

NO SMOKING POLICY

FOND DU LAC COUNTY HOUSING AUTHORITY

DATE ADOPTED: September 10, 2015; date amended March 9, 2017

PURPOSE: This policy establishes a policy on smoking in Housing Authority properties.

POLICY REQUIREMENTS:

Background:

In Notices PIH-2009-21 and PIH-2012-25, Public Housing Authorities across the nation have been strongly encouraged by the Department of Housing and Urban Development (HUD) to develop No Smoking Policies in Public Housing. In Notices H-2010-21 and H-2012-22, Multifamily owners across the nation were strongly encouraged by the Department of Housing and Urban Development (HUD) to develop No Smoking Policies in Multifamily Housing.

The following facts are well established concerning smoking and/or secondhand 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.
- Turnover costs for apartments vacated by heavy smokers are, on average, 6 times more expensive than apartments vacated by non-smokers (HUD Ecowise Newsletter).

Definition:

Smoking is defined as inhaling, exhaling, breathing any lighted cigar, cigarette, pipe or other tobacco products or similar lighted products in any manner or form. Smoking includes (END's) Electronic Nicotine Delivery Devices. The term Electronic Nicotine Delivery Devices means any electronic device that provides a vapor or liquid nicotine and/or other substances to the user as he or she simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes e-Hookah or under another product name.

Non-Smoking Policy:

Currently under ACT 12, the Statewide Smoke-Free Air Law, smoking is prohibited in any interior common area (including but not limited to community rooms, community bathrooms, community kitchens, lobbies, hallways, laundry rooms, stairwells or stairways, offices and elevators).

Due to the health effects of secondhand smoke, the increased risk of fire, and the increased maintenance cost, the Fond du Lac County Housing Authority (Landlord) has adopted a No-Smoking Policy which prohibits smoking in any interior common area (including but not limited to community rooms, community bathrooms, community kitchens, lobbies, hallways, laundry rooms, stairwells or stairways, offices and elevators) within all apartments, and within 25 feet of buildings including entry ways, porches, balconies and patios. Smoking is not allowed in garages, storage units, and Housing Authority owned vehicles.

This policy applies to all residents, guests, visitors, service personnel and employees. Resident shall promptly notify Landlord in writing of any incident where tobacco smoke is migrating into resident's apartment from sources outside apartment.

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. Examples of violations include, but are not limited to:

- Staff witnesses a tenant, tenant's guest, family member, or service provider smoking in non-smoking areas under tenant's control.
- Staff witnesses a lighted smoking product in an ashtray or other receptacle in non-smoking areas under tenant's control.
- Damages to the interior of the property (i.e. carpets, countertops) that are the result of burns caused by smoking products.
- Evidence of smoking in a unit includes, but is not limited to, cigarette or other smoking product smells, smoke clogged filters, ashes, smoke film including smoke damage to walls.
- Repeated reports to staff of violations of this policy by third parties.
- The tenant or guest admitted to smoking.

Failure to adhere to the conditions of the No Smoking Policy will constitute a serious violation of the lease. Violations of the policy will result in the following:

1. First violation: Tenant shall receive a written warning
2. Second violation: Tenant shall receive a written warning.
3. Third Violation: Tenant shall be considered in default under the terms of the residential lease agreement.

Housing Authority Disclaimer:

The Housing Authority's adoption of a No Smoking Policy does not in any way change the standard of care that the Housing Authority has under applicable law to render the property safer, more habitable or improved in terms of air quality standards. The Housing Authority cannot and does not warranty or promise that the property will be free from secondhand smoke. Resident acknowledges that the Housing Authority's ability to police, monitor and enforce the No Smoking Policy is dependant in significant part on voluntary compliance by residents and resident's guests. However, the Housing Authority 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 Housing Authority 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 implemented on July 1, 2016. Current residents are not exempted.

Properties Covered Under Policy:

All buildings or units owned by the Housing Authority. This includes all apartment buildings, duplexes and single family homes.