

Chapter 26

SMOKE-FREE POLICY (BLANKET)

PURPOSE OF SMOKE-FREE POLICY

1. The Department of Housing and Urban Development (HUD) is encouraging 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) and will soon require all Federally-Assisted Housing to go smoke-free.
2. To enhance HUD's efforts to enhance the effectiveness of HUD's efforts to provide increased public health protection for residents of public housing.
3. To mitigate the irritation and known health effects of secondhand smoke.
4. To allow staff the opportunity to perform their job duties in an environment that is non-smoking.
5. Minimize the maintenance, cleaning and redecorating costs associated with smoking.
6. Decrease the risk of smoking-related fires towards personal safety and property.

The policy is the Independence Housing Authority's (IHA)'s Smoke-Free Policy for all of IHA properties. This policy will be effective as of **July 1, 2017** for all current residents, all employees, all guests, and all new residents of the IHA will be prohibited from smoking inside the buildings, which includes inside their units or patios/balconies, common areas or anywhere outside that is owned and operated under the control of IHA.

Any current resident, as of the effective date of this policy, who is a smoker and desires to cease smoking but may need additional time to cease smoking must, on or before July 1, 2017, request and sign the temporary smoking exemption form allowing them to smoke in their unit/apartment until **December 1, 2017**, at which time, the smoke-free policy will also apply to the resident.

SMOKE-FREE AREAS

Smoking will not be permitted in individual apartment homes, common spaces, offices, parking lots, or any other property owned and operated by Independence Housing Authority. If a resident's car is parked on IHA property, the smoke-free policy applies to the resident's vehicle while on IHA premises.

Definition of smoking: The term "smoking" means inhaling, exhaling, breathing or carrying any lit cigar, cigarette, pipe, vapor cigarette, or any other similar tobacco product or other substance – controlled or uncontrolled, in any manner or in any form.

- ❖ **Individual apartment homes** are defined as the interior and exterior spaces tied to a particular unit. This includes, but is not limited to, bedrooms, hallways, kitchens, bathrooms, patios, balconies and unit entryway areas.
- ❖ **Lands within the development** are defined as lands owned by or under the control of IHA and any other similar area of the property that is accessible to employees, residents, guests, or any other person.
- ❖ **NO Designated smoking areas** – Campus Wide Smoke-Free

THOSE AFFECTED BY SMOKE-FREE POLICY

This policy applies to everyone including residents, guests, visitors, service personnel and IHA employees who visits, lives or works at IHA properties.

The new smoke-free policy **does not** mean that residents/employees will have to quit smoking in order to live and/or work at IHA properties/campus. The new policy will require no smoking on the IHA properties.

COMMUNITY AND RESIDENT MEETINGS

Community and resident meetings will be conducted for each affected building and/or community. During these meetings, partnered with the Independence Health Department, discussions about policy options, tobacco cessation resources will be addressed. Opportunities to ask questions and provide comments or concerns will be available at all meetings.

PUBLIC FORUMS / PUBLIC HEARINGS

A Public Forum with members from the Housing Authority and Health Department will be conducted throughout this process to discuss the benefits and obstacles to implementing smoke-free policies. Residents will be able to ask questions during these meetings and provide feedback onto the smoke-free policy. Once IHA is ready for the 30-day Public Comment period, residents will have the opportunity to give their testimony for or against the smoke-free policy.

IHA shall inform all current residents, new applicants on waiting lists, Housing Authority employees, contractors, and sub-contractors of this policy and all the above list is responsible for compliance with this policy.

All current residents will be given a copy of the Smoke-Free Policy. After review, the resident will be required to sign an acknowledgement of the policy and a copy will be placed in the resident's file.

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 and a copy will be placed into the employee's personnel file.

Although IHA prohibits smoking as noted above, there is no warranty or guarantee of any kind that units, grounds, office areas or common areas will be totally smoke-free. Enforcement of IHA's Smoke-Free Policy is a joint responsibility that requires the cooperation of residents, employees, and others in reporting incidents or suspected violations of smoking.

IHA 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.

CESSATION EDUCATION AND SUPPORTIVE SERVICES

Smoking tobacco is an addictive behavior. The IHA, in implementing the smoke-free policies, will be persistent in our efforts to support smoking cessation programs for residents, adapting our efforts as needed to local conditions.

IHA will work with local social service providers to provide information on local smoking cessation resources and problems.

To assist all residents with the smoke-free policy transition and to accommodate resident interest in smoking cessation, IHA is committed to providing cessation education and outreach with the assistance and guidance of the Independence Health Department. Cessation education and outreach will begin prior to the implementation of the smoke-free policy and will be provided on a continuous basis to residents through site staff.

Several educational materials will be provided in pamphlet format, such as “The Health Consequences of Involuntary Exposure to Secondhand Smoke”; “Secondhand Tobacco Smoke and the Health of Your Family”; “Clean Your Home of Asthma Triggers”; “Going Smoke Free: Steps for Residents”; etc.

