

# **SMOKE-FREE HOUSING POLICY**

## **NEWPORT HOUSING AUTHORITY**

The Department of Housing and Urban Development (HUD) has implemented a ruling that requires all Public Housing Authorities (PHA) administering a public housing program to implement a smoke-free policy. The rule specifically requires each PHA to implement a policy prohibiting lit tobacco products and all smoking in any interior common areas, including but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, electrical rooms, and closets, storage rooms, offices and within all living units in public housing and PHA administration office buildings, maintenance shops and vehicles. (In brief a smoke-free policy for ALL public housing indoor areas). NHA is also prohibiting electronic nicotine delivery systems (ENDS) and is including it in this policy's definition of Smoking. This policy extends to all outdoor areas up to twenty-five (25) feet from any type of housing, (door/entrances, windows and porches) and administrative office buildings and maintenance facilities.

HUD is requiring implementation of smoke-free public housing to improve indoor air quality in housing, to benefit the health of public housing tenants and public housing staff, reduce the risk of catastrophic fires and lower overall maintenance cost. This policy applies to all tenants, tenant's families, tenant's guest, visitors, contractors, service personnel and employees.

### **Purpose of Policy**

1. To mitigate the irritation and known health effects of secondhand smoke. Smoking or exposure to secondhand smoke (sometimes called environmental tobacco smoke, (ETS), causes premature death from respiratory disease, cancer or heart disease. Smoking is the number one cause of preventable disease in the United States.
2. According to the EPA, secondhand smoke, (ETS), causes disease and premature death in children and adults who do not smoke. People with chronic diseases such as asthma or cardiovascular disease are particularly vulnerable to the effects of secondhand smoke, (ETS). Secondhand smoke (ETS), lingers in the air for hours after cigarettes have been extinguished and can migrate between apartments in multifamily buildings.
3. To allow all administrative and maintenance staff the opportunity to perform their job duties in an environment that is smoke free.
4. Minimize the maintenance, cleaning, and painting cost associated with smoking.
5. Decrease the risk of smoking-related fires to property and personal safety. Fires started by lighted tobacco products, principally cigarettes, constitute the leading cause of residential fire deaths.

## Definitions

- **Public Housing** – defined as low-income housing, and all necessary appurtenances (e.g. community facilities, public housing offices, public housing residences) thereto, assisted under the U.S. Housing Act of 1937 (the 1937 Act), other than assistance under Section 8 of the 1937 Act.
- **Development/Property** – All Public Housing developments and properties are included in this policy and all related administrative offices and maintenance facilities.
- **Smoking** – means igniting, inhaling, exhaling, breathing or carrying or possessing any lit cigar, cigarette, pipe, water pipe-referred to as hookahs or other tobacco product or similar lighted product in any manner or in any form or any other device containing tobacco, marijuana or other legal or illegal substances that burn. This definition also includes electronic nicotine delivery systems (ENDS) including electronic cigarettes (e-cigarettes).
- **Electronic Cigarette** – The term “Electronic Cigarette” means any electronic device that provides a vapor of liquid nicotine and/or other substances to the user as he or she simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes or under any product name. “Electronic delivery device” means any product that can be used to deliver aerosolize or vaporized nicotine or any other substance to the person inhaling from the device including but not limited to a vape pen.
- **Indoor Areas** – defined as living units/apartments. Indoor common areas, electrical rooms, closets, storage rooms, community rooms bathrooms, lobbies, hallways, offices and all public housing administrative offices/buildings, maintenance facilities and vehicles.
- **Individual Units/Apartments** – The interior and exterior spaces tied to a particular unit/apartment. This includes, but is not limited to, bedrooms, hallways, kitchens, bathrooms, front and rear porches.
- **Common Areas** – all areas open to all tenants, tenant's families, guest, visitors, contractors, service personnel, employees and members of the public.

## Tenant's Responsibilities and Lease Violations

1. Smoking is prohibited within twenty-five (25) feet of all buildings, door/entrances, windows, porches, administrative offices and maintenance facilities.
2. Tenants are responsible for the actions of their household, guests and visitors. Any tenant including any members of the tenant's household, guest or visitors will be considered in violation of the lease if found smoking within twenty-five (25) feet of any Newport Housing Authority (NHA) owned buildings, apartments, or in any place that is designated as a non-smoking area.
3. Any deviation from the Smoke Free Housing Policy by any tenant, a member of the tenant's household, or their guest or visitor will be considered a materially violation of the terms of their signed lease agreement.

