

Effective:



Chapter 21

SMOKE FREE POLICY

Introduction and Purpose

The Department of Housing and Urban Development (HUD) is requiring Public Housing Authorities to adopt smoke-free policies in order to reduce the public health risks associated with tobacco use. (See PIH NOTICE: PIH-2012-25 Smoke Free Policies in Public Housing and the final rule on instituting smoke-free public housing dated December 5, 2016). This will enhance HUD's efforts to increase the effectiveness of HUD's efforts to provide increased public health protection for residents of public housing.

This policy is the RHA's **Smoke-free policy for all Robersonville Housing Authority's (RHA) properties**. This policy is based on HUD and RHA's intent to provide healthier, safer, living environments for residents and work environment for its employees. Effective July 30, 2018, all current residents, all employees, all guests, and all new residents of the RHA will be prohibited from smoking inside the buildings including the housing units and within any common areas owned or under the control of the RHA. The original policies are now updated to include the provisions of the final rules under Smoke Free Public Housing.

The new final rule requires each public housing agency (PHA) administering public housing to implement a smoke-free policy. Specifically, no later than by July 30, 2018, the RHA must implement a "smoke-free" policy banning the use of prohibited tobacco products in all public housing living units, indoor common areas in public housing, and in RHA administrative office buildings. RHA has been proactive in smoke free public housing and will implement the provisions.

HUD requires the smoke-free policy must at least extend to all outdoor areas up to 25 feet from the public housing and administrative office buildings. The smoke free rule improves indoor air quality in the housing; benefits the health of public housing residents, visitors, and RHA staff; reduces the risk of catastrophic fires; and lowers overall maintenance costs.

General Provisions

RHA must design and implement a policy prohibiting the use of prohibited tobacco products in all public housing living units and interior areas (including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures), as well as in outdoor areas within 25 feet from public housing and administrative office buildings (collectively, "restricted areas") in which public housing is located.

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According to HUD, RHA may limit smoking to designated smoking areas on the grounds of the public housing or administrative office buildings in order to accommodate residents who smoke. These areas must be outside of any restricted areas, as stated above and may include partially enclosed structures. Alternatively, RHA may choose to create additional smoke-free areas outside the restricted areas or to make their entire grounds smoke-free.

RHA's smoke-free policy must, at a minimum, ban the use of all prohibited tobacco products. Prohibited tobacco products are defined as:

- Items that involve the ignition and burning of tobacco leaves, such as (but not limited to) cigarettes, cigars, pipes, and waterpipes (hookahs)
- RHA will include that the smoke-free policy will also include legal and illegal substances to include marijuana, and other controlled substances.
- RHA may enhance the smoke free regulations, and will use the opportunity under this policy to enhance the smoke free policy to include smoke free enhancements.

Lease Provisions

All properties in RHA will be considered a smoke-free facilities in accordance with the HUD rules. This means that no smoking of tobacco or other products will be allowed on the RHA property. The RHA will not allow the electronic nicotine delivery systems (ENDS) to be smoked within the individual's dwelling unit.

The lease will require the following provisions:

To assure that no tenant, member of the tenant's household, or guest engages in:

Civil activity. For any units covered by 24 CFR part 965, subpart G, any smoking of prohibited tobacco products in restricted areas, as defined by 24 CFR 965.653(a), or in other outdoor areas that the RHA has designated as smoke-free. RHA does not allow smoking on any of RHA's property, and is considered a "smoke free area".

To assure that no other person under the tenant's control engages in:

Civil activity. For any units covered by 24 CFR part 965, subpart G, any smoking of prohibited tobacco products in restricted areas, as defined by 24 CFR 965.653(a), or in other outdoor areas that the RHA has designated as smoke-free.

Policy and Applicability

1. Smoking is not be permitted in individual units, including ENDS. Smoking including ENDS will not be permitted in the common spaces of a designated Housing Authority community or facility of any type after the effective date of the Policy, unless otherwise specified. "Smoke" or "smoking" means the possession or use (carrying or smoking) of any kind of lighted pipe, cigar, cigarette, pipe, waterpipe, or any other

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lighted smoking equipment or tobacco product or other substance- controlled or uncontrolled.

