵¹ The San Pasqual Band of Mission Indians has a similar policy in place where eviction can occur because of nuisance or property damage.⁵² This policy does require the resident to be given an opportunity to “cure” the violation within three days.

While smoke-free policies tend to be self-enforcing, some factors can complicate enforcement. Some Tribal housing can be remote. The Tuolumne Band of Me-Wuk Indians, for example,

provides rental benefits to Tribal members that live in homes off the Rancheria.⁵³ This could lead to enforcement personnel being physically distant from Tribal housing and could complicate compliance checks. In these situations, it is important to have specific enforcement protocols in place.

Other Policy Approaches

If a comprehensive smoke-free housing policy is not politically realistic, other policy approaches could help reduce the harmful effects of commercial tobacco smoke in residential areas.

One potential policy could be to offer incentives to residents or property managers that adopt a smoke-free policy. The Chukchansi Indian Housing Authority, for example, awards points to potential residents based on criteria in housing applications, with a higher point score increasing a resident's rank on a waiting list for services.⁵⁴ The point score then helps determine the priority by which Tribal members receive services such as housing. Residents who pledge to adopt a smoke-free policy could be awarded additional points under such a system.

Another policy option is requiring disclosure of the smoking status of housing to prospective tenants before they move in. This policy will not protect residents to the same extent as a smoke-free policy but has been adopted in several jurisdictions.⁵⁵

Conclusion

Below is a sampling of free resources available to support Tribal policy development in the areas highlighted in this guide. Please feel free to contact the Tribal Community Coordinating Center or Public Health Law Center with any questions about the information in this guide or to discuss specific concerns you may have about smoke-free Tribal housing policies.

Resources

Implementation Guides

- Sault Ste. Marie Tribe of Chippewa Indians, *Your Family Deserves a Smoke-Free Home: Facilitating Adoption of A Smoke-Free Housing Policy for A Tribal Housing Authority — An Implementation Guide*
- *Implementing HUD's Smoke-Free Policy in Public Housing: HUD Guidebook*
- HUD, *Change Is in the Air: An Action Guide for Establishing Smoke-Free Public Housing and Multifamily Properties*

Sacred Tobacco

- Great Lakes Inter-Tribal Epidemiology Center, [Walking Toward the Sacred: Our Great Lakes Tobacco Story](#)
- National Native Network, ["Traditional Tobacco"](#)
- ClearWay Minnesota,SM ["Keep Tobacco Sacred"](#)

California-Specific Information

- [California Tobacco Control Program Funded Tribal Projects](#)
- [Yurok Indian Housing Authority: Policies](#)
- [California Rural Indian Health Board: Commercial Tobacco Free Policy Guide](#)

Public Health Law Center Resources

- [Smoke-Free Housing web page](#)
- [Tribal Commercial Tobacco Control web page](#)

Cessation

- [American Indian Commercial Tobacco Program](#)
- American Indian Cancer Foundation, [Tobacco Cessation](#)
- American Lung Association, [American Lung Association, State Tobacco Cessation Coverage Database](#)
- Smoking Cessation Leadership Center, [Commercial Tobacco Use and American Indian/Alaska Native People: Implementing Proven or Promising Interventions \(webinar\)](#)

Miscellaneous

- Northwest Portland Area Indian Health Board, [Tribal Policy Guide \(Smoke-Free Tribal Housing Policy, pp. 77-78\)](#)
- Association of State and Territorial Health Officials webinar "Ask the Experts: Smoke-Free Housing Policies on Tribal Lands," [recording and slides](#)

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The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice.

Endnotes

- 1 See, e.g., Sault Tribe Health Services, *Your Family Deserves a Smoke-free Home: Facilitating Adoption of a Smoke-free Housing Policy for a Tribal Housing Authority — An Implementation Guide*, Sault Ste. Marie Tribe of Chippewa Indians (2011).
- 2 Tribal Community Coordinating Center, *A Tribal Success Story: Susanville Indian Rancheria Leads the Way for Smoke-free Tribal Housing*, <https://www.ca-tccc.org/tccc/assets/File/TCCC-SuccessStory-SusanvilleRancheria.pdf>.
- 3 Tribal Epidemiology Centers, *Smoke Free Tribal Housing Policies*, Oct. 19, 2016, <https://tribalepicenters.org/smoke-free-tribal-housing-policies>.
- 4 Hopland Band Const., Art. IX, Sec. 1(j), <https://www.hoplandtribe.com/sites/default/files/2017-05/Hopland%20Constitution%20effective%208-22-09.pdf>.
- 5 San Pasqual Housing & Community Development Private Home Ownership Program Policies and Procedures Manual, https://cdn.corecanvas.com/sanpasqual-723a8d62/media/original/5a55643441d887_18San_Pasqual_HCD_PHOP_Maintenance_Policy.pdf.
- 6 Instituting Smoke-Free Public Housing, 81 Fed. Reg. 87,430 (Dec. 5, 2016) (codified at 24 C.F.R. pt. 965 and 966), <https://www.federalregister.gov/documents/2016/12/05/2016-28986/instituting-smoke-free-public-housing>.
- 7 U.S. Dep't of Housing and Urban Development, *Implementing HUD's Smoke-Free Policy in Public Housing: HUD Guidebook 3-4*, https://www.hud.gov/sites/documents/SMOKEFREE_GUIDEBK.PDF.
- 8 See Ctrs. for Disease Control & Prevention, *Children in the Home*, https://www.cdc.gov/tobacco/basic_information/secondhand_smoke/children-home/index.htm.
- 9 See, e.g., Thirdhand Smoke: A Select Bibliography of Recent Studies, Public Health Law Center, available at <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-thirdhand-smoke-bibliography-2013.pdf>.
- 10 John Kingsbury & Dawn Reckinger, *Clearing the Air: Smoke-Free Housing Policies, Smoking, and Secondhand Smoke Exposure Among Affordable Housing Residents in Minnesota*, 2014-2015, 13 Preventing Chronic Disease 160195 (Aug. 18, 2016), <http://dx.doi.org/10.5888/pcd13.160195>.
- 11 Ctrs. for Disease Control & Prevention, *Cigarette Smoking in the US*, https://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm (last reviewed Nov. 15, 2019).
- 12 Patricia Nez Henderson et al., *Correlates of Cigarette Smoking Among Selected Southwest and Northern Plains Tribal Groups: The AI-SUPERFPF Study*, 5 AM. J. PUB. HEALTH 867 (2005), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449270/pdf/O950867.pdf>.

- 13 California Department of Public Health, California Tobacco Facts and Figures 2019, p. 9, available at <https://www.cdph.ca.gov/Programs/CCDCPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/CATobaccoFactsandFigures2019.pdf>.
- 14 *Id.*, at 17.
- 15 Ctrs. for Disease Control & Prevention, American Indian Adult Tobacco Survey Implementation Manual 7 (2008), https://www.cdc.gov/tobacco/data_statistics/surveys/american_indian/pdfs/ai_ats.pdf.
- 16 David Espey, *Leading Causes of Death and All-Cause Mortality in American Indians and Alaska Natives*, 104 AM. J. PUB. HEALTH S303-S311 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4035872>.
- 17 Linda Schieb et al., *Trends and Disparities in Stroke Mortality by Region for American Indians and Alaska Natives*, 104 AM. J. PUB. HEALTH S368 (2014), <http://ajph.aphapublications.org/doi/full/10.2105/AJPH.2013.301698>.
- 18 Ctrs. for Disease Control & Prevention, *American Indians, Alaskan Natives & Tobacco Use* (2018), <https://www.cdc.gov/tobacco/disparities/american-indians/index.htm>.
- 19 Sarah Jackson et al., *COVID-19, Smoking and Inequalities: A Study of 53 002 Adults in the UK*, TOBACCO CONTROL (2020), doi: 10.1136/tobaccocontrol-2020-055933.
- 20 Rowan Hillson, *COVID-19: Diabetes and Death. A Call to Action*, 37 PRACTICAL DIABETES 76-78 (2020), <https://doi.org/10.1002/pdi.2271>.
- 21 <https://www.erancheria.com>.
- 22 See <https://www.hoplandtribe.com>.
- 23 Tribal Epidemiology Centers, *Smoke Free Tribal Housing Policies*, Oct. 19, 2016, <https://tribalepicenters.org/smoke-free-tribal-housing-policies>.
- 24 See 24 C.F.R. § 1000.2 (2019).
- 25 24 C.F.R. § 1000.40 (2019).
- 26 See HUD Office of Policy Development and Research, *Public Housing: Image Versus Facts*, <https://www.huduser.gov/periodicals/ushmc/spring95/spring95.html>.
- 27 Pala Band of Mission Indians, Pala Tribal Housing, <http://www.palatribe.com/residents/pala-housing-program>. See also Picayune Rancheria of the Chukchansi Indians, Programs and Services: Low Rent Program, <https://chukchansitribe.net/tribal-government/housing-authority-ciha/ciha-programs-services>. (“The units available for [the Low Rent Housing Program] are houses owned by the [Chukchansi Indian Housing Authority].”)
- 28 Bureau of Indian Affairs, About Us, <https://www.bia.gov/about-us>.
- 29 See, e.g., Nat’l Conference of State Legislatures, *List of State Recognized Tribes*, <http://www.ncsl.org/research/state-tribal-institute/list-of-federal-and-state-recognized-tribes.aspx#State>.
- 30 California Courts, California Tribal Communities, <https://www.courts.ca.gov/3066.htm>.
- 31 Sault Tribe Health Services, *Your Family Deserves a Smoke-free Home: Facilitating Adoption of a Smoke-free Housing Policy for a Tribal Housing Authority — An Implementation Guide* at 7-24, Sault Ste. Marie Tribe of Chippewa Indians (2011).
- 32 Sault Tribe Health Services, *Your Family Deserves a Smoke-free Home: Facilitating Adoption of a Smoke-free Housing Policy for a Tribal Housing Authority — An Implementation Guide* 7-24, Sault Ste. Marie Tribe of Chippewa Indians (2011).
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