



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-0500

OFFICE OF GENERAL COUNSEL

January 11, 2008

By Facsimile (410) 706 - 1128

Kathleen Dacheille  
Director, Legal Resource Center for Tobacco Litigation  
University of Maryland School of Law  
500 West Baltimore Street  
Baltimore, Maryland 21201-1786

Dear Ms. Dacheille:

This letter is in response to your January 4, 2008 letter seeking our opinion on whether owners and managers of low-income residential developments receiving assistance from the United States Department of Housing and Urban Development (HUD) may prohibit smoking in individual apartments.

Currently, there is no HUD statute, regulation, notice, handbook or other issuances that restricts owners and managers from adopting a policy of prohibiting smoking in common areas or in individual units. Additionally, the Office of General Counsel in Headquarters has not issued a formal opinion on smoking in HUD assisted housing.

Please be advised that HUD laws require that managers and owners receiving federal housing assistance comply with State and local law. Since HUD has not promulgated a policy, the issue is left to the owners and managers whom may adopt appropriate house rules regarding smoking within any constraints imposed by State or local law.

Thank you for your interest in HUD programs.

Sincerely,

Sharon M. Pitts  
Deputy Assistant General Counsel

[www.hud.gov](http://www.hud.gov)

[espanol.hud.gov](http://espanol.hud.gov)



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