



EQUITABLE SMOKE-FREE POLICIES IN PUBLIC HOUSING

A WEBINAR ABOUT IMPLEMENTING AND
ENFORCING SMOKE-FREE POLICIES IN PUBLIC
HOUSING.

February 5, 2020

BRIDGETT SIMMONS

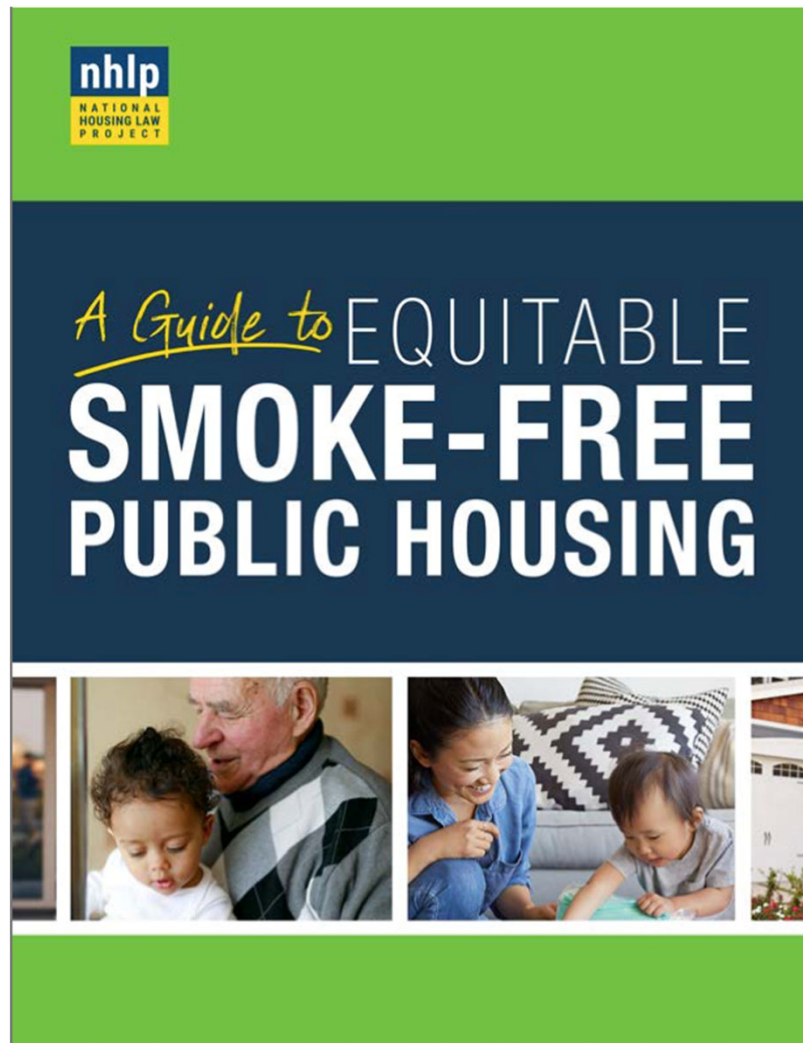
National Housing Law Project

KARA SKAHEN

Clean Air for All: The Smoke-Free Public Housing Project

Equitable Smoke-Free Policies in Public Housing

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1. FINDING THE BALANCE BETWEEN TWO PUBLIC HEALTH CONCERNS REQUIRES EQUITABLE IMPLEMENTATION AND ENFORCEMENT.
2. EDUCATION AND ENGAGEMENT SHOULD BE THE CORNERSTONE OF THE FOUNDATION OF THE POLICY.
3. PARTNERSHIPS AND COLLABORATION ARE KEY!

Equitable Smoke-Free Policies in Public Housing

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Services and Support

- PHAs should seek Collaborations and Partnerships
- Provide Resident Support

Structure of Policy

- Use of E-Cigarettes
- If Possible, Provide a Designated Smoking Area
- Provide Reasonable Accommodations

Mechanisms of Enforcement

- Use Graduated Enforcement
- Do Not use Fees and Fines
- Resetting the Clock
- Caution use of Smoking Monitors and Detection Kits
- Evictions should be used in limited circumstances

What does the public housing smoke-free rule require of housing authorities and residents?

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PHAs had to:

- PHAs must amend all applicable PHA plans
 - If adoption of a smoke-free policy constitutes a significant amendment to their plans, housing authorities must go through a public notice and comment process.
 - Obtain board approval of their smoke-free policy and amend their housing authority plans.
- Amend resident leases to incorporate the requirement that residents and guests must not smoke.
 - Provide residents 60-days notice of the lease revisions.
- Employ various methods of communication to inform residents of the smoke-free policy, including consideration of language access needs for residents with Limited English Proficiency and effective communication methods for people with disabilities.

