

GRINDE MANOR SMOKE-FREE POLICY

The Department of Housing and Urban Development (HUD) has issued a rule that requires the Housing Authority of the City of Fountain (FHA) to implement a smoke-free policy banning the use of prohibited tobacco products in all public housing living units, indoor common areas and in the FHA administrative office buildings. The smoke-free policy must also extend to all outdoor areas up to 25 feet from the public housing and administrative office buildings.

HUD is requiring implementation of smoke-free public housing to improve indoor air quality in housing, benefit the health of public housing tenants and public housing staff, reduce the risk of catastrophic fires, and lower overall maintenance costs. This policy applies to all residents, resident's families, resident's guests, visitors, contractors, service personnel and employees.

Copies of this policy shall be distributed to everyone who lives, visits, or works at Grinde Manor.

Policy Rules and Regulations

Definitions.

"Resident" means any resident, tenant, occupant, household member, and/or family member who reside at Grinde Manor.

"Smoking" means igniting, inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or other plant product, including but not limited to marijuana, whether natural or synthetic, in any manner or in any form.

"Smoking" also includes the use of an electronic delivery device, which creates an aerosol or a vapor (vaping), in any manner or in any form.

"Electronic Delivery Device (EDD)" means an electronic device activated when one draws on the mouthpiece and which, when activated, emits a solution producing an aerosol or a vapor that may be inhaled or absorbed by the user. EDDs include, but are not limited to, E-cigarettes, E-cigars, E-pipes, vape pens, and E-hookahs, and may include any substance with or without nicotine intended to be aerosolized or vaporized during the use of the device.

All residents, employees, business visitors, invitees, and guests must abide by the following rules and regulations:

1. **Prohibition of Smoking.** Smoking shall not be permitted and no person shall smoke anywhere on the premises, including individual apartment units, common areas, entryways, hallways, restrooms, laundry rooms, elevators, stairways, common areas, and any outdoor area to include the entry, patio, yards, common areas or adjoining grounds of buildings, entryways, barbeque/cooking areas, seating areas and parking lots.

2. **No Requirement to Quit Smoking.** The smoke-free policy does not mean that residents and/or employees will have to quit smoking in order to live and/or work at Grinde Manor or the FHA offices.

3. FHA to Promote Smoke-Free Policy. The FHA shall promote the smoke-free environment at Grinde Manor by posting signs at entrances and exits, common areas, hallways, patios, yards, and in conspicuous places adjoining the common areas of the property.

4. Compliance by Residents and their Guests. The FHA's ability to police, monitor or enforce the smoke-free policy is dependent in significant part on voluntary compliance by residents. Residents' are responsible for informing guests, invitees and business visitors of the policy and for ensuring that everyone visiting or staying in the resident's unit is in compliance with the policy.

5. Lease Violation. A violation of this smoke-free policy constitutes a violation of the lease. Any resident, including the members of their household, guests, or visitors will be considered in violation of the lease if found smoking anywhere on the Grinde Manor property. Four (4) violations shall be considered to be a serious violation of the material terms of the lease and may result in the termination of tenancy and the reimbursement of funds to the FHA for the cost of remediating any damage caused to property due to smoking. All residents shall be required to execute an addendum to the lease that sets forth the smoke-free policy and the consequences for violation of the policy.

6. Complaints. Residents are encouraged to report any violation of this policy to the management office as soon as possible if the resident witnesses someone smoking or smells smoke from tobacco, marijuana, or other substance inside any part of the building, the property, or grounds.

7. Investigations. FHA, upon receiving a complaint, will seek the specific source of the reported smoke and will take appropriate enforcement action as soon as possible. Visual observation of smoking is not necessary to substantiate a violation of the smoke-free policy. For example, the presence of smoke, 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.

8. Enforcement. If a resident is found to be in violation of the smoke-free policy, the following steps will be taken:

First offense – The first documented occurrence will result in a verbal warning and the provision of information on smoke-free housing and the resources available for quitting smoking.

Second offense – The second documented occurrence will result in a written warning and the provision of information on smoke-free housing and the resources available for quitting smoking.

Third offense - The third documented occurrence will result in written warning and the assessment of \$150.00 to the resident to cover the cost of fumigating, painting, repairing, or correcting damage caused by the smoke.

Fourth offense - The fourth documented occurrence will result in termination of the resident's lease and the assessment to the resident of all charges necessary to cover the cost of fumigating, painting, repairing, or correcting damage caused by the smoke.

9. Communication of the Policy. This policy shall be communicated by the FHA to all current residents and employees of Grinde Manor at least sixty (60) days prior to its effective date and at the time of employment for all new employees, and prior to admission and/or prior to the signing of a lease for any new resident.

10. Disclaimer. Resident acknowledges that the adoption of this policy by FHA and its designation of the property as smoke-free do not in any way change the standard of care that the FHA would have to a resident to render the property designated as smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. FHA specifically disclaims any implied or express warranties that any building, common area, or resident's individual apartment unit will have any higher or improved air quality standards than any other rental property. FHA cannot and does not warrant or promise that any building or individual residential unit located at Grinde Manor will be completely free from secondhand smoke.

11. Effective Date. Effective January 1, 2018, smoking shall be prohibited at Grinde Manor by everyone who lives, works or visits Grinde Manor. All residents will be required to comply with this policy, regardless of their move-in date, as of January 1, 2018.

Resident Certification. I have read and understand this policy, and I agree to abide by its provisions. I understand that failure to comply with this policy may constitute a lease violation and that repeated lease violations may be cause for termination of my tenancy. I acknowledge that the adoption of this policy by the Housing Authority of the City of Fountain does not make any of its managing agents the guarantor of my health or of the smoke-free condition of any part of the property. I further acknowledge that Management's ability to police, monitor, or enforce the agreements of this policy is dependent in significant part on voluntary compliance by the residents of Grinde Manor.

RESIDENT ACKNOWLEDGES THAT HE/SHE/THEY HAVE READ THIS SMOKE-FREE POLICY AND UNDERSTAND THE TERMS AND CONDITIONS CONTAINED HEREIN.

RESIDENT(S): _____

UNIT NO.: _____

Print Name

Print Name

Signature

Signature

Date Signed: _____

Date Signed: _____