

Housing Authority of Paducah

“SMOKE FREE” Policy

Effective June 1, 2018

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 smoke-free 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).

“Smoke-Free” Policy - Due to the health effects of second hand smoke, the increased risk of fire, and the increased maintenance costs, the Housing Authority of Paducah has adopted a “smoke-free” policy which prohibits smoking on any Housing Authority property. This will include personal vehicles parked on Housing Authority property and sidewalks. 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 “smoke-free” 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 “Smoke-Free” policy will constitute a serious violation of the lease. Violations of the policy will result in the following:

- 1st occurrence** - Written warning letter in tenant file.
- 2nd occurrence** - Second written warning letter in tenant file.
- 3rd occurrence** - The third documented occurrence will result in a cleaning fee of \$250 being assessed against the resident.
- 4th occurrence** -The fourth documented occurrence will result in lease termination.

Landlord Disclaimer - The landlord’s adoption of a “smoke-free” policy does not in any way change the standard of care that the landlord has under applicable law to render the property safer, more habitable or improved in terms of air quality standards. Landlord cannot and does not warranty or promise that the property will be free from secondhand smoke. Resident acknowledges that landlord’s ability to police, monitor or enforce the “smoke-free” policy is dependent in significant part on voluntary compliance by residents and resident’s guests. However, landlord 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 landlord 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 “smoke free” policy will be immediately effective upon the landlord’s offer of a revised lease beginning on April 1, 2018. Failure to comply with this requirement by June 1, 2018 can result in eviction.

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

- American Lung Association - www.lungusa.org
- National Cancer Institute Smoking Quit Line (877) 448-7848 or TTY at (800) 877-8339
- Smokefree.gov - www.smokefree.gov
- Center for Disease Control
www.cdc.gov/tobacco/quit_smoking/how_to_quit/index.htm
- Campaign for Tobacco Free Kids
www.tobaccofreekids.org/research/factsheets/pdf/0247.pdf

Adopted by the Housing Authority Board of Commissioners on March 15, 2018

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