

Smoke Free Housing Policy

Knox County Housing Authority
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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) is encouraging owners and public housing authorities to 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.
- Section 1.03** Studies have shown that approximately 75% of tenants and prospective 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 Knox County Housing Authority; rather it simply requires that all tenants abide by the smoke-free policy.
- Section 1.05** Existing laws allow for smoke-free housing policies.
- (a) No federal, state, or local law that prohibits a housing authority from adopting a 100% smoke-free policy.
 - (b) Smoking is not a legal right, and smokers are not a protected class under any state or federal law.
- Section 1.06** The Knox County Housing Authority, at this encouragement, has adopted this policy for the following reasons:
- (a) To mitigate the irritation and known health effects of secondhand smoke at KCHA properties;
 - (b) To minimize the maintenance, cleaning, and redecorating costs associated with damage caused by smoking as it relates to;
 - (i) Apartment turnover;
 - (ii) Property Insurance;
 - (iii) Damages related to residential fire.
 - (c) To allow KCHA staff, agents, vendors, and contractors the opportunity to perform their job functions in an environment that is free from secondhand smoke.
- Section 1.07** This policy acts in conjunction with the Smoke-Free Illinois Act of 2008.
- Section 1.08** 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 Knox County Housing Authority.

Article II. Definitions

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

- (a) Common Areas: Area(s) that is available for use by more than one person.
- (b) Dwelling Unit: interior spaces tied to a particular unit and resident.
- (c) Electronic Smoking Device: means any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation. "Electronic smoking device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, vaping boxes or kits, or under any other product name or descriptor. The term "electronic cigarette" does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration.
- (d) Guest: Any person or persons visiting the residence that are not listed members of the resident household.
- (e) 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.
- (f) 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.
- (g) 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, electronic cigarettes, vaping devices, or other tobacco products.
- (h) Smoking: Inhaling, exhaling, breathing, burning, carrying, or possessing any lighted cigar, cigarette, pipe, electronic smoking device, other tobacco products, or other similarly lighted material causing smoke or vapor in any manner or form, including the use of medical marijuana.
- (i) Smoking materials: Materials used in the act of smoking including cigarettes, cigars, tobacco, pipes, electronic smoking devices, matches, and lighters.
- (j) Smoke-Free: free from smoke; indicative of "No Smoking" or "Smoking Not Allowed"
- (k) Smoke-Free Dwelling or Building: dwelling units or buildings in which smoking is prohibited.

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

Article III. General Provisions

Section 3.01 The Knox County Housing Authority will promote this policy in the following manner:

- (a) All current resident will be required to sign an amended lease, which includes smoke-free provisions set forth in this policy, no later than 03/31/2014;
- (b) All new residents will sign a lease which includes smoke-free provisions set forth in this policy;
- (c) 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;
- (d) “No Smoking” signs will be placed outside and inside buildings throughout KCHA properties
- (e) Cigarette receptacles will be made available throughout each KCHA property for the decent, safe, and sanitary disposal of cigarettes and other smoking materials. At the resident’s request and cost, a cigarette receptacle shall be provided by the Knox County Housing Authority at the requested dwelling unit;
- (f) Smoking cessation resources will be made available through the Knox County Health Department (subject to funding availability);

Section 3.02 Effective April 01, 2014, smoking will be prohibited inside any building or vehicle which is part of the Knox County Housing Authority public housing program – including residential dwelling units, program offices, and agency vehicle fleet – by any person(s) who resides at, works at, or visits KCHA properties including, but not limited to, the following people:

- (a) All current and new residents;
- (b) Visitors and guests of residents;
- (c) Resident service providers;
- (d) Knox County Housing Authority staff;
- (e) Knox County Housing Authority contracted vendors or agents and their employees;

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

- (a) Dwelling units and apartments as defined in Section 2.01(e) of this policy;
- (b) Common areas within any building including entryways, hallways, restrooms, laundry facilities, and within 25 feet of all airways to any KCHA property, including windows, door openings, garage doors, and air intake systems;
- (c) Agency vehicle fleet as it pertains to the service of the public housing programs;

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:

- (a) Resident shall be responsible to inform all members of the household, visitors, and guests of the KCHA Smoke-Free policy;
- (b) Residents shall prohibit smoking in their dwelling unit by household members, visitors, and guests;
- (c) 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;
- (d) Proper disposal of cigarette butts and other smoking material – cigarette butts and all smoking material must be appropriately disposed of in a decent, safe, and sanitary manner. No person shall be permitted to dispose of said smoking materials on the ground at any time. Additionally, all persons shall be prohibited from disposing of lighted smoking materials in any trash receptacle;
- (e) Acknowledgement that KCHA's ability to police, monitor, or enforce the agreements of this policy is dependent in significant part on compliance by residents, visitors, and guests;
- (f) 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 Knox County Housing Authority to receive said complaints in writing.

Section 3.06 The Knox County Housing Authority 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:

- (a) It shall be the responsibility of property managers to enforce this policy at each program site;
- (b) 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;
- (c) Property managers will take immediate and appropriate lease enforcement action consistent with Section 3.08 of this policy;

Section 3.08 Lease Violation Provisions

- (a) 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;
- (b) Lease violations will be assessed in the following manner:
 - (i) 1st Violation – Property manager will visit the resident and document any evidence (sight or smell) witnessed in the unit; resident will receive a verbal warning; subsequent unit inspections will be scheduled to monitor future compliance with this policy.
 - (ii) 2nd Violation - Property manager will visit the resident and document any evidence (sight or smell) witnessed in the unit; resident will receive a lease

written violation letter; subsequent unit inspections will be scheduled to monitor future compliance with this policy.

- (iii) 3rd Violation - Property manager will visit the resident and document any evidence (sight or smell) witnessed in the unit; resident will receive a final lease violation letter advising FINAL NOTICE PRIOR TO TERMINATION; subsequent unit inspections will be scheduled to monitor future compliance with this policy.
 - (iv) 4th Violation – Termination of lease
- (c) 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.