2. This policy covers all RHA properties, grounds and buildings, including, but not limited to park areas, parking lots, vehicles, common areas, elevators, stairs, hallways, playground areas, and resident unit units, both new and existing. RHA includes provisions in the policy prohibiting the use of prohibited tobacco products in all public housing living units and interior areas (including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures), as well as in outdoor areas in the public housing and administrative office buildings (collectively, “restricted areas”) in which public housing is located. Smoking is only allowed outside the 25 foot range of the buildings.
3. The RHA does not allow the electronic nicotine delivery system (ENDS) within the dwelling unit. The ENDS is not allowed in other common areas or other restricted areas. The RHA is considered a smoke free area.
4. This policy applies to any and all persons entering the RHA properties including RHA residents, their guests and visitors, contractors, and RHA employees.
5. “Individual units” for restrictions are defined as the interior and exterior spaces tied to a particular multi-family or single-family dwelling unit. This includes, but is not limited to, bedrooms, hallways, kitchens, bathrooms, patios, balconies, and unit entryway areas.
5. “Common spaces” are defined as areas within the building interior and exterior that are open to the public, including but not limited to entryways, community patios or balconies, roof terraces, lobbies, hallways, elevators, management offices, restrooms, community rooms, community kitchens, stairwells, sidewalks, parking lots, parking garages, carports, lands within the developments; lands owned by or under the control of the Housing Authority and any other similar area of the property that is accessible to employees, residents and guests or any other person.
6. The Housing Authority will inform current residents, new applicants on waiting lists, Housing Authority employees, contractors, and sub-contractors of this policy, all of whom are also responsible for compliance with this policy.
7. The Housing Authority will post “No Smoking” or “Smoke-Free Area” or similar signs at entrances and exits of administrative, office and multi-family buildings; in common areas; inside residential units and other practical places to facilitate enforcement and compliance with this policy.
8. All residents will be given a copy of the smoking policy. After review, the resident will

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be required to sign an acknowledgement of the policy. A copy of the acknowledgement will be placed in the resident file. Current residents will be required to sign an amendment to their lease incorporating the non-smoking policy. Leases for residents will include the non-smoking policy.

9. All employees will be given a copy of the smoking policy. After review, the employee will be required to sign an acknowledgement of the policy. A copy of the acknowledgement will be placed in the employee's personnel file.
10. Although RHA prohibits smoking as noted above, there is no warranty or guaranty of any kind that units, grounds, office areas or common areas will be totally smoke free. Enforcement of RHA's no smoking policy is a joint responsibility that requires the cooperation of residents, employees and others in reporting incidents or suspected violations of smoking.

Progressive Actions for Violations of the Smoke- Free Policies

RHA will use a series of progressive actions for the enforcement of the policies, The actions are as follows:

1st violation of the policy/lease provisions

Resident will be counseled and receive a written warning that further violations will lead to a lease termination, resident will be referred to cessation resources

2nd violation of the policy/lease provisions

Resident will be counseled and receive a 2nd written warning that further violations will lead to a lease termination, resident will be required to attend session on cessation resources

3rd violation of the policy/lease provisions

Resident's lease will be terminated with a 30 day notice

Should no further violation occur within that year after the first or second violation notice occur, the progressive violation clock will be reset on that resident. The Housing Authority will use termination as the last means of resort, in accordance with HUD requirements.

RESIDENT RESPONSIBILITY

1. It will be the resident's responsibility to inform his/her household members, and guests of this No Smoking Policy and for ensuring compliance with the policy.
2. The resident will prohibit smoking by his/her household members or guests while on the premises that would violate this Policy.

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3. Failure to comply or upon repeated violations to this policy and the lease provisions will be cause for lease enforcement action up to and including termination of resident lease agreement.

EMPLOYEES RESPONSIBILITES

1. It is the responsibility of every employee to be aware of RHA's No Smoking Policy and assist RHA in the enforcement of the policy.
2. Employees will prohibit smoking by anyone while on the premises that would violate this Policy.
3. Failure to comply or upon repeated violations to this policy will be cause for disciplinary action up to and including termination of employment.

SMOKING CESSATION NATIONAL AND SUPPORT SERVICES

Smoking tobacco is an addictive behavior. The RHA in implementing the non-smoking policies will be persistent in our efforts to support smoking cessation programs for residents, adapting our efforts as needed to local conditions. RHA will work with local service providers to provide information on local smoking cessation resources and programs.

Resources and program may include: the National Network of Tobacco Cessation Quitlines, 1-800-QUIT-NOW (1-800-784-8669) which connects users directly to their State quitline; the National Cancer Institute's website www.smokefree.gov which provides tips on quitting tobacco use; the National Cancer Institute counselors who can be accessed by calling the toll-free number 1-877-44U-QUIT (1-877-448-7848). Hearing or speech-challenged individuals may access these numbers through TTY by calling the toll-free Federal Relay Service at 1-800-877- 8339; and the American Lung Association's Web page on State Tobacco Cessation Coverage www.lungusa2.org/cessation2 which provides information on cessation insurance programs.

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No Smoking Lease Addendum

Lease Addendum:

All of these terms and provisions appearing in Housing Authority's Smoking Policy adopted _____ (the Policy) are specifically made a part of the Dwelling Lease in force at the applicable property (ies) named in the Policy and are hereby agreed to by both parties.