Residents had to:

- Sign lease amendments as a condition of continued occupancy.
- Ensure that all members of the residents' household, residents' guests and other persons under the resident's control cannot smoke in restricted areas or in outdoor areas designated smoke-free

25-Foot Radius

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FINAL RULE REQUIRES SMOKING TO BE BEYOND THE 25-FOOT RADIUS FROM THE BUILDING, OR TO THE PROPERTY LINE WHERE THE BOUNDARY IS LESS THAN 25 FEET FROM THE BUILDING

- Inform residents where they can smoke
- Where there is available space, consider creating a designated smoking area
- Inform neighbors of the policy

Electronic Nicotine Delivery Systems (ENDS)

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- ENDS not considered a prohibited nicotine product in HUD's final rule
- Contains nicotine and other cancer-causing chemicals
- Can be used as harm-reduction intervention to assist residents with compliance with policy
- Do not present the same risk of causing catastrophic fires

Reasonable Accommodations

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A REASONABLE ACCOMMODATION IS A CHANGE IN A RULE, POLICY, PRACTICE OR SERVICE THAT MAY BE NECESSARY TO ALLOW A PERSON WITH A DISABILITY THE EQUAL OPPORTUNITY TO USE AND ENJOY THEIR HOME.

- Smoking is not a disability as defined by fair housing and civil rights laws
- Residents can request an accommodation based on an underlying disability that frustrates the tenant's ability to comply with smoke-free rules.
- Examples for providing reasonable accommodations include:
 - Allowing a tenant with a mobility impairment to use e-cigarettes or move to a different room, closer to the exit and outdoor designated smoking area;
 - Granting a tenant with mental health disabilities more time to work with a social worker on a plan to comply with the smoke-free policy; and
 - Providing a homebound individual more time to purchase nicotine products that will not violate the rules such as nicotine replacement therapy (e.g., the nicotine patch, gum, or lozenge).

Structure of Enforcement

- PHAs develop their local process for enforcement
 - Characterize smoking as a minor lease violation
- Fines and Fees
- Nicotine Monitors and Kits
- Graduated Enforcement
 - Incremental Steps
 - Pair with resources
 - Reset the clock after positive performance
- Evictions as a last resort
- Tenant and Partner's Role

Setting a Firm Foundation

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PROVIDING INFORMATION AND TRAINING ARE CENTRAL TO SUCCESSFUL IMPLEMENTATION

Educational programs for residents and staff can be conducted several ways and must fit the format that is appropriate for your resident and staff community such as webinars, community meetings, handouts, or a training course. Educational programs for staff and residents should include key information about the local smoke-free policy including:

- What are the requirements of the smoke-free policy;
- How will the smoke-free policy be implemented;
 - Where is smoking prohibited
 - Is there a designated smoking area on-site
 - What tobacco items are prohibited and what items are not prohibited
 - How will the PHA will manage reasonable accommodation requests
 - How will knowledge of the smoke-free policy be transferred to new employees
- How will the smoke-free policy be enforced;
 - Does the PHA have a graduated enforcement plan
 - How many steps are in a graduated enforcement plan
 - What will happen at each step
 - Where can residents make a report if they smell secondhand smoke in their unit
 - How will staff manage tenant complaints of a violation
- The goals of the smoke-free policy, including the importance of healthy housing for all residents especially families with children;
 - The effects of smoking and secondhand smoke on a smoker, families with children, and those with chronic illnesses
 - The ways the policy can help create a healthy community
- A list of partnerships with public health and community organizations that can provide additional information and support services.



Leveraging Community Partnerships in Smoke-Free Housing Implementation and Maintenance

February 5, 2020

CLEAN AIR FOR ALL
THE SMOKE-FREE PUBLIC HOUSING PROJECT



HELLO!

We are a partnership between:

Live Smoke Free, a program of the Association for Nonsmokers MN (LSF)

National Association of Housing & Redevelopment Officials (NAHRO)

Tobacco Control Legal Consortium at the Public Health Law Center

What we can offer

- Training & education
- Consultations
- Tips for resident engagement
- Implementation tools
- Compliance & enforcement strategies
- Referrals to cessation resources
- Referrals to local support



Why partnership?

