



## Subsidized Housing and Smoke-free Policies:

### Overview of Subsidized Housing

A growing number of multi-unit housing programs are adopting smoke-free policies to reduce exposure to secondhand smoke. This fact sheet provides a basic overview of two types of federally subsidized multi-unit housing and the government's approach to smoke-free policies.

#### What is public housing?

Generally, public housing is housing that is both owned and managed by a city or county Public Housing Agency (PHA) to ensure the availability of housing for low-income populations. In addition to local funding sources, PHAs typically receive federal funding through the department of Housing and Urban Development (HUD). Applicants for public housing must meet income and other standards in order to qualify for public housing and generally are required to pay about 30% of their income towards rent.



#### What is Section 8 housing?

Section 8 housing, also known as the Housing Choice Voucher program, is a federally funded program intended to expand choice in properties available to low-income tenants. On the federal level, the program is administered by HUD. HUD awards grants to a local PHA, which then issues vouchers to eligible property owners and low-income tenants. A voucher is an authorization from the PHA indicating that the tenant or the property owner meets HUD guidelines and is qualified to receive rental subsidies from the PHA.

#### How is public housing different from Section 8 housing?

The primary difference between public housing and Section 8 housing is ownership of the property. Public housing is generally owned by a local PHA. In contrast, Section 8 housing is typically privately owned. For more information on types of affordable housing, see [Creating Smoke-free Affordable Housing](#).

#### What are the different types of Section 8 vouchers?

Section 8 vouchers are issued either as *project-based* vouchers or *tenant-based* vouchers.<sup>1</sup> A project-based voucher subsidizes rent for HUD-approved tenants at a specific property. Thus the

voucher subsidy remains associated with the property after an eligible family moves out. In contrast, a qualifying family with a tenant-based voucher keeps the voucher after moving out and may use it to subsidize rent at a different eligible property.

### **How does a project-based voucher work?**

Under the project-based voucher program, a PHA contracts with a property owner, who designates units for participation in the program for a 10-year period. The owner agrees to construct or maintain a property according to the program's requirements, and the PHA agrees to subsidize the units. The PHA refers eligible families from its waiting list to participating properties with vacant units. Qualifying tenants pay a portion of rent to the property owner, who also receives a subsidy payment from the PHA. Unlike tenant-based vouchers, the subsidy remains with the property after a qualifying family moves out.

### **How does a tenant-based voucher work?**

Families in search of housing apply to a local PHA for a tenant-based voucher. If they qualify, families may use this voucher to subsidize their rent at a qualifying privately owned property. In order to qualify under the program, a property must be inspected by the local PHA to ensure the property meets HUD requirements. A participating tenant pays a portion of rent directly to the property owner, and the local PHA pays the property owner the remainder. When the tenant leaves the property, the voucher remains with the tenant and can be used at another property that is eligible to accept tenant-based vouchers.

### **What is the federal government's position on smoke-free policies for federally subsidized housing?**

HUD "strongly encourages [PHAs] to implement smoke-free policies in some or all of their public housing units."<sup>2</sup> This [notice](#) was first published by HUD in 2009 and reissued in 2012. The notice does not require PHAs to adopt smoke-free policies but it explains the health benefits to residents, the reduction in fire risks, and the lower costs of maintenance that result from such policies. HUD also has compiled a [toolkit](#) for owners and managers of PHAs, which includes reasons to pursue smoke-free housing, the health consequences of exposure to secondhand smoke, and detailed information for landlords who wish to create a smoke-free policy such as sample resident letters, surveys, and lease addendum.<sup>3</sup>

HUD also encourages private property owners participating in the project-based Housing Choice Voucher program to adopt smoke-free policies for their buildings, but does not require them. In September 2010, HUD published a notice that provides guidance on the adoption of smoke-free policies for owners of project-based Section 8 housing. In October 2012 HUD issued a notice to further encourage the adoption of smoke-free policies by owners who have not yet chosen to do so. Both the 2010 and 2012 documents guide owners on how to establish and enforce smoke-free housing policies for "their buildings and grounds including any common areas, entry ways, openings to the buildings (e.g., windows), and/or playground areas."<sup>4</sup>

