

Reasonable Accommodation for Public Housing Residents with Disabilities who Smoke

As Public Housing Agencies (PHAs) implement a smokefree policy at their public housing properties in accordance with [HUD's rule](#), PHAs need to maintain the requirements of the policy while responding to reasonable accommodation requests from residents with disabilities who smoke.

HUD guidance states that an accommodation cannot be to allow smoking inside units or elsewhere inside the building, or within 25 feet of buildings. The accommodation needs to take another form, based on individual circumstances, in a manner that will not violate the property's smokefree requirements. PHAs have a legal responsibility to uphold the smokefree policy and to consider reasonable accommodation requests.

The HUD smokefree rule applies to all combustible tobacco products. PHAs have the discretion to include the use of electronic smoking devices (vaping) in their smokefree policy. It's important to remember that [HUD-funded properties do not permit the use of medical or recreational marijuana](#), even if a resident has a medical marijuana prescription. Thus, PHAs cannot grant a reasonable accommodation request to smoke tobacco or marijuana inside a public housing property.

HUD's [Guidance Memo on Instituting and Enforcing Smoke-Free Public Housing Policies](#) provides detail about reasonable accommodations, and HUD's guidebook on [Implementing HUD's Smoke-Free Policy in Public Housing](#) addresses this issue on pages 33-34:

“PHAs must consider all requests for reasonable accommodations, including requests from tenants with, for example, mobility impairments or mental disability, regarding compliance with smoke-free policies. Smoking in a unit is not a reasonable accommodation. Such smoking-related accommodation requests are expected to be rare but must be evaluated on a case-by-case basis. For example, in implementing its smoke-free policy, one PHA accommodated requests from several tenants with mobility issues who asked to be **transferred to units closer to an elevator or door** to facilitate their ability to go outside to smoke and comply with the smoke-free policy. In another example, a PHA helped a tenant with a mental disability comply with its smoke-free policy by having a social worker **place signs in the home reminding the tenant about the policy's requirement** to go outside to smoke. In considering requests for reasonable accommodation, housing providers should keep in mind that a primary reason for adopting a smoke-free policy is to protect nonsmokers from exposure to secondhand smoke.”

Additional examples of reasonable accommodations that PHAs have provided include:

- **Facilitating access to nicotine replacement therapy** to help residents with limited mobility manage their cravings at night when they may not be able to get outside or feel safe doing so.
- Working with residents to **form smoke-break buddies**, where a disabled person who smokes is assisted by a non-disabled person who smokes to get to a location where smoking is permitted.

- **Moving a resident to the first floor** from a higher floor.
- Relocating a resident to a **building with an elevator**.
- Installing **door hardware that is easier to use**, such as levers or a key fob.
- Creating an **outdoor smoking area that is accessible** for the resident's needs, such as having a pathway, ramp, handrail, lighting, and/or seating.

PHAs are encouraged to work with residents, resident services, and property management to think creatively about how to best accommodate residents with disabilities who smoke in order to meet their needs while also meeting the policy's requirements of not smoking inside or within 25 feet of buildings.

More information is available at no-smoke.org/at-risk-places/homes/ or by contacting us at 510-841-3032.

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