- Increase resident engagement
- Promote policy efficacy
- Strengthen policy compliance
- Address equity and cultural barriers
- Access resources
- Reinforce messaging
- Address gaps in service




Potential partners

- Smoke-free housing programs
- State or local public health departments
- Nonprofit community or health organizations
- Resident councils
- Health clinics and health insurance providers
- Resident service/social service providers
- Mental health clinics or organizations
- Local fire departments
- Pharmacies
- Researchers (colleges, universities)



How can partners help?

- Pre and post policy implementation
 - Resident buy-in and engagement
 - Cultural technical assistance, including translation
 - Provision of educational resources or giveaways
 - Healthy living and tobacco cessation support
 - Research/evaluation
- 

How do I find partners?

- Consider existing PHA partners and networks
- Connect with your local public health department
- Inquire with a local health insurance provider or university
- Find a local smoke-free housing program:
 - Global Directory of Smoke-Free Housing Programs is available at www.smokefreepublichousingproject.org



Spotlight on: City of Bayonne HA (New Jersey)

Opportunity:

- Some residents did not have as much exposure to smoke-free laws
- Some expressed resistance to the building's new smoke-free rule

Solution:

- Won a “Party in a Box” from a Clean Air for All webinar
- Organized a “Senior Health And Resource Expo”
- Involved multiple community partners to promote, recruit, participate in the SHARE event



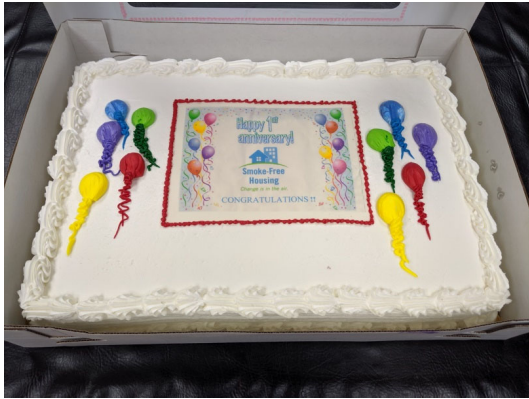
Spotlight on: City of Bayonne HA (New Jersey)

Included partners:

- Tenant council
- Tobacco Free for a Healthy New Jersey
- The Bayonne Economic Opportunity Foundation
- The Hudson County Clerk's Office
- The Bayonne Police Department
- Congregate Services
- The Hudson County Improvement Association
- The Transportation Management Association
- The Bayonne Office on Aging
- The Waterfront Project, Inc
- Horizon Blue Cross Blue Shield



Spotlight on: City of Bayonne HA (New Jersey)



Spotlight on:

City of Bayonne HA (New Jersey)

- Event highlights:
 - 80 participants
 - Good response from residents
 - Requests for smoking cessation assistance
 - Follow up event occurred during the Great American Smokeout, Nov 2019

Spotlight on:

Dakota County CDA (Minnesota)

Opportunity:

- Approximately 33% of residents smoked
- Direct cessation not an allowable expense under statewide funding
- HUD did not include cessation support funding as part of the smoke-free public housing rule
- PHAs asked for on-site cessation services for residents



Solution:

- Develop relationship with HealthPartners to bridge service gap

Partnership Profile: HealthPartners

- Clinic outreach in early 2017 to inform local healthcare about the smoke-free rule
 - Made initial connections with HealthPartners
- Scholarship opportunity from MDH for Tobacco Treatment Specialist Training
 - Trained 5 HealthPartners coaches
- Made the case for on-site cessation coaching at local PHAs
- HealthPartners offered to assist by sending a coach to cessation meetings and events

Smoke-Free Public Housing: What It Means for your Patients

According to a new rule from the United States Department of Housing and Urban Development (HUD), residents of public housing will no longer be allowed to smoke inside public housing buildings including individual units and outdoor areas within 25 feet of those buildings.

When does the smoke-free rule take effect?

All public housing in Dakota County will transition to smoke free by July 30, 2018.

Which properties in Dakota County does the rule affect?

- Colleen Loney Manor, 1675 Livingston Ave, West St. Paul, MN 55118
- Ivan McKay building, 200 Marie Ave, South St Paul, MN 55075
- John Carroll building, 300 Grand Ave, South Saint Paul, MN 55075
- Various scattered sites throughout Dakota County

How will the rule impact my patients who live in public housing?

Patients living in public housing will benefit from reduced exposure to secondhand smoke and an environment that promotes healthy living and tobacco cessation.

What can I expect as a healthcare provider?

Healthcare providers can anticipate increased interest in cessation from patients who live in public housing, and provide tobacco treatment when appropriate.

Using agencies and residents with this transition?

HealthPartners and its partner, Smoke Free, are assisting local public housing residents with the transition to smoke free. Residents who wish to quit smoking are encouraged to discuss quitting with their healthcare provider.

