

## **Hendersonville Housing Authority No Smoking Policy**

As required by 24 CFR 965.653 Smoke-Free Public Housing, the Hendersonville Housing Authority (HHA) is hereby adopting a policy to forbid smoking in all of its structures and within 25 feet of a Hendersonville Housing Authority owned structure. It does not prohibit smoking by public housing residents. It just states where they cannot smoke. **This policy shall go into effect on July 1, 2018.**

### **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.
4. Provide a smoke free environment in all public housing living units, interior common areas and outdoor areas within 25 feet from public housing and administrative office buildings.

### **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, electronic nicotine delivery systems or E-cigarettes.

**Restricted areas.** Smoking is not allowed in any 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 Hendersonville Housing Authority owned structures.

At this point in time HHA does not provide any designated smoking areas.

**Covered individuals.** This policy covers not only everyone living on the property, but also all live-in aides, guests and visitors. Each resident is responsible for his or her live-in aides, guests or

visitors. Violations of this policy by a live-in aide, guest or visitor will be considered to have been made by the resident(s) head of household.

### **C. THE POLICY:**

Beginning July 1, 2018, no lighted prohibited tobacco products will be allowed in restricted areas of the Hendersonville Housing Authority (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 Hendersonville Housing Authority owned structures). Residents, aides, visitors, and guests are all covered by this policy. Any costs incurred by the Hendersonville Housing Authority due to a violation of this policy by a resident, an aide, visitor, or guest shall become the financial obligation of the resident.

### **D. PHASE-IN PERIOD:**

All residents will need to sign a new lease incorporating this policy into the lease and sign a form attached to the end of this acknowledging their understanding of the No Smoking Policy.

The Hendersonville Housing Authority has formed a partnership with North Carolina Public Health to assist people who want to begin their effort to quit smoking even before the new No Smoking Policy goes into effect. People desiring information should call 1-800-784-8669, TTY 1-877-777-6534 or [www.quitlinenc.com](http://www.quitlinenc.com). Information will be available in either English or Spanish. If QuitlineNC cannot accept a resident or applicant into its stop smoking program, this is not a valid reason to continue smoking. This policy must be complied with in all situations.

While the policy will not take effect until July 1, 2018, the Hendersonville Housing Authority urges its smoking residents to begin their transition to a smoke-free life as soon as possible. The Hendersonville Housing Authority recognizes that quitting smoking is a difficult task and urges its residents to give themselves as much time as possible to make the transition.

Residents living in the property when this policy is adopted, have time to make the transition. This will not be the case for smokers admitted after the effective date of this policy. The fact that one smokes is not a valid reason for rejecting an applicant for public housing. However, smokers admitted after the effective date of this policy are required to comply with the policy immediately upon their admission to public housing. For this reason, the Hendersonville Housing Authority will offer a referral to a smoking cessation program to any applicant who indicates that he/she is a smoker. Whether one takes advantage of the referral is totally up to the applicant. However, anyone moving into public housing must comply with this policy, and be fully aware of the penalties for non-compliance as outlined below.

**E. 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. However, smoking inside a public housing unit is not a reasonable accommodation. If designated smoking areas were to be provided by Hendersonville Housing Authority, such as a covered section for persons wanting to smoke, the smoking areas would have to be accessible to all.

**F. PENALTIES FOR VIOLATING THIS POLICY:**

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

First Offense	Oral Warning
Second Offense	Written Warning
Third Offense	Written Warning and a Referral to a Smoking Cessation Program if the violator is a resident
Fourth Offense	\$50 fine
Fifth Offense	\$100 fine
Sixth Offense	Eviction

Annual lease renewal will not forgive past offenses by the household, aide, visitor or guest. The head of household is responsible for their aides, visitors and guests, and any of the above offenses shall be assessed against the head of household. All offenses are accumulated from the date of signature on the No Smoking Policy.

All penalties assessed against a resident will be documented in the resident’s file.

**G. DISCLAIMER:**

The Hendersonville Housing Authority’s adoption of this policy does not change the standard of care it has for the living units or common areas. The Hendersonville Housing Authority 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.

**Hendersonville Housing Authority  
Acknowledgement of the No-Smoking Policy**

I, \_\_\_\_\_, acknowledge receipt of a copy of the Hendersonville Housing Authority's No Smoking 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 me and my family's eviction from the property.

**Signatures are required by all family members age 18 and over.**

_____ Name	_____ Date
_____ Name	_____ Date
_____ Name	_____ Date
_____ Name	_____ Date
_____ Name	_____ Date
_____ Name	_____ Date
_____ Hendersonville Housing Authority	_____ Date

Filename: Smoking Policy-Final 6-1-2017  
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