

allChapter 17

PUBLIC HOUSING SMOKE-FREE POLICY

INTRODUCTION

In accordance with HUD regulations, Regional Housing Authority of Sutter and Nevada Counties (RHASNC) has adopted smoke-free policies. RHASNC is committed to enhancing the health and well-being of the community it serves.

Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, smoking is prohibited in all living units and interior areas, including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures. Smoking is also prohibited in outdoor areas within 25 feet from public housing and administrative office buildings [24 CFR 965.651; 24 CFR 965.653].

This chapter contains three parts:

Part I: Definitions. This part contains definitions of smoking and tobacco products.

Part II: Areas to be Smokefree. This part discusses where smoking is prohibited.

Part III: Applicability of Policy. This part covers whom this policy applies and what happens when the policy has been violated.

PART I: DEFINITIONS

17-I.A. DEFINITIONS

For the context of the Smoke-Free Policy the following definitions shall govern as referenced in the California Business & Professionals Code 22950.5.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

California Business & Professionals Code 22950.5.

“Tobacco product” means any of the following:

- (A) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
- (B) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
- (C) Any component, part, or accessory of a tobacco product, whether or not sold separately.
- (D) “Tobacco product” does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.

California Business & Professionals Code 22950.5.

PART II: AREAS TO BE SMOKE-FREE

17-II.A. ALL BUILDINGS TO BE SMOKE FREE

All public housing buildings, and administrative offices shall be smokefree. Smoking is prohibited in all living areas, including any associated balconies, decks, or patios, and in the common areas of the buildings, including but not limited to, community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevators.

17-II.B. SMOKING ON GROUNDS OF BUILDINGS

Smoking is prohibited anywhere on the grounds adjoining public housing and office buildings, including entryways, patios and yards, as well as in outdoor areas within 25 feet from public housing and administrative office buildings.

RHASNC has not designated any smoking areas on the property. Residents may not discard smoking products on the property.

PART III: APPLICABILITY OF POLICY

17-III.A. APPLICABILITY OF POLICY

This policy is applicable to all residents, Housing Authority employees, Housing Authority Commissioners, visitors/guests, contractors, volunteers, and vendors.

17-III.B. RESPONSIBILITY OF TENANTS

Tenants and household members shall be responsible to enforce this policy as to their guests, invitees, and visitors to their residential units.

17-III.C. LEASE VIOLATION

Residents are responsible for the actions of their household, their guests and visitors. The PHA must enforce smoke-free policies when a resident violates this policy. When enforcing the lease, the PHA will provide due process and allow residents to exercise their right to an informal settlement and formal hearing. The PHA will not evict a resident for a single incident of smoking in violation of this policy. As such, the PHA will implement a graduated enforcement framework that includes escalating warnings. Prior to pursuing eviction for violation of smoke-free policies, the PHA will take specific, progressive monitoring and enforcement actions, while at the same time educating tenants and providing smoking cessation information. Tenancy termination and eviction will be pursued only as a last resort. The PHA may terminate tenancy at any time for violations of the lease and failure to otherwise fulfill household obligations if residents behavior disturbs other residents' peaceful enjoyment and is not conducive to maintaining the property in a decent, safe, and sanitary condition.

17-III.D. PHA NOT A GUARANTOR OF SMOKEFREE ENVIRONMENT

The PHA's adoption of this smokefree policy does not make the PHA or any of its officers, employees, or agents, the guarantor of the health of any tenant or of the smokefree conditions of the portions of its properties in which smoking is prohibited under the policy. The PHA will take reasonable steps to enforce the Smoke-Free Policy. The PHA is not required to take steps in response to smoking in violation of this policy unless the PHA either has actual knowledge of the smoking and the identity of the responsible tenant or has been given written notice of the smoking.

17-III.E. PHA DISCLAIMER

The PHA disclaims any implied or express warranties that the Property will have any higher or improved air quality standards than any other rental property. The PHA cannot and does not warranty or promise the property will be free from secondhand smoke. The tenant acknowledges that the PHA's ability to police, monitor, or enforce this policy is dependent in significant part on voluntary compliance by Tenants and Tenant's guests.

17-III.F. SMOKING CESSATION

Rideout Health: "Clean Break" – (530) 741-3840 – www.frhg.org/Health-Services

Yuba County: "Connecting to Quit" – (530) 749-6366

California Smokers' Hotline – 1-800-NO-BUTTS or 1-800-NO-FUME