

## Chapter 6 Part 3. No Smoking Policy

As required by HUD, the Shelton Housing Authority is hereby adopting a policy to forbid smoking in all its structures and within 25 feet of a Shelton Housing Authority owned structure. It does not prohibit smoking by public housing residents. It just states where they cannot smoke. This policy was previously adopted in January 2012 and shall be reaffirmed on November 29, 2023.

### A. PURPOSE:

This policy was developed to:

1. Protect tenants from the medical hazards of secondhand 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.

### 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, marijuana, cigars, and pipes. This includes water pipes, and/or hookahs, e-cigarettes, and vapor products.

**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 Shelton Housing Authority owned structures.

**Designated smoking areas.** Smoking will be limited to outside areas where butt containers have been provided by the Shelton Housing Authority. The area will be identified by a site plan attached to leases and/or signage<sup>1</sup> erected on the site. The designated smoking area will be accessible for persons with disabilities.

**Covered individuals.** This policy covers not only everyone living on the property, but also all guests and visitors. Each resident is responsible for his or her guests or visitors. Violations of this policy by an aide, guest or visitor will be considered to have been made by the resident(s) head of household.

### C. THE POLICY:

No lighted prohibited tobacco or marijuana products, or e-products will be allowed in restricted areas of the Shelton Housing Authority (all public housing living units and other interior areas.

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<sup>1</sup> Follow the signage guidance on page 3 of PIH Notice 2017-03.

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 Shelton Housing Authority owned structures). Residents, aides, visitors, and guests are all covered by this policy. Any costs incurred by the Shelton 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 Shelton Housing Authority has formed a partnership with the Nebraska Quit Now Free Quitline to assist people who want to begin their effort to quit smoking. Residents should call 1-800-QUIT-NOW (1-800-7848-669), or Spanish speaking residents can call 1-855-DÉJELO-YA (1-855-355-3569). If a resident is not able to enroll into a stop smoking program, this is not a valid reason to continue smoking. This policy must be complied with in all situations.

The Shelton Housing Authority urges its smoking residents to begin their transition to a smoke-free life as soon as possible. The Shelton 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 expected to comply with the policy immediately upon their admission to public housing. For this reason, the Shelton Housing Authority will offer the above-mentioned Quit Line information both upon a request to join the public housing waiting list and upon reaching the top of the waiting list and getting close to being offered a public housing unit. Whether one takes advantage of the referral is totally up to the applicant.

#### **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. Reasonable accommodations will be made, where warranted, as quickly as possible.

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

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

First Offense                      Verbal 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

If the violator is an aide, visitor or guest; the graduated penalty steps will start over with each annual lease renewal. There is no start over for a resident.

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

**G. DISCLAIMER:**

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