



## NO SMOKING POLICY

In 24 CFR Parts 965 and 966, public housing authorities across the nation have been mandated by the Department of Housing and Urban Development (HUD) to develop no-smoking policies in public housing.

**Definition** – Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, pipe, or other tobacco product or similar lighted and non-lighted tobacco product in any manner or form (including e-cigarettes or vapor cigarettes and hookahs). The following facts are well established concerning smoking and/or second hand smoke:

- Smoking or exposure to secondhand smoke (sometimes called environmental tobacco smoke) causes premature death from respiratory disease, cancer, or heart disease;
- Smoking is the number one cause of preventable disease in the United States;
- According to the EPA, secondhand smoke exposure 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;
- Secondhand smoke lingers in the air for hours after cigarettes have been extinguished and can migrate between apartments in multifamily buildings;
- Fires started by lighted tobacco products, principally cigarettes, constitute the leading cause of residential fire deaths; and
- Turnover costs for apartments vacated by heavy smokers are, on average, six times more expensive than apartments vacated by non-smokers (HUD Ecowise Newsletter).

**Non-Smoking Policy** – Due to the health effects of second hand smoke, the increased risk of fire, and the increased maintenance costs, the Housing Authority of Owensboro has adopted a no-smoking policy which prohibits smoking “inside all indoor areas of public housing, including but not limited to living units, indoor common areas, electrical closets, storage units, and PHA administrative office buildings, and in all outdoor areas within 25 feet of the housing and administrative office buildings.” (81 FR 87430) This will include sidewalks and personal vehicles parked on Housing Authority property. This policy applies to all residents, guests, visitors, service personnel, and employees.

**Lease Violations** – Residents are responsible for the actions of their household members, guests, and visitors. Visual observation of smoking is not necessary to substantiate a violation of the no-smoking policy. For example, the presence of smoke, tobacco smoke odor, or smoke stains within an apartment in combination with butts, ash trays, or other smoking paraphernalia will be considered significant evidence of a policy violation.

Failure to adhere to the conditions of the no-smoking policy will constitute a serious and material breach of the lease. Violations of the policy will result in the following:

1<sup>st</sup> occurrence – Written warning letter in tenant file.

2<sup>nd</sup> occurrence – Second written warning letter in tenant file.

3<sup>rd</sup> occurrence - The third documented occurrence will result in a lease termination notice with the ability to cure as follows: A charge of \$250.00 will be being assessed to cover the cost of cleaning the apartment and an apartment inspection will be scheduled, including an area within 25 feet of the apartment, to ensure all activities deemed lease violations have completely ceased and there are no further violations of the No Smoking Policy. This inspection will be conducted within fourteen (14) days of the date of the notice. If the tenant fails this inspection it shall be considered a Fourth Offense.

4<sup>th</sup> occurrence – The fourth documented occurrence will result in lease termination with no opportunity to cure.

**Landlord Disclaimer** – The HAO’s adoption of a no-smoking policy does not in any way change the standard of care that the HAO has under applicable law to render the property safer, more habitable or improved in terms of air quality standards. The HAO cannot and does not warranty or promise that the property will be free from secondhand smoke. Resident acknowledges that the HAO’s ability to police, monitor or enforce the no-smoking policy is dependent in significant part on voluntary compliance by residents and residents’ guests. However, the HAO will take reasonable steps to enforce the no-smoking policy. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that the HAO does not assume any higher duty of care to enforce this policy than any other landlord obligation under the lease.

**Effect on Current Residents** – The no-smoking policy will be immediately effective upon the HAO’s offer of a revised lease beginning with re-certifications on July 1, 2017.

**Smoking Cessation Support** – The following resources can be utilized to assist in smoking cessation:

Green River District Health Department <http://healthdepartment.org> (270) 686-7744

American Lung Association [www.lungusa.org](http://www.lungusa.org)

National Cancer Institute Smoking Quit Line (877) 448-7848 or TTY at (800) 877-8339

Smokefree.gov [www.smokefree.gov](http://www.smokefree.gov)

Center for Disease Control [www.cdc.gov/tobacco/quit\\_smoking/how\\_to\\_quit/index.htm](http://www.cdc.gov/tobacco/quit_smoking/how_to_quit/index.htm)

Campaign for Tobacco Free Kids [www.tobaccofreekids.org/research/factsheets/pdf/0247.pdf](http://www.tobaccofreekids.org/research/factsheets/pdf/0247.pdf)