

## EXHIBIT 8-1: SMOKE-FREE POLICY

In accordance with HUD regulations, the Housing Authority has adopted these smoke-free policies. The policies are effective as of Board approval date.

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.

This policy applies to all employees, residents, household members, guests, and service persons. Residents are responsible for ensuring that household members and guests comply with this rule.

The term “smoking” means any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other prohibited tobacco product in any manner or any form. Prohibited tobacco products include water pipes or hookahs.

Violation of the smoke-free policy constitutes a violation of the terms of the public housing lease. Consequences of lease violations include termination of tenancy.

### PHA POLICIES

#### Designated Smoking Areas (DSA)

##### PHA Policy

The PHA has not established any designated smoking areas on its properties, only the stipulation that any smoking must be done 25 feet from any PHA building. Residents must extinguish all smoking materials and dispose of them safely in either their own receptacle or the PHA receptacles provided for that purpose.

**May 2023**

## **Electronic Nicotine Delivery Systems (ENDS)**

Electronic nicotine delivery systems (ENDS) include e-cigarettes, nicotine inhalers, and vaping devices.

### PHA Policy

Use of ENDS is permitted in public housing units but is prohibited in common areas and in outdoor areas within 25 feet from housing and administrative buildings. That is, use of ENDS is prohibited in all common and outdoor areas in which smoking is prohibited.

## **Effective Date**

The PHA's effective date(s) of this smoke-free policy is/are as follows:

The smoke-free policy is in effect for all residents, household members, employees, guests, and service persons as of 1/1/17.

Residents must execute a smoke-free lease addendum acknowledging that the PHA is smoke-free and use of prohibited tobacco products, including ENDS, may only be done at a minimum distance of 25 feet from any PHA building.

## **Enforcement**

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. The lease will identify the actions that constitute a policy violation, quantify the number of documented, verified violations that warrant enforcement action, state any disciplinary actions that will be taken for persistent non-responsiveness or repeated noncompliance, and state how many instances of noncompliance will constitute a violation. 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 resident behavior disturbs other residents' peaceful enjoyment and is not conducive to maintaining the property in a decent, safe, and sanitary condition.

**May 2023**

## **Enforcement Steps**

Upon issuance of a written warning from the PHA and/or a documented complaint, the PHA will increase the frequency of unit inspections for a suspected policy violator.

### PHA Policy

PHA will randomly monitor the unit on no less than a monthly basis either through PHA staff or by third party service providers.

The PHA will provide residents information and resources on smoking cessation as it becomes available, including: Illinois Quitline, OSH Smokefree Flyer, HUD-CDC Partnership data.

If the resident does not have any new violations for 1 year, the resident will be considered to have a clear record, and no further enforcement action will be taken.

damages caused to a unit by smoking policy violators will be billed to the resident.

damages caused and repeated violation of the smoke-free policy may rise to the level of other good cause for termination of tenancy.

### PHA Policy

More than 3 confirmed violations of the smoke-free policy shall rise to the level of other good cause for termination of tenancy.

## **Reasonable Accommodation**

While addiction to nicotine or smoking is not a disability, the PHA will provide reasonable accommodation to persons with disabilities who smoke that are in compliance with the requirements of this smoke-free policy.

A reasonable accommodation cannot be granted to allow smoking in the unit or around PHA buildings.

An example of a reasonable accommodation may be the relocation of a disabled person to a lower level unit so that they have less distance to travel to the designated smoking area.

**May 2023**

