Smoke Free Housing Policy

Housing Authority of Dry Ridge

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# Article I. Purpose / Scope of the Policy

**Section 1.01** It is well documented that cigarette smoking and related secondhand tobacco smoke together are the number one cause of preventable disease in the United States.

Because exposure to any amount of secondhand smoke can be hazardous and smoke migrates between units in multifamily housing, the U.S. Department of Housing and Urban Development (HUD) has ruled that public housing authorities will now be smoke free and implement smoke-free policies and programs

**Section 1.02** HUD has issued guidance in Notices PIH-2009-21 and PIH-2012-25 to encourage and support this initiative. On February 3rd, 2017, HUD released the final rule banning smoking in notice 81 FR 87430.

**Section 1.03** Studies have shown that approximately 75% of tenants and perspective tenants desire to reside in a smoke-free environment.

**Section 1.04** This smoke-free policy is about the smoke, not the smoker. This policy does not preclude anyone who smokes from residency with the Housing Authority of Dry Ridge; rather it simply requires that all tenants abide by the smoke-free policy.

**Section 1.05** Existing laws allow for smoke-free housing policies.

1. No federal, state, or local law that prohibits a housing authority from adopting a 100% smoke-free policy.
2. Smoking is not a legal right, and smokers are not a protected class under any state or federal law.

**Section 1.06** The Housing Authority of Dry Ridge, at this new rule, has adopted this policy for the following reasons:

1. To mitigate the irritation and known health effects of secondhand smoke at HADR properties;
2. To minimize the maintenance, cleaning, and redecorating costs associated with damage caused by smoking as it relates to;
   1. Apartment turnover;
   2. Property Insurance;
   3. Damages related to residential fire.
3. To allow HADR staff, agents, vendors, and contractors the opportunity to perform their job functions in an environment that is free from secondhand smoke.
4. It is required by HUD.

**Section 1.07** This policy applies to all residents, visitors, employees and covers all buildings and vehicles owned and operated as part of the public housing program of the Housing Authority of Dry Ridge.

# Article II. Definitions

**Section 2.01** The following definitions will be utilized in reference to the implementation and enforcement of this policy:

1. Smoke: The vaporous system made up of small particles of carbonaceous matter in the air, resulting mainly from the burning of material, including, but not limited to, cigars, cigarettes, or other tobacco products.
2. Secondhand smoke: Smoke (as defined in section 2.01(a) unintentionally or involuntarily inhaled; generally used in reference to non-smokers or people that do not smoke.
3. Smoking: Inhaling, exhaling, breathing, burning, carrying, or possessing any lighted cigar, cigarette, pipe, other tobacco products, or other similarly lighted material causing smoke in any manner or form, including the use of medical marijuana.
4. Smoking materials: Materials used in the act of smoking including cigarettes, cigars, tobacco, pipes, matches, and lighters.
5. Dwelling Unit: interior spaces tied to a particular unit and resident.
6. Smoke-Free: free from smoke; indicative of “No Smoking” or “Smoking Not Allowed”
7. Smoke-Free Dwelling or Building: dwelling units or buildings in which smoking is prohibited.
8. Resident or Tenant: Refers to any person or persons who have either signed a lease agreement or are listed as a family member in a resident household.
9. Guest: Any person or persons visiting the residence that are not listed members of the resident household.
10. Common Areas: Area(s) that is available for use by more than one person. For the purpose of this policy, the common areas referred to include playgrounds, patios, gazebos, parking lots, and athletic courts.

**Section 2.02** The definitions contained within this section of the policy will be referenced throughout this policy, the Housing Authority of Dry Ridge Admissions and Continued Occupancy Plan, the Housing Authority of Dry Ridge Public Housing Lease, and any lease addendum (such as the Smoke-Free Acknowledgement and House Rules).

