



Tobacco Control
Legal Consortium

Washington state webinar on SF MUDS
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Smoke-Free Housing Is Legal
& Good for Business & Health



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Presenter

Jim Bergman, J.D.
Smoke-Free Environments Law Project
The Center for Social Gerontology, Inc.
Ann Arbor, Michigan
734 665-1126
jbergman@tcsg
www.mismokeefreeapartment.org
www.tcsg.org/sfelp/home.htm



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Smoke-Free Multi-Unit Housing is Becoming the Norm

Hundreds of thousands of units of market-rate, affordable and public housing are smoke-free all across the U.S.

Includes large, multi-state companies, moderate sized companies, small companies, and single-family home rentals, as well as public housing.

Multi-unit housing trade groups support smoke-free policies and tell members such policies are legal and good business, e.g., National Apartment Association.



Smoke-Free Housing Authorities

Feb., 2010: 150 housing authorities in 22 states, including 6 in Washington state.

Dec. 31, 2004: about 15 housing authorities in 7 states had smoke-free policies for some or all their buildings. One in Washington (Seattle).

An increase of 900% in 62 months.

Over 2 new housing authorities per month



Smoke-Free Policies Are Legal

- Smoke-free policies are legal in market-rate and affordable housing, including HUD-subsidized.
- **Neither federal nor state law prohibits an owner from making their apartment building totally smoke-free.**



Smoke-Free Policies Are Legal

- Many HUD letters state that public & subsidized housing operators are **free under federal & state laws to make their buildings totally smoke-free**, so long as they adhere to state law notice and other requirements.*
- Grandfathering only required for as long as the state law requires.*

* See Seattle HUD office letter of October 13, 2004



Smoke-Free Policies Are Legal

As the HUD letters have stated:

“The right to smoke or not to smoke is not a right that is protected under the Civil Rights Act of 1964 because smokers are not a protected class under federal law.”

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are needed to see this picture.

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Your have resources online:

Tobacco Control Legal Consortium site

<http://tclconline.org>

Infiltration of Secondhand Smoke Into Apts & Condos

<http://tclconline.org/documents/infiltration.pdf>

There Is No Constitutional Right to Smoke

<http://tclconline.org/documents/constitutional-right.pdf>

The Americans with Disabilities Act: Effective Legal
Protection Against Secondhand Smoke Exposure

<http://tclconline.org/documents/Douglas.pdf>