



U.S. Department of Housing and Urban Development

Jacksonville Area Office
Office of Public Housing
301 West Bay Street, Suite 2200
Jacksonville, Florida 32202-5121

4HPHO

JUL 09 1996

Ms. Linda Dusanek
Interim Executive Director
Housing Authority of the
City of Fort Pierce 707 N. 7th Street
Fort Pierce, Florida 34950

Dear Ms. Dusanek:

This is in response to your letters dated February 19, 1996, and March 30, 1996, regarding the Housing Authority of the City of Fort Pierce's (HACFP) proposed "No Smoking Addendum" to the HACFP Dwelling Lease.

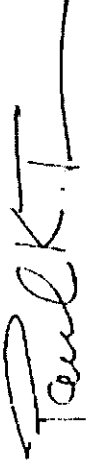
Based on information received from the Associate General Counsel, Office of Assisted Housing and Community Development, in HUD Headquarters, it appears there are no statutory or regulatory prohibitions to a PHA restricting or prohibiting smoking in its public housing units. In addition, the right to smoke or not to smoke is not a right protected under the Civil Rights Act of 1964, or any of the other HUD-enforced civil rights authorities. Neither smokers nor non-smokers are groups that receive special recognition under the Civil Rights Act.

It appears the HACFP has complied with regulations at 24 CFR 966 in establishing the "No Smoking Addendum," including the provisions at 24 CFR 966.3 which require at least a 30-day notice to tenants and resident organizations setting forth proposed changes in the lease, and providing an opportunity to present written comments.

This Office understands the "No Smoking Addendum" does not affect current residents. The addendum is only for new residents. We also understand the addendum does not affect the PHA's applicant selection process. An applicant's smoking preference has no bearing on the selection of an applicant from the HACFP's waiting list.

If you have any questions regarding this matter, please contact Mr. Michael W. Mitchell, Director, Operations Division, at (904) 232-1795.

Very sincerely yours,

A handwritten signature in cursive script that reads "Paul K. T." with a long horizontal line extending to the right.

Paul K. Turner, P.E.
Director
Office of Public Housing, 4HPH