

# Smoke-Free Policy

## Housing Authority of Middlesboro

As required by HUD, the Housing Authority of Middlesboro (hereafter referred to as the “PHA”) forbids smoking of any sort in all PHA-Owned structures and within 25 feet of a PHA-Owned structure. It does not prohibit smoking by public housing residents. It just states where they are not to smoke.

[This policy shall be effective as of July 30, 2018.]

Smoking, and inhalation of secondhand smoke, pose known health risks for individuals exposed to it, including the increased risk for the development of lung cancer and other respiratory conditions. Secondhand smoke poses health concerns for all people, particularly children, pregnant women, and people with chronic illnesses such as heart disease and asthma. Further, smoking increases the risks for fires.

As such, on December 5, 2016, the U.S. Department of Housing and Urban Development (HUD) issued a Final Rule entitled “Instituting Smoke-Free Public Housing” which requires all Public Housing Authorities to institute Smoke-Free policies by July 30, 2018. This Smoke-Free policy is not the preference and decision of the Housing Authority of Middlesboro, hence, the restrictions and deadline of this Policy are requirements under federal law.

### A. PURPOSE

This policy was developed to:

1. Protect tenants from the medical hazards of second hand smoke;
2. Protect lives and property from fires due to smoking accidents; and
3. Reduce turnover costs associated with smoke damage in our residential units.

### B. DEFINITIONS

**Prohibited tobacco products.** Items that involve the ignition and burning of tobacco leaves, such as (but not limited to) store bought or hand-rolled cigarettes, cigars, and pipes. This includes water pipes and/or “hookahs”.

**Restricted areas.** Smoking is not allowed in any public housing dwelling units and other interior areas. Interior areas include, but are not limited to, hallways, rental, and administrative offices, maintenance facilities, community centers or community rooms, day care facilities (if applicable), laundry facilities (if applicable), and similar structures. Smoking is also prohibited within 25 feet of public housing and other PHA-owned structures.

**Designated smoking areas.** There will be no “designated smoking areas”. Residents are required to be at least 25 feet from any of the PHA’s buildings as described above.

**Covered individuals.** This policy covers all residents and employees, as well as all guests and visitors. Each resident is responsible for his or her guests or visitors. Violations of this policy by an aide, guest or visitor will be considered to have been made by the resident(s) head of household.

### C. POLICY REQUIREMENTS

No lighted prohibited tobacco products, including “hookahs”, will be allowed in restricted areas of the Housing Authority of Middlesboro.

**Restricted Areas:** All public housing living units and other interior areas. Interior areas include, but are not limited to, hallways, rental, and administrative offices, maintenance facilities, community centers, day care facilities, laundry facilities, and similar structures. Smoking is also prohibited within 25 feet of public housing and other PHA-owned structures). Residents, aides, visitors, and guests are all covered by this policy. Any costs incurred by the Housing Authority of Middlesboro due to a violation of this policy by a resident, an aide, visitor, or guest shall become the financial obligation of the resident.

### D. REASONABLE ACCOMMODATION REQUESTS

An addiction to nicotine or smoking is not a disability. That stated, a person with a disability may request a reasonable accommodation if they are a smoker. Reasonable accommodations will be made, where warranted, as quickly as possible.

### E. PENALTIES FOR VIOLATING THIS POLICY

If a resident, aide, visitor or guest violates this policy the following penalties shall be enforced:

Offense	Penalty
1 <sup>st</sup> Offense	Oral Warning
2 <sup>nd</sup> Offense	Written Warning
3 <sup>rd</sup> Offense	2 <sup>nd</sup> Written Warning and meeting with PHA
4 <sup>th</sup> Offense	Written Warning and a Referral to a Smoking Cessation Program if the violator is a resident
5 <sup>th</sup> Offense	Eviction

**All violations will be documented in the Resident’s file.**

If a Resident continues to violate the Smoke-Free Policy after being warned and properly notified of said violations, and all notifications to the Resident recorded in the Resident’s file, the PHA may determine the only recourse is to issue a 30-Day Termination of Lease notice to the Resident.

If the violator is an aide, visitor or guest; the graduated penalty steps will start over with each annual lease renewal. There is no start over for a resident.

### F. DISCLAIMER

The Housing Authority of Middlesboro’s adoption of this policy does not change the standard of care it has for the living units or common areas. The Housing Authority of Middlesboro specifically disclaims any implied or express warranties concerning the air quality in either the living units or common area. There is no warranty or promise that the air will be smoke free. Resident acknowledges that the PHA’s ability to monitor and enforce the Smoke-Free Policy is dependent in significant part on voluntary compliance by residents and resident’s guests. However, the PHA will take reasonable steps to enforce the Policy. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that the PHA does not assume any higher duty of care to enforce this Policy than any other PHA obligation under the Lease.

# Resident Acknowledgment

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I, \_\_\_\_\_, acknowledge receipt of a copy of the Housing Authority of Middlesboro's "Smoke-Free Policy" and the fact that it has been explained to me. I have read the policy and understand that the violation of the policy can lead to my and my family's eviction from the property.

\_\_\_\_\_  
Resident

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resident

\_\_\_\_\_  
Date