

CLEAN AIR FOR ALL

THE SMOKE-FREE PUBLIC HOUSING PROJECT

April 7, 2020

Legal Update: Court Upholds HUD Smoke-Free Rule

A Legal Update from our Partners at the Public Health Law Center

On July 23, 2018, a pro-smoking organization and several public housing residents filed a [lawsuit](#) against the U.S. Department of Housing and Urban Development (HUD), [challenging](#) the agency's authority to require all public housing to be smoke-free. On March 2, 2020, the U.S. District Court for the District of Columbia rejected all the claims made by New York City Citizens Lobbying Against Smoker Harassment (NYC C.L.A.S.H.), including that the HUD rule violated various constitutional provisions, was not a proper exercise of HUD's authority, and was arbitrary, capricious, and an abuse of discretion.

In upholding the rule, the court affirmed the right of federal agencies to protect health; reaffirmed that smoking is not a fundamental right; and forcefully refuted the plaintiff's argument that secondhand smoke is not a health hazard.

[Read NYC C.L.A.S.H. v. Ben Carson](#)

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Clean Air for All: The Smoke-Free Public Housing Project is a collaboration of [Live Smoke Free](#) (LSF) a program of the Association for Nonsmokers - Minnesota and the [National Association of Housing and Redevelopment Officials](#) (NAHRO). This project is made possible with funding from the Robert Wood Johnson Foundation.