# Article III. General Provisions

**Section 3.01** The Housing Authority of Dry Ridge will promote this policy in the following manner:

1. All current resident will be required to sign an amended lease, which includes smoke-free provisions set forth in this policy, no later than 011/01/2017;
2. All new residents will sign a lease which includes smoke-free provisions set forth in this policy;
3. All current and new residents will receive a copy of this policy, and be required to sign a certification form acknowledging they have received and read this policy;
4. “No Smoking” signs will be placed outside and inside buildings throughout Housing Authority of Dry Ridge properties
5. Smoking cessation resources will be made available through the Grant County Health Department (subject to funding availability);

**Section 3.02** Effective July 1st, 2017, smoking will be prohibited inside any building or vehicle which is part of the Housing Authority of Dry Ridge public housing program – including residential dwelling units, program offices, and agency vehicle fleet – by any person(s) who resides at, works at, or visits Housing Authority of Dry Ridge properties including, but not limited to, the following people:

1. All current and new residents;
2. Visitors and guests of residents;
3. Resident service providers;
4. Housing Authority of Dry Ridge staff;
5. Housing Authority of Dry Ridge contracted vendors or agents and their employees;

**Section 3.03** Areas designated smoke-free in which smoking will be prohibited include:

1. All Housing Authority of Dry Ridge property, including but not limited to, dwelling units and apartments as defined in Section 2.01(e) of this policy; common areas within any building including entryways, hallways, restrooms, laundry facilities, parking lots, playgrounds, patios, roads, driveways, and any area on the premise.
2. Agency vehicle fleet as it pertains to the service of the public housing programs;
3. External common areas as defined in Section 2.01(j) of this policy;

**Section 3.04** Burning incense, sage, or other similar products are also not allowed in the above designated areas.

**Section 3.05** Resident Responsibilities under this policy include:

1. Resident shall be responsible to inform all members of the household, visitors, and guests of the HADR Smoke-Free policy;
2. Residents shall prohibit smoking in their dwelling unit and common areas by household members, visitors, and guests;
3. Residents are responsible for the actions of his/her household members, guests, visitors, invitees, agents, employees, or other persons present in their dwelling unit in reference to this policy;
4. Additionally, all persons shall be prohibited from disposing of lighted smoking materials in any trash receptacle;
5. Acknowledgement that HADR’s ability to police, monitor, or enforce the agreements of this policy is dependent in significant part on compliance by residents, visitors, and guests;
6. If a resident witnesses someone smoking or smells smoke in violation of this policy, it shall be their responsibility to report the violation to the property management office as soon as possible. It is the preference of the Housing Authority of Dry Ridge to receive said complaints in writing.

**Section 3.06** The Housing Authority of Dry Ridge cannot and does not warranty or promise that buildings and dwelling units will be free from secondhand smoke.

**Section 3.07** Enforcement of this policy will be administered in the following manner:

1. It shall be the responsibility of property managers to enforce this policy at each program site;
2. Property managers will investigate all complaints received by seeking the source of the smoke and determining if a violation of this policy has been committed;
3. Property managers will take immediate and appropriate lease enforcement action consistent with Section 3.08 of this policy;

**Section 3.08** Lease Violation Provisions

1. Failure to comply with any smoke-free provisions set forth as a result of this policy shall be considered a material violation of the lease and subject residents in violation to adverse action, up to and including termination of lease;
2. Lease violations will be assessed in the following manner:
   1. 1st Violation – Property manager will visit the resident and document any evidence (sight or smell) witnessed in the unit; resident will receive a warning letter.
   2. 2nd Violation - Resident will receive a lease violation letter.
   3. 3rd Violation - Resident will receive a final lease violation letter advising FINAL NOTICE PRIOR TO TERMINATION.
   4. 4th Violation – Termination of lease
3. Residents will be solely responsible for the cost to clean items which have been discolored and replacement of items damaged as a result of violating this policy including, but not limited to flooring, window treatment, walls, surfaces, light covering, ventilation systems, etc. Charges may be assessed during tenancy or at resident move-out.