

## GLOVERSVILLE HOUSING AUTHORITY NON SMOKING POLICY

### **I. Background:**

The GHA owns and manages 293 units of federally-funded family and elderly/disabled public housing in the City of Gloversville. GHA housing varies from family sites to high-rise elderly buildings. Regardless of building type, all GHA public housing consists of attached units sharing party walls and/or corridors, with the majority of units in multi-level buildings with residents living next to and below or above one another.

GHA has engaged in healthy housing partnerships with residents, advocate organizations, and health agencies. These initiatives have increased awareness for residents and the Housing Authority of the negative impacts that second-hand smoke, either within the home or from a neighbor's home--can have upon our resident population--while particularly problematic for people with asthma, second-hand smoke is well-documented to exacerbate many diseases and health problems common to our resident population. In addition, it is known to impact children's physical and cognitive development as well.

At the same time that GHA has increasingly pursued a variety of healthy housing strategies, requests from residents for non-smoking housing have increased. The vast majority of tenants (typically 80-90% depending upon the site) want to live in non-smoking housing. This mirrors a national trend with many Public Housing Authorities (PHAs) pursuing nonsmoking policies and the U.S. Department of Housing and Urban Development (HUD) is encouraging PHAs to adopt non-smoking policies. For more information on the hazards of second-hand smoke, see the Centers for Disease Control and Prevention web site at [http://www.cdc.gov/tobacco/basic\\_information/secondhand\\_smoke/index.htm](http://www.cdc.gov/tobacco/basic_information/secondhand_smoke/index.htm).

GHA was successful in instituting a smoke free policy in May of 2010, eliminating tobacco use in all GHA buildings. We are now seeking to transition into an entirely smoke free facility including all buildings and Housing Authority grounds.

Non-smoking housing means that no one is permitted to smoke anywhere inside a Gloversville Housing Authority public housing building or outside within a specified distance of the GHA property.

The non-smoking, tobacco free policy applies to every member of the household, as well as to all visitors to the unit. Violating the policy will constitute a lease violation and could result in enforcement actions up to and including eviction. **Non-smoking housing does not mean that smokers are prohibited from living at non-smoking buildings. It simply means that residents and visitors must smoke off GHA premises.**

Our partners, specifically HFM Catholic Charities, will continue to work directly with the resident community to offer education and cessation services in the upcoming months. These services include access to cessation programs, a trained tobacco cessation specialist, support groups, referrals, and other resources.

**While the non-smoking, tobacco free housing policy does not require smokers to quit or to move, smoking cessation and education resources will be available to ALL GHA residents during the implementation period.**

HFM Catholic Charities has conducted resident smoke-free workshops and tobacco free educational classes in partnership with the Gloversville Housing Authority at the following developments:

Forest Hill Towers  
**September 2, 2015**  
**November 9, 2015**

DuBois Garden Apartments  
**July 11, 2015**  
**September 2, 2015**  
**October 21, 2015**

Kingsboro Towers  
**September 3, 2015**  
**October 5, 2015**

In addition, HFM Catholic Charities has provided tobacco-free informational packets to all HA residents during rent collection in December and at various HA events.

## **II. Proposed Policy:**

1. Purpose: The purpose of the non-smoking policy is to mitigate the irritation and known health effects of second-hand smoke in the Gloversville Housing Authority (GHA) buildings and grounds. In addition, it is intended to decrease maintenance costs and decrease risk of fire in GHA units.
2. Definition of Smoking: The term “smoking” means inhaling, exhaling, breathing or carrying any lighted cigarette, cigar, pipe or other tobacco product, as well as marijuana or any other similar lighted product in any manner or any form, including all electronic smoking devices.
3. Non-Smoking Building: A Non-Smoking Building means that smoking is prohibited by residents and their guests in all units, hallways and common areas. Violating the policy (by smoking in a Building) will constitute a lease violation and could result in enforcement actions up to and including eviction.
4. Non-Smoking Grounds: Non-Smoking Grounds means that smoking is prohibited by residents, employees and guests 25 feet from all GHA property. Violating the policy (by smoking on GHA grounds) will constitute a lease violation and could result in enforcement actions up to and including eviction.
5. Lease Enforcement of Non-Smoking Policy: A violation of the Non-Smoking Policy shall be considered a breach of the Lease and shall give the GHA and resident all of the enforcement rights contained in the Lease.
6. GHA to Promote Non-Smoking Policy: GHA shall post no-smoking signs at entrances to all Buildings and promote the Non-Smoking policy as appropriate in meetings and discussion with residents.
7. Residents to Promote Non-Smoking Policy: Residents shall inform their guests and occupants of the Non-Smoking Policy.

