



## PEEKSKILL HOUSING AUTHORITY SMOKE FREE POLICY

Effective immediately, Peekskill Housing Authority (PHA) will begin to implement its Smoke Free Policy as provided herein; banning smoking in PHA apartment units, indoor and outdoor common areas, administrative office building as well as any entity that has PHA partnership interest. This is in accordance with HUD 24 CFR 965 Smoke -Free Public Housing Final Rule effective February 3, 2017. **Full enforcement of the Smoke – Free Policy will commence July 30, 2018.**

1. **Smoke Free Policy Statement:** Smoking is not permitted anywhere inside buildings or outside in common areas within 25 feet of any property owned or managed by PHA. Anyone smoking inside, within 25 feet of PHA property, and/or leaning out a window to smoke will be in violation of this policy.
2. **Smoking Defined:** Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, electronic nicotine delivery system, or vaporizing nicotine product (electronic cigarette), pipe, hookah, or any other form of lighted object or devices that contains tobacco and/or marijuana, including but not limited to medical marijuana.
3. **Effective Date of Policy:** This policy is effective on March 31, 2018 for all tenants, their guests, employees, contractors, business invitees, who provide services to any PHA property. PHA shall enforce this policy in accordance with the following timetable:
  - a) For all property owned or managed by PHA or any affiliate that is opened for occupancy on or after March 31, 2018, the provisions of this policy shall be effective immediately;
  - b) The enforcement provisions of this policy shall be effective at all PHA sites five (5) months after its effective date,
4. **Enforcement Provisions:** Failure of any tenant and/or his/her guests or visitors to follow the smoke free policy will constitute a serious and material lease violation and will subject the tenant to a termination of his/her lease. Before PHA commences any eviction proceeding under this policy, the Authority shall first issue warnings, as follows:
  - a) 1<sup>st</sup> violation – the tenant shall receive a verbal warning, which shall be documented in the tenant’s file, and cessation materials shall be distributed to the tenant;
  - b) 2<sup>nd</sup> violation – the tenant shall receive a written warning and a referral to the Executive Director
  - c) 3<sup>rd</sup> violation – the tenant shall receive a termination notice as provided for in PHA’s lease.
5. **Signs:** PHA will post “No Smoking” signs outside and inside (where possible) at all PHA properties. Tenants will be responsible for informing their guests and visitors that their apartment is smoke free and that their housing may be affected by violators.

6. **Designated Smoking Areas:** Where the PHA approves, in its sole and absolute discretion, smoking may be permitted in a specified outside area on a property by property basis. Where an outside area on a site has been designated, smoking outside on that site is only permitted in that area. Under no circumstances shall outside smoking be permitted on PHA property within 25 feet from any entrance or window, or building. PHA will advise each household of the specific locations and designated smoking areas shall be clearly posted. Where an area has been designated for outside smoking, PHA shall provide cigarette disposal receptacles.
7. **Complaints:** Complaints about prohibited smoking and/or smoke migrating into a residential unit or common area should be made promptly to the PHA office. Complaints should be made in writing and be as specific as possible, including the date, approximate time, location and suspected source of migrating smoke. Complaints may be made anonymously. Complaint forms will be available at PHA office for pick up, mail or e-mail
8. **Complaint investigations:** In circumstances where smoke is smelled or observed by staff, and /or reported by any person, PHA will seek the source of the smoke and take appropriate action consistent with the enforcement provisions of this policy, as set forth in paragraph 4. Tenants are encouraged to promptly notify PHA of any incident where smoke is discernible in prohibited areas on PHA property.
9. **Policy Distribution:** Upon adoption of this policy, all current tenants of properties covered under this policy will be given two (2) copies of the policy. After review, the tenant will sign one copy and return the executed copy to PHA within seven (7) days after its distribution. The signed copy will be placed in the tenant's file. New tenants will be given two (2) copies of the smoke free policy at the time they execute the lease. After review, the tenant will sign one copy and return the executed copy to PHA to be placed in the tenant's file.

**To insure the quality of air and the safety of tenants in its housing properties, the Peekskill Housing Authority has declared that all its properties are smoke free buildings.**

**Smoking is not permitted inside any area of any PHA buildings including the (units) apartments. Smoking is only permitted outside in specifically designated areas. If there are no designated areas on site, then smoking is permitted if and only if it occurs more than twenty-five (25) feet away from the buildings. All tenants, employees, contactors, and business invitees must abide by the above stated rules and regulations.**

**Peekskill Housing Authority Board Approved**

**Date: April 19, 2018**

**TENANT CERTIFICATION**

(Every person in the household eighteen (18) years and older must sign)

**I have read and understand the above smoking policy, and I agree to comply fully with the provisions. I understand that failure to comply may constitute cause for termination of my/our lease.**

Tenant Signature: \_\_\_\_\_

Tenant Signature: \_\_\_\_\_

Tenant Signature: \_\_\_\_\_

Tenant Signature: \_\_\_\_\_

Address/Apartment Number: \_\_\_\_\_

Date: \_\_\_\_\_