## Have any PHAs created smoke-free housing?

Yes, as of 2011 more than 230 local housing authorities had adopted smoke-free policies for some or all of their apartment buildings.<sup>5</sup>

## Other Helpful Resources

The Consortium and its parent organization, the [Public Health Law Center](#), have a [web page](#) that features several publications and resources on smoke-free housing, including a [law synopsis](#), a [Tips & Tools guide](#), and an additional [factsheet](#) on multi-unit affordable housing. The [Smoke-free Environments Law Project](#) also has many smoke-free housing policy resources and links on its website, including helpful resources for both tenants and landlords, such as the National Apartment Association's Guidelines for [No- Smoking Policies in Apartments](#). Other organizations, such as [Americans for Nonsmokers' Rights](#), have [web pages](#) containing the latest news and resources on smoke-free housing initiatives.

## Contact Us

Please feel free to contact the Tobacco Control Legal Consortium at [publichealthlaw@wmitchell.edu](mailto:publichealthlaw@wmitchell.edu) with any questions about the information included in this guide or to discuss local concerns you may have about implementing a smoke-free housing policy.

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## Notes

<sup>1</sup> U.S. DEP'T OF HOUSING AND URBAN DEV., Project Based Vouchers, *available at* <http://www.HUD.gov/offices/pih/programs/hcv/pubs/pbvfaq.pdf> (last visited Sept. 4, 2013).

<sup>2</sup> U.S. DEP'T OF HOUSING AND URBAN DEV., NOTICE NO. PIH-2012-25, SMOKE-FREE POLICIES IN PUBLIC HOUSING (May 29, 2012), *available at* <http://portal.hud.gov/huddoc/pih2012-25.pdf> (last visited Sept. 11, 2013); U.S. DEP'T OF HOUSING AND URBAN DEV., NOTICE PIH-2009-21 (HA), NON-SMOKING POLICIES IN PUBLIC HOUSING (July 17, 2009), *available at* <http://www.hud.gov/offices/pih/publications/notices/09/pih2009-21.pdf> (last visited Sept. 11, 2013).

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<sup>3</sup> U.S. DEP'T OF HOUSING AND URBAN DEV., SMOKE-FREE HOUSING: A TOOLKIT FOR OWNERS/MANAGEMENT AGENTS OF FEDERALLY ASSISTED PUBLIC AND MULTI-FAMILY HOUSING, *available at* <http://portal.hud.gov/hudportal/HUD?src=/smokefreetoolkits1> (last visited Sept. 4, 2013).

<sup>4</sup> U.S. DEP'T OF HOUSING AND URBAN DEV., NOTICE NO. H 2012-22, FURTHER ENCOURAGEMENT FOR O/AS TO ADOPT OPTIONAL SMOKE-FREE HOUSING POLICIES (Oct. 26, 2012), *available at* <http://portal.hud.gov/huddoc/12-22hsgn.pdf> (last visited Sept. 11, 2013); U.S. DEP'T OF HOUSING AND URBAN DEV., NOTICE NO. H 2010-21, OPTIONAL SMOKE-FREE HOUSING POLICY IMPLEMENTATION 1, 3 (Sep. 15, 2010), *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=10-21hsgn.pdf> (last visited Sept. 11, 2013).

<sup>5</sup> SMOKE-FREE ENV'TS LAW PROJECT, CTR. FOR SOCIAL GERONTOLOGY, HOUSING AUTHORITIES/COMMISSIONS WHICH HAVE ADOPTED SMOKE-FREE POLICES (2011), *available at* <http://www.tcsg.org/sfelp/SFHousingAuthorities.pdf> (last visited Sept. 11, 2013).