

**6128 PUBLIC HOUSING: SMOKE-FREE POLICY**

6128.1 Purpose. In accordance with the Department of Housing and Urban Development's mandate contained in 24 C.F.R. § 965.651 *et seq.*, the purpose of this section is to minimize the risk of fire, reduce maintenance costs, and eliminate the adverse health effects associated with second and thirdhand smoke.

6128.2 Applicability.

- (a) This section applies to public housing assisted units as defined in D.C. Code § 6-201(41), except for dwelling units in redeveloped properties as defined in § 6113.1.
- (b) This section applies to all residents, guests, visitors, service personnel and employees.

6128.3 Smoke-Free Public Housing. Smoking is prohibited within:

- (a) All interior common areas, including but not limited to community rooms, community bathrooms, lobbies, hallways, laundry rooms, stairways, offices, and elevators;
- (b) All living units; and
- (c) All outdoor areas on public housing grounds.

6128.4 Designated Smoking Areas. The DCHA may designate Smoking Areas on public housing grounds provided that the Smoking Area is not within 25 feet of public housing or administrative office buildings in which public housing is located.

6128.5 The DCHA is not a guarantor of a smoke-free environment. The DCHA is not required to take steps in response to smoking unless it has actual knowledge of the smoking and the identity of the responsible resident.

6128.6 Lease Violation. Residents are responsible for the actions of their household, their guests, and visitors. Repeated failures to adhere to conditions in section 6128.04 will constitute both a material non-compliance with the lease agreement and a serious violation of the Lease Agreement. In addition, resident will be responsible for all costs to remove smoke odor or residue upon any violation of this section.

6128.99 Definitions.

The term **“smoking”** means inhaling, exhaling, breathing, carrying, or possessing any lighted cigar, cigarette, pipe, or other tobacco product or similar lighted product in any manner or in any form.

## District of Columbia Municipal Regulations

For purposes of this section “**public housing**” means low-income housing, and all necessary appurtenances (*e.g.*, community facilities, public housing offices, day care centers, and laundry rooms) thereto, assisted under U.S. Housing Act of 1937 (the 1937 Act), other than assistance under Section 8 of the 1937 Act.

SOURCE: Final Rulemaking published at 65 DCR 7845 (July 27, 2018).