



Effective:

Chapter 21

SMOKE FREE POLICY

Introduction and Purpose

The Department of Housing and Urban Development (HUD) is requiring 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 Smoke Free Policies in Public Housing and the final rule on instituting smoke-free public housing dated December 5, 2016). This will enhance HUD's efforts to increase the effectiveness of HUD's efforts to provide increased public health protection for residents of public housing.

This policy is the Ayden Housing Authority (AHA) **Smoke-free policy for all properties.** This policy is based on HUD and AHA's intent to provide healthier, safer, living environments for residents and work environment for its employees. Effective July 30, 2018, all current residents, all employees, all guests, and all new residents of AHA will be prohibited from smoking inside the buildings including the dwelling units and outside areas within 25ft of dwelling units and administrative buildings owned or under the control of AHA. The original policies are now updated to include the provisions of the final rules under Smoke Free Public Housing.

The new final rule requires each public housing agency (PHA) administering public housing to implement a smoke-free policy. Specifically, no later than by July 30, 2018, AHA must implement a "smoke-free" policy banning the use of prohibited tobacco products in all public housing living units, indoor common areas in public housing, and in PHA administrative office buildings. AHA has been proactive in smoke free public housing and will implement the provisions prior to the required date.

HUD requires the smoke-free policy must at least extend to all outdoor areas up to 25 feet from the public housing and administrative office buildings. The smoke free rule improves indoor air quality in the housing; benefits the health of public housing residents, visitors, and AHA staff; reduces the risk of catastrophic fires; and lowers overall maintenance costs.

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General Provisions

Ayden Housing must design and implement a policy prohibiting the use of prohibited tobacco products in all public housing living units and interior areas (including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures), as well as in outdoor areas within 25 feet from public housing and administrative office buildings (collectively, "restricted areas") in which public housing is located.

According to HUD, Ayden Housing may limit smoking to designated smoking areas on the grounds of the public housing or administrative office buildings in order to accommodate residents who smoke. These areas must be outside of any restricted areas, as stated above and may include partially enclosed structures. Alternatively, may choose to create additional smoke-free areas outside the restricted areas or to make their entire grounds smoke-free.

Ayden Housing's smoke-free policy must, at a minimum, ban the use of all prohibited tobacco products. Prohibited tobacco products are defined as:

- Items that involve the ignition and burning of tobacco leaves, such as (but not limited to) cigarettes, cigars, pipes, and water pipes (hookahs)
- Ayden Housing will include that the smoke-free policy will also include legal and illegal substances to include marijuana, and other controlled substances.
- Ayden Housing may enhance the smoke free regulations and will use the opportunity under this policy to enhance the smoke free policy to include a smoke free campus.

Lease Provisions

Any lit tobacco is prohibited within 25ft of any AHA building. The Ayden Housing will allow the electronic nicotine delivery systems (ENDS) to be smoked within the individual's dwelling unit.

The lease will require the following provisions:

To assure that no tenant, member of the tenant's household, or guest engages in:

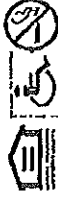
Civil activity. For any units covered by 24 CFR part 965, subpart G, any smoking of prohibited tobacco products in restricted areas, as defined by 24 CFR 965.653(a), or in other outdoor areas that Ayden Housing has designated as smoke-free.

To assure that no other person under the tenant's control engages in:

Civil activity. For any units covered by 24 CFR part 965, subpart G, any smoking of prohibited tobacco products in restricted areas, as defined by 24 CFR 965.653(a), or in other outdoor areas that Ayden Housing has designated as smoke-free.

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Except for ENDS, smoking is not permitted in individual units. ENDS will not be permitted in Housing Authority community centers /facility or AHA hosted event. "Smoke" or "smoking" means the possession or use (carrying or smoking) of any kind of lighted pipe, cigar, cigarette, pipe, wastepipe, or any other lighted smoking, equipment or tobacco product or other substance- controlled or uncontrolled.

This policy covers all Ayden Housing properties, grounds and buildings, including, but not limited to park areas, parking lots, vehicles, common areas, elevators, stairs, hallways, playground areas, and resident unit units, both new and existing. Ayden Housing includes provisions in the policy prohibiting the use of prohibited tobacco products in all public housing living units and interior areas (including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures), as well as in outdoor areas in the public housing and administrative office buildings (collectively, "restricted areas") in which public housing is located.

The Ayden Housing does allow the electronic nicotine delivery system (ENDS) within the dwelling unit. The ENDS are also allowed in other common areas or other restricted areas.

This policy applies to any and all persons entering the Ayden Housing properties including Ayden Housing residents, their guests and visitors, contractors, and Ayden Housing employees.

"Individual units" for restrictions 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.

"Common spaces" 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, parking garages, carports, lands within the developments; lands owned by or 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.

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The Housing Authority will 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.

The Housing Authority will post "No Smoking" 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.

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 residents will include the non-smoking policy.

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. A copy of the acknowledgement will be placed in the employee's personnel file.

Although Ayden Housing 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 Ayden Housing's no smoking policy is a joint responsibility that requires the cooperation of residents, employees and others in reporting incidents or suspected violations of smoking.

Progressive Actions for Violations of the Smoke- Free Policies

Ayden Housing will use a series of progressive actions for the enforcement of the policies, The actions are as follows:

1st violation of the policy/lease provisions

Resident will be counseled and receive a written warning that future violations will lead to a lease termination, resident will be referred to cessation resources

2nd violation of the policy/lease provisions

Resident will be counseled and receive a 2nd written warning that further violations will lead to a lease termination, resident will be required to attend session on cessation resources and will have a \$50 charge for damages to the unit

3rd violation of the policy/lease provisions

Resident's lease will be terminated with a 30 day notice and will be responsible for any damages to the unit.

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Should no further violation occur within that year after the first or second violation notice occur, the progressive violation clock will be reset on that resident. The Housing Authority will use termination as the last means of resort, in accordance with HUD requirements.

RESIDENT RESPONSIBILITY

It will be the resident's responsibility to inform his/her household members, and guests of this No Smoking Policy and for ensuring compliance with the policy,

The resident will prohibit smoking by his/her household members or guests while on the premises that would violate this Policy.

3. Failure to comply; upon repeated violations to this policy and the lease provisions will be cause for lease enforcement action up to and including termination of resident lease agreement

EMPLOYEES RESPONSIBILITIES

1. It is the responsibility of every employee to be aware of Ayden Housing's No Smoking Policy and assist Ayden Housing in the enforcement of the policy.
2. Employees will prohibit smoking by anyone while on the premises that would violate this Policy.
3. Failure to comply; upon repeated violations to this policy will be cause for disciplinary action up to and including termination of employment

SMOKING CESSATION NATIONAL AND SUPPORT SERVICES

Smoking tobacco is an addictive behavior. Ayden Housing, in implementing the non-smoking policies, will be persistent in our efforts to support smoking cessation programs for residents, adapting our efforts as needed to local conditions. Ayden Housing will work with local service providers to provide information on local smoking cessation resources and programs.

Resources and program may include: the National Network of Tobacco Cessation Quitlines, 1800-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 the toll-free Federal Relay Service at 1-800-877- 8339; and the American Lung Association's Web page on State Tobacco Cessation Coverage www.lungusa2.org/cessation2 which provides information on cessation insurance programs.