### **III. Proposed Process and Timeline:**

The following steps describe the timeline and process by which the GHA proposes to implement the policy at family and elderly sites:

1. The GHA will continue to conduct surveys, outreach and community forums on an ongoing basis to ensure that GHA residents are aware of the proposed policy and able to make suggestions about its implementation.
2. Partner agencies including HFM Catholic Charities will also work directly with the resident community to offer education and cessation services. While the non-smoking and tobacco free housing policy does not require smokers to quit or to move, smoking cessation and education resources will be available to ALL GHA residents during the implementation period.
3. Upon HUD approval of the GHA 2016 Agency Plan, GHA will begin to execute the new Lease Addendum with existing resident re-certification and with new placements. The Lease Addendum will alert new and existing residents that their housing facility is scheduled to become nonsmoking and tobacco free by February 1, 2016 to be noticed by GHA.

**The earliest date that the GHA expects to implement this policy is February 1, 2016.**

### **IV. Effect of Breach and Right To Terminate Lease**

A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights contained in the Lease. A material or continuing breach of this Addendum shall be a material breach of the Lease and grounds for termination of the Lease by the Landlord. **Tenant acknowledges that the remedy for smoking within the apartment may be the assessment of a charge of up to two hundred-fifty dollars (\$250.00) for each smoking incident. Charges will be used by the GHA towards the costs of refurbishing the apartment.**

#### **Enforcement:**

If a resident is found to be in violation of the No Smoking Policy, the following steps will be taken:

- First Offense – Written Warning
- Second Offense - \$250.00 Fine
- Third Offense – Eviction proceedings will begin

**Landlord Not a Guarantor of Smoke-Free Environment.** Resident acknowledges that Landlord's adoption of a non-smoking living environment does not make the Landlord or any of its managing agents the guarantor of Resident's health or of the non-smoking condition of the Resident's unit and the common areas. However, Landlord shall take reasonable steps to enforce the non-smoking terms of its leases and to make the Non-Smoking Area as smoke-free as is reasonably possible. Landlord is not required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking.

Disclaimer by Landlord. Resident acknowledges that Landlord's adoption of a non-smoking living environment, does not in any way change the standard of care that the Landlord or managing agent would have to a resident household to render buildings and premises designated as non-smoking any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the

building, common areas, or Resident's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warrant or promise that the rental premises or common areas will be free from secondhand smoke. Resident acknowledges that Landlord's ability to police, monitor, or enforce the agreements of Addendum is dependent in significant part on voluntary compliance by Resident and Resident's guests, as well as by other residents and guests in other parts of the Non-Smoking Area. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Addendum than any other landlord obligation under the Lease.

## PROHIBITION OF ELECTRONIC SMOKING DEVICE USE IN SMOKE-FREE PLACES

### PURPOSE:

The Gloversville Housing Authority is committed to providing a safe, orderly, and productive environment for its employees and the public who enter the premises.

### POLICY:

In addition to GHA's Smoke-Free Policy the use of electronic smoking devices (also known as electronic cigarettes or "e-cigarettes") is prohibited in any place where smoking or use of tobacco products is prohibited.

This directive applies to all residents, employees, and visitors who enter the work setting or environment which includes all facilities and properties of the Gloversville Housing Authority.

### RATIONALE

The use of electronic smoking devices is potentially hazardous to health and is disruptive to an orderly, productive environment. The use of electronic smoking devices in existing smoke free locations threatens to undermine compliance with smoking regulations, confuses the public, and reverses the progress that has been made.

By prohibiting the use of electronic smoking devices in places where smoking is prohibited, GHA protects its residents, employees and visitors from involuntary exposure to the secondhand byproducts of electronic smoking devices such as "e-vapor" products.

### DEFINITIONS

Electronic smoking device: Any electronic product that can be used to simulate smoking in the delivery of nicotine or other substances to the person inhaling from the device, including but not limited to an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe, and any cartridge or other component of the device or related product.

**NON-SMOKING POLICY ADDENDUM**

This Addendum is incorporated into the Lease between Gloversville Housing Authority (Landlord) and Resident of

**Resident acknowledgement:**

*I/we* hereby acknowledge the above smoking policy was received and is part of my/our lease agreement. *I/we* agree that *I/we* will not smoke anywhere on GHA property or within 25 feet of GHA property. *I/we* will be responsible for enforcing this policy with all of my/our visitors and guests who visit the premises. *I/we* understand that any violation of this policy subjects *me/us* to eviction by the PHA in accordance with the terms and conditions of the Lease Agreement.

IN WITNESS WHEREOF, the parties execute this Lease Addendum on the \_\_\_\_ day of \_\_\_\_ at \_\_\_\_\_.

GLOVERSVILLE HOUSING AUTHORITY

BY: \_\_\_\_\_

Resident

BY: \_\_\_\_\_

Resident

BY: \_\_\_\_\_

Executive Director

BY: \_\_\_\_\_

Resident

BY: \_\_\_\_\_

Resident