Program resources 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 711 Relay Service; and the American Lung Association’s Web page on State Tobacco Cessation Coverage www.lungusa2.org/cessation2 which provides information on cessation insurance programs.

Violations of Smoke-Free Policy

A resident household will be determined to be in violation of the smoke-free policies if:

- ❖ Staff witnesses a tenant, guest, or family member, service provider or other person smoking on IHA premises, which includes the individual apartment, common areas, parking lot, or any other area if IHA.
- ❖ Staff witnesses a lighted smoking product in an ashtray or other receptacle inside an IHA owned apartment or house.
- ❖ Damages to the interior of IHA owned property that are the result of burns caused by smoking products, including burns to tenant owned property.
- ❖ Evidence of smoking in a unit such as cigarette or other smoking product smells, smoke clogged filters, smoke film including smoke damage to walls.
- ❖ Repeated reports to staff of violations of this policy by third parties.
- ❖ Clogged plumbing caused by a smoking product or products.
- ❖ Evidence of ashes on any surface in a house or apartment owned by IHA.

Staff will enforce the smoke free policy according to the following procedures except when a violation causes a fire at IHA property. In this case, the resident will be evicted in conformance with the agency’s One Strike Policy for Health and Safety.

Staff will follow a progressive course of lease enforcement actions in implementing the smoke-free policy:

1st Offense: Staff will send the resident a gentle reminder of the smoke-free policy, including a copy of the Board Resolution and inform the resident of the smoking cessation educational resources that IHA and Independence Health Department has available to them.

2nd Offense: Staff will send the resident a second reminder of the smoke free policy, including a second copy of the Board Resolution and refer the resident to the Independence Health Department for educational resource support for smoking cessation.

3rd Offense: Staff will send the resident a notice of mandatory conference to discuss the policy and repeated violations. The IHA Property Manager and the Director of Public Housing will be present to assist the resident in developing strategies to help them comply with the policy in order to safeguard their housing. If a resident fails to attend the conference, they will receive a lease violation notice in conformance with existing IHA policy.

4th Offense: The resident will be issued a remedial lease violation.

5th Offense: A notice to terminate the lease will be issued and IHA procedures will be followed.

SMOKE-FREE LEASE ADDENDUM

Lease Addendum:

All of these terms and provisions appearing in Housing Authority's Smoke-Free 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 smoke-free property, under tenant's control including tenants and their guests and visitors, contractors, and employees.

1. Smoking is not to be permitted in individual units, common space, or anywhere else that the Housing Authority owns and operates after the effective date of the Smoke-Free Policy, unless otherwise specified. "Smoke" or "smoking" means the possession or use (carrying or smoking) of any kind of lighted pipe, cigar, cigarette, vapor cigarette, or any other lighted smoking equipment or tobacco product or other substance – controlled or uncontrolled.
2. This policy covers all IHA properties, grounds and buildings, including, but not limited to park areas, parking lots, vehicles, common areas, elevators, stairs, hallways, and resident units, both new and existing.
3. This policy applies to any and all persons entering the IHA properties including IHA residents, their guests and visitors, contractors and IHA 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, and unit entryway areas.
5. "Common spaces or areas" 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 and land within the developments; lands owned by and 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 shall 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 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 Smoke-Free Policy.
9. Although IHA 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 IHA's Smoke-Free 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 with an approved exemption may not smoke in any unit other than their own. Any resident with an approved exemption must not allow anyone not on their lease to smoke in their unit at any time including guests and other residents.
11. Any deviations from the Smoke-Free Policy by any tenant, member of their household, or their guest will be considered a lease violation. A charge, designated on the Maintenance Charge List, may be charged to the tenant for each violation of the policy that occurs inside a building/unit/apartment.

RESIDENT RESPONSIBILITIES

- ❖ It shall be the resident's responsibility to inform his/her household members, and guests of this Smoke-Free Policy and for ensuring compliance with the policy.
- ❖ The resident shall prohibit smoking by his/her household members or guests while on the premises that would violate this policy.
- ❖ Failure to comply or upon repeated violations to this policy and the lease provisions shall be cause for lease enforcement action up to and including termination of resident lease agreement.

EMPLOYEE RESPONSIBILITIES

- ❖ It is the responsibility of every employee to be aware of IHA's Smoke-Free Policy and assist IHA in the enforcement of the policy.
- ❖ Employees shall prohibit smoking by anyone while on the premises that would violate the Policy.
- ❖ Failure to comply or upon repeated violations of this policy shall be cause for disciplinary action up to and including termination of employment.

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

I have read the Smoke-Free 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 shall be cause for termination of my Lease. I have received a copy of this policy.

RESIDENT

INDEPENDENCE HOUSING AUTHORITY

Head of Household *(please print)*

Manager *(please print)*

Head of Household *(Signature)* **Date**

Manager *(Signature)* **Date**

Unit No.

Spouse or Other Adult Member (1) **Date**

Management Office

Other Adult Member (2) **Date**

Street Address **City, ST** **Zip Code**

Other Adult Member (3) **Date**

Phone