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November 2, 2012

Office of General Counsel
Regulations Division
Department of Housing and Urban Development
451 Seventh Street SW
Room 10276
Washington, DC 20410-0001

**RE: *Federal Register* Docket Number FR-5597-N-01
"Request for Information on Adopting Smoke-Free Policies in PHAs and Multifamily Housing"**

To Whom It May Concern:

On behalf of the National Affordable Housing Management Association (NAHMA), I would like to thank you for the opportunity to comment on the U.S Department of Housing and Urban Development's (HUD) "Request for Information on Adopting Smoke-Free Policies in PHAs and Multifamily Housing," published in the *Federal Register* on October 4, 2012.

NAHMA is a 501(c)(6) non-profit trade association which represents apartment property owners and managers, multifamily housing industry stakeholders, and providers of goods and services to the affordable housing industry. NAHMA's mission includes promoting the development and preservation of quality affordable multifamily housing and preparing affordable housing professionals to succeed in evolving economic and political environments.

First, we are pleased that the Department is seeking comments before it implements changes to its existing smoke-free policies for HUD-assisted housing. Feedback from property owners and management agents' (O/A) and industry stakeholders is invaluable. It helps the Agency identify and address any potential legal ramifications and implementation difficulties in any regulatory changes the Department may be considering. As a result, NAHMA strongly encourages HUD to continue soliciting feedback on smoke-free policies from multifamily O/As and industry stakeholders throughout the development and implementation process.

Second, we understand that HUD is planning on issuing a new notice that further encourages multifamily O/As to adopt smoke free policies at their properties. HUD states its *Federal Register* comment request is intended to help the Agency develop new and refine existing best practices, such as those already specified in HUD's "Smoke-Free Toolkit" and Notice H 2010-21 "Optional Smoke-Free Housing Policy Implementation" (September 15, 2010).

As HUD develops and issues new smoke-free regulations, NAHMA urges the Agency to ensure that these policies are NOT mandatory for the multifamily properties and programs it oversees. Implementing smoke-free best practices—including specific amendments to resident leases, changes to house rules, and enforcement mechanisms discussed in the *Federal Register* comment request—may not be feasible at some properties despite the Agency's best intentions. Multifamily O/As should have the maximum flexibility to design and implement smoke-free policies that meet the needs of properties and tenants and satisfy any

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requirements necessary under state and/or local landlord and tenant laws. Therefore, HUD's efforts would be best spent supporting voluntary smoke-free initiatives.

Please feel free to contact me if you have any questions regarding our comments. Thank you in advance for the consideration of our feedback.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristina Cook". The signature is fluid and cursive, with the first name "Kristina" and last name "Cook" clearly distinguishable.

Kristina Cook, CAE
Executive Director