

# ASHEVILLE HOUSING AUTHORITY

## SMOKE-FREE POLICY

Effective July 1, 2018

### 1. Smoke-Free Policy

Due to the health effects of secondhand smoke, increased risk of fire and increased maintenance costs, the Asheville Housing Authority (AHA) is adopting a Smoke-Free Policy which prohibits smoking in all living units, areas near exterior windows and doors, 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. Smoking is also prohibited within 25 feet of any playgrounds and recreational courts.

Smoking is allowed outdoors on patios, porches, balconies, yards and grounds, except within 25 feet of a playground or recreational court.<sup>1</sup> Residents who smoke outdoors must properly extinguish their smoking materials and place them in an outdoor trash receptacle.

This policy is applicable to all residents, AHA employees, visitors, contractors, volunteers and vendors. Residents are responsible for ensuring that household members and guests comply with these rules.

### 2. Definitions

**“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, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of any electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

**“Electronic Smoking Device”** means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

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<sup>1</sup> AHA has converted its former Public Housing properties to project based vouchers under the Rental Assistance Demonstration and is therefore not subject to the precise restrictions of the Instituting Smoke-Free Public Housing Rule published at 81 FR 87430 (2016). This policy is established under and consistent with the Section 11-32 of the Asheville North Carolina Code of Ordinances.

### **3. Enforcement**

Any violation of this Smoke-Free Policy by any Tenant, member of their household, or their guest or visitor will be considered a lease violation and the following enforcement steps will be taken:

**1<sup>st</sup> Violation:** Verbal/written warning and referral to smoking cessation resources and programs in the community.

**2<sup>nd</sup> Violation:** Written warning and referral to smoking cessation resources and programs in the community.

**3<sup>rd</sup> Violation:** Final written warning and referral to smoking cessation resources and programs in the community.

**4<sup>th</sup> Violation:** Lease termination and AHA will proceed with eviction.

A Tenant who violates the Policy shall also be liable to AHA for the costs of repair to the Tenant's apartment unit due to damage from smoke odors or residue.

An employee who violates this Policy may be subject to disciplinary action up to and including dismissal, as outlined in the Personnel Manual.

### **4. Housing Authority Not Guarantor of Smoke-Free Environment**

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