For more information?

For Services, Minnesota's free cessation program <https://www.quitnow.org> or for more information or would like to discuss help to incorporate tobacco of care, contact Amy Jones, Health Promotion Specialist at the Dakota County Health Department or 651-554-6134.





What We've Tried

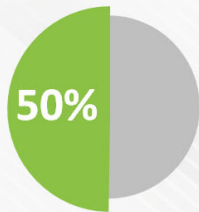
On-site cessation support from HealthPartners in multiple formats since October 2017



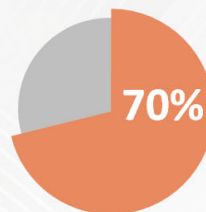
Total reach of 60+ participants to date

Spotlight on: Dakota County CDA (Minnesota)

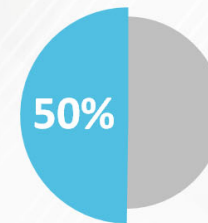
Cessation Pilot Groups - Evaluation



of participants
had tried to quit or
cut back in the past
30 days



of participants said group
coaching was **somewhat** or
very important to their
success at quitting smoking



of participants
wanted to receive
additional
cessation coaching

Spotlight on: Dakota County CDA (Minnesota)

“

I'm happy to report that since the South St. Paul HRA public housing buildings went smoke free, and with the support of Tonnisha, the Health Coach from HealthPartners, a number of our residents have cut back or quit smoking altogether and are living healthier lives as a result.

”

“

I'm very glad it was offered. I wouldn't have made these small steps to quit the tobacco.


”

Considerations

- What challenges/opportunities do you have at your building?
- Who in your network or community can offer solutions?
- When is an opportune time to partner?
- Where could partnership activities take place?



Lessons Learned

- Utilize current networks
 - Be flexible
 - Think outside the box
 - Commitment is key
 - Listen and engage with residents
- 

Upcoming Events

Webinar:

Smoke-Free Public Housing: Looking Back, Looking Forward
February 27, 2020

Register: smokefreepublichousingproject.org

Sign up for our email list:

info@smokefreepublichousingproject.org





CONNECT WITH US



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Alternative Smoke-Free Policy Structures for Non-public housing

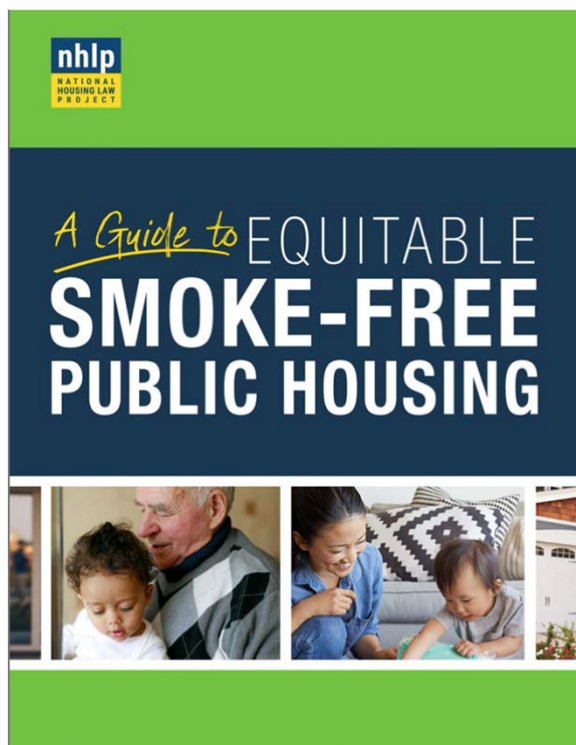
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- Policy can Differ from HUD's PH final rule
- Non-renewal of the lease rather than eviction

“The lease shall be renewed automatically unless the family fails to comply with the smoke-free housing rules/lease provision. Violation of the smoke-free rules is grounds for nonrenewal of the lease at the end of the lease term, but not for termination of tenancy during the course of the lease term. The tenant must be given notice of the violation and a reasonable opportunity to comply (such as 3-6 months) before the manager or owner decides not to renew the lease.”

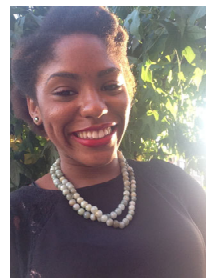
- Subsidized property still subject to HUD regulations

Closing Statements



What's Next

- Expansion of Smoke-Free Policies
- Expansion of Partnerships and Collaboration
- NHLP will continue to provide TA



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