

# Fulton Housing Authority- **SMOKE FREE POLICY LEASE ADDENDUM**

**ADDRESS:** \_\_\_\_\_

The U.S. Department of Housing and Urban Development (HUD) established a “Smoke-Free Rule” which became effective on February 3, 2017. This “Rule” is intended to improve indoor air quality, benefit the health of public housing residents and FHA staff, reduce the risk of fires, and lower overall maintenance costs.

The “Rule” does not prohibit smoking by residents; rather it requires that residents who smoke follow the FHAs Smoke-Free policy.

November 2012, the Fulton Housing Authority adopted a Non-Smoking Policy for all residents moving into Public Housing Units. The November 2012 Non-Smoking Policy does not meet the requirements of HUDs “Smoke-Free Rule” , therefore, the Fulton Housing Authority was required to establish a new policy. The FHA “Smoke-Free” Policy will go into effect on **December 1, 2017** and applies to everyone – staff, residents and guests.

The Fulton Housing Authority “Smoke-Free” Policy **bans the use of prohibited tobacco products and electronic nicotine delivery systems (ENDS) on/in Fulton Housing Authority property.**

- **Prohibited tobacco products** are defined as items that involve the ignition and burning of tobacco leaves, such as cigarettes, cigars, pipes and water pipes (also known as hookahs)
- **Fulton Housing Authority property** includes ALL rental property units, administrative offices, community centers (350 Sycamore and 300 Pioneer), day care center, laundry area, maintenance shop, playgrounds, sidewalks, parking lots, grounds, FHA vehicles and FHA private street(s).

The FHA promotes a “Smoke-Free” environment and signage will be posted. Information on smoking cessation and resource web sites will be provided to residents.

#### **4 Step Enforcement Procedures for Residents:**

1. Staff will send the resident a gentle reminder of the smoking ban & a copy of lease addendum.
2. Staff will set a mandatory meeting with the resident in violation to discuss the policy. If resident fails to attend, a lease violation 30-day termination notice will be sent and a \$50.00 monetary fine will be applied to the resident’s account. Resident can request a grievance hearing.
3. A \$50.00 monetary fine will be applied to the resident’s account.
4. A 30-day notice of termination will be sent and a \$75.00 monetary fine will be applied to the resident’s account. Resident can request a grievance hearing.

**Violation of FHAs Smoke-Free Policy:** A resident household will be determined to be in violation of the policy if:

- Staff witnesses a tenant, tenant’s guest(s), family member, service provider or other person smoking or using an electronic nicotine delivery system (ENDS) on/in Fulton Housing Authority property.

- Staff witnesses used smoking products and/or a lighted smoking product in an ashtray or other receptacle inside or outside a FHA owned property.
- Staff observes used smoking products in the yard area for the residence.
- Staff witnesses someone smoking in a vehicle parked in an FHA parking lot.
- Damages to the interior or exterior of FHA property that are results of burns, nicotine stains and/or ashes caused by smoking and/or ENDS.
- Repeated reports to staff of violations of this policy by third parties.
- Clogged plumbing caused by a smoking product or products.

Upon adoption of this policy by the FHA Board of Commissioners, all current residents will be given a copy of the policy. After review, the resident will sign the form and return it to the FHA office, where it will be filed into the tenant's file. Any current damages to your unit caused by smoking, including nicotine stains; cigarette burns in the vinyl, vanity, tile, carpet, counters, etc. MUST be reported and document before December 1, 2017. It is the resident's responsibility to report any damage by the December 1, 2017 deadline.

NOTE: If the signed Smoke-Free Policy Lease Addendum form is not returned to the FHA Office by December 1, 2017 the resident household will be in violation and a 30 day notice of termination will be issued.

New residents will be given a copy of the Smoke-Free Policy Lease Addendum at the time of lease-up. ALL adult members of the household will sign the form as part of the lease-up paperwork and it will be maintained in the resident's file.

\_\_\_\_\_  
Resident (printed name and signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resident (printed name and signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Resident (printed name and signature)

\_\_\_\_\_  
Date

**FHA disclaimer** – The resident acknowledges that the FHA's adoption of a smoke-free environment does not in any way change the standard of care that the FHA has under applicable law to render the property any safer, more habitable or improved in terms of air quality standards than any other rental property. The FHA cannot and does not warranty or promise that the property will be free from second hand smoke. The resident acknowledges that the FHA's ability to police, monitor or enforce this policy is dependent in significant part on voluntary compliance by the residents and residents' guests. Residents with respiratory ailments, allergies or other conditions relating to smoke are put on notice that the FHA does not assume any higher duty of care to enforce this policy than any other Landlord obligation under the rental agreement.