4. Determining tenant violation of no smoking policy. Examples of violations include, but are not limited to:
  - a) Staff witnesses a tenant, tenant's guest, family member or service provider smoking in non-smoking areas under tenant's control;
  - b) Staff witnesses a lighted smoking product in an ashtray or other receptacle in non-smoking areas under the tenant's control;
  - c) Damages to the interior of the property (i.e. floors, countertops, walls) that are the result of burns caused by smoking products;
  - d) Evidence of smoking in a unit includes but is not limited to cigarette or other smoking product smells, smoke clogged filters, ashes, smoke film including smoke damage to walls.
  - e) Repeated reports to staff of violations of this policy by third parties.
5. Tenant is to promote the No-Smoking Policy and to alert NHA of violations. The tenant shall inform tenant's guests of the no-smoking policy. Further the tenant shall promptly give NHA a written statement of any incident where tobacco smoke or other forms of prohibited smoke is migrating into the tenant's unit from sources outside the tenant's unit/apartment.
6. NHA will promote the No-Smoking Policy by placing signs in common areas and various areas around the development.

## **Enforcement**

Any costs incurred by the Newport Housing Authority due to a violation of this policy by a resident, an aide, visitor, or guest shall become the financial obligation of the resident.

If the violator is an aide, visitor or guest; the graduated penalty steps will start over with each annual lease renewal. There is no start over for a resident.

All penalties assessed against a resident will be documented in the resident's file.

The enforcement steps are as follows:

1. **First Violation:** Tenant shall receive a verbal warning; such warning will be documented in the Tenant file and a copy of the policy will be sent to the Tenant.
2. **Second Violation:** Tenant shall receive a written warning and a copy of the policy will be mailed to the Tenant.
3. **Third Violation:** Tenant shall receive a written warning and a referral to a cessation program if the violator is a resident
4. **Fourth Violation:** Tenant shall receive a written warning and a \$30.00 fine
5. **Fifth Violation:** Tenant shall receive a final warning and a \$50.00 fine
6. **Sixth Violation:** Tenant shall be considered in default under the terms of the residential lease agreement and eviction proceedings will begin

## **Disclaimers**

1. The Smoke Free Housing Policy does not mean that tenants and/or employees will have to quit smoking in order to live and/or work at the Newport Housing Authority developments and offices or drive its vehicles.
2. The Newport Housing Authority is not a Guarantor of a Smoke Free Environment. The adoption of the Smoke Free Housing Policy does not make the Newport Housing Authority or any of its Board of Commissioners, officers, employees or agents the guarantor of the tenant's health of the smoke free condition of the non-smoking portions of the developments. The NHA will take reasonable steps to enforce the Smoke Free Housing Policy; however, the NHA is not required to take steps in a response to smoking unless the NHA staff has actual knowledge of the smoking and the identity of the responsible tenant.
3. The tenant acknowledges that the NHA's adoption of a no-smoking policy and the efforts to designated the dwelling units as no-smoking do not in any way chance the standard of care that the NHA or managing agent would have to a tenant household to render buildings and premises designated as no-smoking any safer, more habitable, or improved in terms of air quality standards than any other rental premises. The NHA specifically disclaims any implied or express warranties that the building, common areas, or tenant's premises will have any higher or improved air quality standards than any other rental property. The NHA cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke.
4. Tenant acknowledges that the NHA's ability to police, monitor or enforce the agreements of this No-Smoking Policy is dependent in significant part on the voluntary compliance by Tenant and Tenant's guest.
5. The NHA shall take reasonable steps to enforce the no-smoking policy. The NHA is not required to take steps in response to smoking unless the NHA knows of said smoking or has been given written notice of said smoking.
6. Tenants with respiratory ailments, allergies or any other physical or mental condition relating to smoke are put on notice that the NHA does not assume any higher duty of care to enforce this No-Smoking policy than any other NHA's obligation under the lease.
7. Although the NHA has adopted a Smoke Free Housing Policy it cannot guarantee that smoking will never happen
8. In apartment/units that used to allow smoking, the effects of that smoking may still linger.

## NEWPORT HOUSING AUTHORITY

- The tenant acknowledges that the NHA's adoption of a Smoke-Free living environment and its efforts to designate the unit as Smoke-Free do not make the NHA guarantor of tenant's health or of the smoke-free condition of the tenant's apartment/unit or the common areas. The tenant acknowledges that the NHA's adoption of a smoke-free living environment and its efforts to designate the unit as smoke-free do not in any way change the standard of care that the NHA has to the tenant's household to render units designated as smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. The NHA specifically disclaims any implied or express warranties that the resident's premises will have any higher or improved air quality standards than any other rental units. The NHA cannot and does not warranty or promise that the rental premises will be free from second hand smoke.
- The tenant acknowledges that the NHA's ability to police, monitor or enforce the restrictions of this policy is dependent in significant part on voluntary compliance by tenant and tenant's guests and invitees. Residents with respiratory ailments, allergies or any other physical or mental condition relating to smoke are put on notice that the NHA does not assume any higher duty of care to enforce this policy than any other obligation imposed on them under the Lease.
- To assist all tenant's with the Smoke-Free Policy transition and to accommodate tenant interest in smoking cessation, the NHA is committed to providing resources for cessation education and outreach.

By signing below, the tenant acknowledges receipt of the Smoke-Free Policy

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Head of Household \_\_\_\_\_ Date \_\_\_\_\_

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Other Adult Date

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NHA Staff Date