

Housing Authority of Morgantown

No-Smoking Policy

In HUD Notice PIH-2009-21, Public Housing Authorities across the nation have been strongly encouraged by the Department of Housing and Urban Development (HUD) to develop No-Smoking Policies in Public Housing.

Definition - Smoking is defined as inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, pipe or other tobacco product or similar lighted product in any manner or form. The following facts are well established concerning smoking and/or second hand smoke:

- Smoking or exposure to secondhand smoke (sometimes called environmental tobacco smoke) causes premature death from respiratory disease, cancer or heart disease
- Smoking is the number one cause of preventable disease in the United States
- According to the EPA, secondhand smoke exposure causes disease and premature death in children and adults who do not smoke
- People with chronic diseases such as asthma or cardiovascular disease are particularly vulnerable to the effects of secondhand smoke
- Secondhand smoke lingers in the air for hours after cigarettes have been extinguished and can migrate between apartments in multifamily buildings
- Fires started by lighted tobacco products, principally cigarettes, constitute the leading cause of residential fire deaths
- Turnover costs for apartments vacated by heavy smokers are, on average, 6 times more expensive than apartments vacated by non-smokers (HUD Ecowise Newsletter)

Non-Smoking Policy – Due to the health effects of secondhand smoke, the increased risk of fire, and the increased maintenance costs, the Housing Authority of Morgantown (Landlord) has adopted a No-Smoking Policy which prohibits smoking in all apartments. This policy also prohibits smoking in any interior common area (including but not limited to community rooms, community bathrooms, lobbies, hallways, laundry rooms, garbage areas, offices and maintenance buildings), and within all apartments owned and operated by the Housing Authority. You will be allowed to smoke outside the building as long as outside area is kept clean. This policy applies to all residents, guests, visitors, service personnel and employees. Resident shall promptly notify Landlord in writing of any incident where tobacco smoke is migrating into resident's apartment from sources outside their apartment.

Lease Violations – Residents are responsible for the actions of their household members, guests and visitors. Visual observation of smoking is not necessary to substantiate a violation of the No-Smoking Policy. For example, the presence of smoke, tobacco 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.

Failure to adhere to the conditions of the No-Smoking Policy will constitute a serious violation of the Lease. Violations of the Policy will result in the following:

1st Occurrence – The first documented occurrence will result in a fine of \$250.00 being assessed against the resident to cover the cost of fumigating, repairing, or correcting damage caused by tobacco smoke.

2nd Occurrence – The second documented occurrence will result in Lease termination.

Landlord Disclaimer – The Landlord’s adoption of a No-Smoking policy does not in any way change the standard of care that the Landlord has under applicable law to render the property safer, more habitable or improved in terms of air quality standards. Landlord cannot and does not warranty or promise that the property will be free from secondhand smoke. Resident acknowledges that Landlord’s ability to police, monitor or enforce the No-Smoking Policy is dependant in significant part on voluntary compliance by residents and resident’s guests. However, Landlord will take reasonable steps to enforce the No-Smoking Policy. Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Policy than any other Landlord obligation under the Lease.

Effect on Current Residents – Current residents living at the Housing Authority of Morgantown will immediately be subject to the No-Smoking Policy. This includes all current residents.

Smoking Cessation Support – The following resources can be utilized to assist in smoking cessation:

American Lung Association www.lungusa.org

National Cancer Institute Smoking Quit Line (877)448-7848 or TTY at (800)877-8339

Smokefree.gov www.smokefree.gov

Center for Disease Control www.cdc.gov/tobacco/quit_smoking/how_to_quit/index.htm

Campaign for Tobacco Free Kids www.tobaccofreekids.org/research/factsheets/pdf/0247.pdf