



# Housing Authority of Beaver Dam

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## Smoke-Free Policy

Tenant and all members of Tenant's Household are parties to a written lease with The Housing Authority of Beaver Dam. This Addendum states the following additional terms, conditions, and rules that are hereby incorporated into the lease. A breach of this Lease Addendum gives each party all the rights contained herein, as well as the rights in the lease.

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.

**Purpose of Smoke-Free Policy** – HABD desires to mitigate (i) the irrational and known adverse health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and remodeling costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of property insurance for a non-smoke-free-building. The Housing Authority of Beaver Dam has adopted a smoke-free 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 policy applies to all residents, guests, visitors, service personnel, and employees.

**Definition-** Smoking is defined as inhaling, exhaling, breathing, or carrying and lighted cigarette, cigar, pipe, or other tobacco product or similar lighted and non-lighted tobacco product in any manner or form (including hookahs). This does not include e-cigarettes or vapor cigarettes. The following are well established facts 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.
- 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 Ecovise Newsletter)
- 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;

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- 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. It can travel through doorways, cracks in walls, electrical lines, ventilation systems and plumbing.
- Secondhand smoke exposure among babies and children can cause:
  - Sudden infant death syndrome (SIDS)
  - Lung Problems
  - Ear infections
  - Asthma attacks
- In the United States, approximately **58 million** (1 in 4) nonsmokers are exposed to secondhand smoke. About **2 in 5** children (including 7 in 10 black children) are exposed to secondhand smoke. (U.S. Department of Health and Human Services/Center for Disease Control and Prevention)

**Lease Violations**-Residents are responsible for the actions of their household members, guests, and visitors. Visual observations 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 witnessed by HABD staff will be considered significant evidence of a policy violation.

Failure to adhere to the conditions of the Smoke-Free 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 and referral to smoke cessation classes.

2<sup>nd</sup> Occurrence – The second documented occurrence will result in a fine of \$300 being assessed against the resident. Once charged, Tenants will immediately be set up on a payment arrangement. If there is a third occurrence during the time duration of said payment arrangement, tenant's lease will be terminated.

3<sup>rd</sup> Occurrence – The third documented occurrence will result in lease termination and Tenant will have 30 days to vacate the unit.

**Landlord Disclaimer**- The HABD's adoption of a Smoke-free policy does not in any way change the standard of care that the HABD has under applicable law to render the property safer, more habitable or improved in terms of air quality standards. The HABD cannot and does not warrant or promise that the property will be free from secondhand smoke. Resident acknowledges that the HABD's ability to police, monitor or enforce the smoke-free policy is dependent in significant part on voluntary compliance by residents and residents' guests. However, the HABD will take reasonable steps to enforce the smoke-free policy. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that the HABD does not assume any higher duty of care to enforce this policy than any other landlord obligation under the lease.

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**Effect on Current residents-** The Smoke-Free policy will be effective immediately June 1<sup>st</sup>, 2018 upon Board review and Approval. A lease addendum will be provided at Tenant's next lease recertification.

**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/factsheet/pdf/0247.pdf](http://www.tobaccofreekids.org/research/factsheet/pdf/0247.pdf)

X

Tenant

Date: