

United States House of
Representatives
Committee on
Financial Services
Washington, D.C. 20515

February 26, 2016

The Honorable Julián Castro
Secretary
The U.S. Department of Housing and Urban Development
451 7th Street, S.W.
Washington, D.C. 20410

Dear Secretary Castro:

I write today to express my serious concerns about HUD's new proposed rule to prohibit smoking in public housing developments across the nation. Like many Americans, I am gravely concerned about the health effects of both smoking and secondhand smoke, particularly on young people. However, I am concerned that HUD's proposed rule singles out America's poor, provides absolutely no resources to truly solve the problem of smoking addiction, opens the door to increased evictions and homelessness, and increases burdens on public housing authorities (PHAs).

First, HUD's proposed rule stigmatizes and singles out public housing residents by imposing behavioral limitations that are not applicable to other populations, including other HUD-assisted housing residents. Less than one quarter of Americans receiving federal housing assistance live in public housing, but HUD does not include any other federal housing beneficiaries—including those residing in Section 8 Tenant- and Project-Based Rental Assistance properties—as part of this new initiative to ban smoking. It is not clear why HUD has chosen to single out public housing residents other than the fact that they happen to be the easiest population to impose new requirements upon.

At the same time, this proposed rule makes no meaningful efforts to help residents quit what, in many cases, has been a lifelong habit. In fact, HUD has explicitly stated that no additional funding for smoking cessation will be made available. Simply forcing someone to stop smoking in their home does not seem like a meaningful or effective way to alter their behavior. If the goal of this initiative is to encourage residents to quit smoking, that goal will not be achieved without resources for cessation. Research has shown that programs that help smokers commit to quitting, and provide the tools and resources needed to achieve that goal, are both clinically effective and highly cost effective.¹

¹ The Centers for Disease Control and Prevention (2011, November). Quitting Smoking Among Adults—United States, 2001–2010. Accessed at: http://www.cdc.gov/tobacco/data_statistics/mmwr/byyear/2011/mm6044a2/intro.htm

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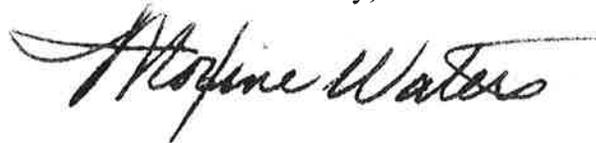
PHAs that wish to move towards smoke-free living should emphasize community engagement and education, and should provide smoking residents with the resources they need to break their addiction. In fact, some PHAs have already taken this approach and have seen marked success. HUD should examine these successful strategies and seek to help PHAs replicate those strategies across the country.

I am also very concerned about the proposed rule's ambiguity when it comes to how the smoking ban would be enforced. It is wholly unclear how a violation of the smoking ban would be detected and verified, or how such detection methods would affect tenant privacy. PHAs are also left with absolute discretion as to what penalties correspond with varying degrees of violations. This lack of clarity leaves the door open to increased evictions, which could result in homelessness in some cases. We simply cannot afford to enact policies that could further exacerbate the problem of homelessness in this country at a time when there are nearly 600,000 homeless people on the streets and progress toward ending homelessness has stalled.

Additionally, the proposed rule imposes unfunded burdens on PHAs. Over the last several years, public housing has been plagued by chronic underfunding, making it increasingly difficult for PHAs to successfully operate and maintain the developments and services to residents. The proposed rule would require PHAs to design and implement a new enforcement scheme to comply with this smoking ban without any new resources to do so. This will effectively put greater strains on PHA budgets, which are heavily strained already, and make it more difficult for PHAs to continue serving the vulnerable populations that rely on them.

For these reasons, I urge the Department to seriously reconsider its strategy. HUD should focus on a supportive, educational strategy that makes voluntary smoking cessation the top priority. Without the necessary resources and a more community based strategy, the top-down edict contained in this proposed rule should not be finalized or implemented.

Sincerely,

A handwritten signature in black ink that reads "Maxine Waters". The signature is written in a cursive, flowing style with a long horizontal flourish extending to the right.

MAXINE WATERS
Ranking Member