This provision applies to any and all persons entering a Housing Authority non-smoking property, under tenant's control including tenants and their guests and visitors, contractors, and employees.

1. All RHA Properties are considered a smoke free areas. Smoking is not permitted in individual units, including ENDS. Smoking including ENDS will not be permitted in the common spaces of a designated Housing Authority community or facility of any type after the effective date of the Policy, unless otherwise specified. "Smoke" or "smoking" means the possession or use (carrying or smoking) of any kind of lighted pipe, cigar, cigarette, pipe, waterpipe, or any other lighted smoking equipment or tobacco product or other substance- controlled or uncontrolled.
2. This policy covers all RHA properties, grounds and buildings, including, but not limited to park areas, parking lots, playground areas, vehicles, common areas, elevators, stairs, hallways, and resident unit units, both new and existing.
3. This policy applies to any and all persons entering the RHA properties including RHA residents, their guests and visitors, contractors, and RHA employees.
4. "Individual units" are defined as the interior and exterior spaces tied to a particular multi-family or single-family dwelling unit. This includes, but is not limited to, bedrooms, hallways, kitchens, bathrooms, patios, balconies, porches, and unit entryway areas.
5. "Common spaces" are defined as areas within the building interior and exterior that are open to the public, including but not limited to entryways, community patios or balconies, roof terraces, lobbies, hallways, elevators, management offices, restrooms, community rooms, community kitchens, stairwells, sidewalks, parking lots, parking garages, carpools, playgrounds. lands within the developments; lands owned by or under the control of the Housing Authority and any other similar area of the property that is accessible to employees, residents and guests or any other person.
6. The Housing Authority will inform current residents, new applicants on waiting lists, Housing Authority employees, contractors, and sub-contractors of this policy, all of whom are also responsible for compliance with this policy.

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7. The Housing Authority will post “No Smoking” or “Smoke-Free Campus” or similar signs at entrances and exits of administrative, office and multi-family buildings; in common areas; inside residential units and other practical places to facilitate enforcement and compliance with this policy.
8. All residents will be given a copy of the smoking policy. After review, the resident will be required to sign an acknowledgement of the policy. A copy of the acknowledgement will be placed in the resident file. Current residents will be required to sign an amendment to their lease incorporating the non-smoking policy. Leases for new residents will include the non-smoking policy.
9. Although RHA prohibits smoking as noted above, there is no warranty or guaranty of any kind that units, grounds, office areas or common areas will be totally smoke free. Enforcement of RHA’s no smoking policy is a joint responsibility that requires the cooperation of residents, employees and others in reporting incidents or suspected violations of smoking.
10. Any resident may not smoke in any unit. Any resident must not allow anyone not on their lease to smoke in their unit at any time including guests and other residents.
11. Any deviation from the smoke-free policy by any tenant, a member of their household, or their guest will be considered a lease violation. A charge of \$250.00 may be charged to the tenant for each violation of the policy that occurs inside a building/unit/apartment to make necessary maintenance to the unit.

RESIDENT RESPONSIBILITY

1. It will be the resident’s responsibility to inform his/her household members, and guests of this No Smoking Policy and for ensuring compliance with the policy.
2. The resident will prohibit smoking by his/her household members or guests while on the premises that would violate this Policy.
3. Failure to comply or upon repeated violations to this addendum will be cause for lease enforcement action up to and including termination of resident lease agreement.
4. If a resident smells tobacco or other substances smoke or smoking in any building, they are to report this to the office as soon as possible. Management will seek the source of the smoke and take appropriate action.
5. For the health and safety of the Housing Authority employees and their representatives, no resident will have any type of tobacco or related product burning

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at such time as any employee or representative of the Housing Authority enters and remains in their housing unit. If any resident refuses to put out the burning tobacco or related product prior to the employee or representative entering the unit, or if the resident lights a tobacco or related product while an employee or representative remains in the apartment, the employee or representative will vacate the apartment immediately and not return until such time as there is no longer any tobacco or related product burning. This may result in a delay of services to the unit/apartment.

Note: This policy is an agreement between the head of household (spouse and all other parties to the Lease) and the _____ Housing Authority and needs to be signed as an addendum to the Lease.

I have read the No Smoking Policy as written above and understand its provisions. I agree to abide by these provisions fully, and understand that failure to comply with any part of the above after sufficient notice of the violation will be cause for termination of my Lease. I have received a copy of this policy.

RESIDENT

HOUSING AUTHORITY

Head of Household (Signature) Date

Manager (Signature) Date

Spouse or Other Adult Member Date

Management Office

Other Adult Member (2) Date

Street Address Zip Code

Unit Address: _____

Phone