

PUBLIC HOUSING NO-SMOKING POLICY

ABINGDON REDEVELOPMENT AND HOUSING AUTHORITY NO-SMOKING POLICY FOR ALL BUILDINGS OWNED BY ITS PUBLIC HOUSING DIVISION

Introduction

In accordance with HUD regulations, the Abingdon Redevelopment & Housing Authority has adopted these smoke-free policies.

Due to the increased risk of fire, increased maintenance costs and the known health effects of secondhand smoke, the Abingdon Redevelopment & Housing Authority (ARHA) has determined that for the benefit and well-being of the residents, guests, employees and all who visit the ARHA building(s) facilities, smoking will only be permitted 25 (twenty five) feet away from any building on the ARHA property. Copies of this policy shall be distributed to all current leaseholders, tenants, residents, new residents, applicants and employees.

Smoking shall not be permitted:

- In any individual apartment units, balconies or patios, or breezeways/porches which are part of those units.
- In common areas within any building such as entryways, hallways, restrooms, laundry rooms and all openings to any housing property, including window and door openings or within 25 feet of those window or door openings.
- In all other outside areas of the properties, stairways, yards, playground areas and parking lots.

Smoking shall be permitted only: Outside any apartment, building, breezeway, porch at least 25 feet away from building. However cigarette butts left outside in parking areas, yards or anywhere else not specified as properly disposed of **may** lead to a total ban on smoking on any property owned by the ARHA.

Definitions

The term "smoking" means inhaling, exhaling, breathing, burning, carrying or possessing any lighted cigar, cigarette, pipe, other tobacco products, or similarly lighted smoking material in any manner or in any form including all electronic cigarette products, commonly referred to as "e-cigarettes".

The terms "leaseholder", "resident" and "tenant" shall refer to any entity or person(s) who have signed a lease agreement leasing a housing unit from ARHA.

Rules and Regulations

All leaseholders, residents and tenants of housing units of ARHA and approved guests, of those housing units and their guest, agents, employees and invitees must abide by the following rules and regulations:

1. **Prohibition of Smoking Inside Buildings** - Smoking shall not be permitted anywhere inside nor outside (within 25 feet) of building property: shall be limited to, individual apartment or housing units, balconies and patios attached or a part of those housing units and including (but not limited to) all common areas such as entryways, breezeways, hallways, restrooms, laundry rooms, porches and all openings of the building including window and door openings.
2. **Prohibition of Smoking in Most Areas Outside Buildings** - Smoking shall be prohibited in other outside areas of ARHA to include stairways, landings, yards (within 25 feet), and parking lots and within 25 feet of any opening to any building on those properties (e.g. windows and doors).
3. **Phase In of Policy**
 - a. Effective **January 1, 2018** all leaseholders, residents and tenants of apartment or housing units in ARHA and their guests, invitees, agents and employees will be prohibited from smoking anywhere in or outside the building or unit which they occupy or reside except in areas designated (25 feet from any building) for smoking (outside). Enforcement procedures in effect at that time will consist of ¹⁾ verbal warning, ²⁾ written warning and ³⁾ cease-and-desist order made to the leaseholder, resident or tenant deemed responsible for that violation.
 - b. Effective **July 1, 2018** enforcement procedures will include ¹⁾ verbal warning, ²⁾ formal notices of violation and ³⁾ notices of lease termination and eviction. That is, violation of the no-smoking policy by the leaseholder, resident or tenant or by any of his or her guest, invitees, agents or employees may be treated as a material breach of the tenant's lease agreement and enforced in accordance with the notice and termination procedures that apply to the lease or rental agreement of the particular leaseholder, resident or tenant who have themselves violated or who are responsible for those who have violated the no-smoking policy. This shall become part of your lease on the date of signatures.
4. **Proper Disposal of Cigarette Butts and Smoking Material** - Cigarette butts and all smoking material must be disposed of in a neat and safe manner. No person may throw cigarette butts or other smoking material on the ground.

6. **Compliance by Leaseholder/Resident's Guests** – Leaseholders, residents and tenants are responsible for ensuring that all guests, invitees, agents and employees of the housing unit for which the leaseholder, resident or tenant is responsible are made aware of and comply with this policy.
7. **Lease Violation** – The leaseholder(s), resident(s) and tenant(s) are responsible for the actions of all his/her or their guests, invitees and agents. Failure to comply with any of the rules or regulations contained in this policy may be considered a material lease violation as set forth at paragraph 3 above and subject to leaseholder(s), resident(s) and tenant(s) to all leasehold remedies including, but not limited to, lease termination, eviction and damages which may include the costs to clean items discolored and/or which contain the odor of smoke including, but not limited to, carpets, drapes, walls, appliances, bathtubs/showers, extra painting or the cost to repair burn marks and remove cigarette butts or residue.
8. **Complaints** – If leaseholder, resident or tenant witnesses someone smoking or smells tobacco smoke in any place within the interior of ARHA or witnesses someone smoking on the grounds somewhere other than the designated smoking area, the leaseholder or resident should report the violation to the Housing Authority in writing as soon as possible.
9. **Investigations** – Upon receiving a complaint, the Housing Authority will seek the specific source of the tobacco smoke and will take appropriate enforcement actions, consistent with paragraph 3 above as soon as possible; however, **management shall NEVER take action against tenant solely based upon a complaint without a thorough investigation. Evidence of previous complaints and/or violations must be on hand before action is taken.**
10. **Communication of Policy** – This policy shall be communicated to all current leaseholders and residents of ARHA at least sixty (60) days prior to initial phase-in and prior to the signing of a lease for any new applicant.
 - a. New leaseholders shall be given a copy of the policy and become a part of the lease upon execution.
 - b. Upon adoption of the policy, all persons whose names are on a lease of a housing unit at ARHA shall be given two copies of the policy within ten (10) days. A signed copy shall be placed in the tenant's file. **In the event that any such person fails or refuses to sign his or her confirmation that he or she has read, understood and agrees to comply with the provisions of this Abingdon Redevelopment & Housing Authority no-smoking policy, the ARHA will assume that every such leaseholder read, understood and agreed to comply with this no-smoking policy.**

- 11. Effective Date** - The effective date of this policy shall be at least sixty (60) days following the approval by the ARHA Board of Commissioners. A notice will be sent out upon approval.
- 12.** If any provision of this policy is invalid or unenforceable under applicable law, such provision shall be amended to comply with such law. The reformation of any provision of this policy shall not invalidate this policy or any lease agreement into which this policy is incorporated. An invalid provision that cannot be reformed shall be severed and the remaining portions of this policy shall be enforced.

Approved by ARHA Board August 9, 2017