

MIDDLEBOROUGH HOUSING AUTHORITY

SMOKE-FREE HOUSING POLICY & IMPLEMENTATION PROCEDURES

I. Purpose

On September 15, 2010 HUD issued a Notice to all Housing Authorities nationwide. The purpose of the Notice was to provide guidance regarding instituting and implementing a Smoke Free Housing Policy in public housing. The Middleborough Housing Authority's Smoke Free Policy has been instituted for the following purposes:

- To protect the health of residents from second hand smoke
- To prevent fire and fires related deaths due to smoking- smoking is the primary cause of home fire deaths
- To reduce unit turnover costs – units vacated by smokers incur substantial additional costs to renovate due to stains, residues and odors caused by smoking including additional treatments to walls and ceilings, additional painting, replacing of carpeting and/or flooring, extra cleaning of appliances and cabinets
- To protect property from damage – protection of the property from fires, odor or stain damage ensures the greatest availability of housing units

II. Definition of Smoking

Smoking shall include the combustion or vaporization of any cigarette, cigar, pipe, other products containing any amount of tobacco, marijuana, like substance or any derivative thereof.

III. Background

It has been proven that exposure to smoke, whether direct or secondhand, causes adverse health outcomes such as asthma and other respiratory illnesses, cardiovascular disease, and cancer. In 2006, the U.S. Department of Health and Human Services published *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. This document expounds on health effects due to involuntary exposure to tobacco smoke. The report defines secondhand smoke, in the past referred to as environmental tobacco smoke (ETS), as smoke composed of side stream smoke (the smoke released from the burning end of a cigarette) and exhaled mainstream smoke (the smoke exhaled by the smoker). The report lists several major conclusions, all based on scientific data, including the following: 1) The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke; and 2) Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke.

Below are relevant statistics and conclusions from *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*.

- According to a 2005 estimate by the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, approximately 50,000 excess deaths result annually in the United States from exposure to secondhand smoke.
- Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome, acute respiratory infections, ear problems, and more severe asthma.
- Secondhand smoke has been designated as a known human carcinogen (cancer-causing agent) by the U.S. Environmental Protection Agency, National Toxicology Program and the International Agency for Research on Cancer.

- Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
- Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing heart disease by 25-30 percent.
- Nonsmokers who are exposed to secondhand smoke at home or at work increase their risk of developing lung cancer by 20-30 percent.
- The National Toxicology Program estimates that at least 250 chemicals in secondhand smoke are known to be toxic or carcinogenic (cancer causing).

In addition to the negative health effects of secondhand smoke, smoking is a proven hazard to physical structures. The United States Fire Administration (USFA) indicates smoking as the number one cause of home fire deaths in the United States. Furthermore, about 1,000 people are killed every year in their homes by fires caused by cigarettes and other smoking materials. The USFA states 25 percent of people killed in smoking-related fires are not the actual smokers; of this percentage, 34 percent of the victims were children of the smokers, and 25 percent were neighbors or friends of the smokers.

IV. Applicability

This Policy applies to all Middleborough Housing Authority employees and all Programs administered by Middleborough Housing Authority, including but not limited to:

- 200-1 Program - Family Housing
- 667-1 Nemasket - Elderly Housing
- 667-2 Nemasket - Elderly Housing
- 667-3 Riverview - Elderly Housing
- 689-1 Special Needs Housing
- MRVP – Private Landlords will be strongly encouraged to adopt a Smoke Free Policy
- Section 8 Vouchers- Private Landlords will be strongly encouraged to adopt a Smoke Free Policy

V. Update to Housing Authority Policies and Procedures

Middleborough Housing Authority has chosen to implement a smoke-free housing policy in accordance with HUD policies and has therefore updated their House Rules (Administrative Plan, Briefing Packet, Policies and Procedures) as applicable, to incorporate the smoke-free housing requirements. In carrying out the smoke-free housing policy, Middleborough Housing Authority has complied with all applicable fair housing and civil rights requirements in 24 CFR 5.105, including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the American Disabilities Act; Section 109 of the Housing and Community Development Act of 1974.

VI. Requirements for Implementing Smoke-free Housing Policies

A. The Middleborough Housing Authority Smoke Free Policy:

1. Is in accordance with state and local laws.
2. All Middleborough Housing Authority properties were totally smoke free effective July 1, 2013. Smoke free areas include: housing units, interior common areas, all exterior grounds including: playground areas, areas near any exterior windows or doors, and patio and porch areas outside a tenant's unit.

3. As of January 1, 2012 all new applicants and lessees to Middleborough Housing Authority properties were informed that the buildings are totally smoke-free.
4. Waiting lists shall continue to be maintained according to existing procedures found in HUD Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, Chapter 4; the removal of names from the waiting list according to HUD Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, paragraph 4-20; and Massachusetts 760 CMR 5.00 *Eligibility and Selection Criteria*

B. The Middleborough Housing Authority Smoke Free Policy does not:

- Deny occupancy to any individual who smokes or to any individual who does not smoke who is otherwise eligible for admission.
- Establish or maintain a smoking / nonsmoking specific waiting list for the properties.
- Require existing tenants, as of the date of the implementation of the smoke-free housing policies, to move out of the property.
- Guarantee that all MHA properties will be smoke-free.

It is important to understand that smoke-free housing does not mean that smokers are prohibited from living in MHA housing. It simply means that residents and visitors must smoke off site.

C. Grandfathering

Middleborough Housing Authority's Smoke Free Policy allowed those residents that were current tenants as of December 14, 2011 to only smoke inside their individual units until June 30, 2013.

Implementation

Implement of this new smoking-related policy is in accordance with HUD Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, paragraphs 6-9 and 6-12.

A. New admissions. All new tenants are provided with the House Rules and/or MHA Policy and a copy of the Smoke Free Housing Policy.

Penalties for Violating the House Rules / No Smoking Policy

Repeated violations of the non-smoking policy may be considered material noncompliance with lease requirements and may result in termination of tenancy. When pursuing eviction due to material noncompliance with lease requirements, existing HUD procedures found in HUD Handbook 4350.3, REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, Chapter 8 shall be followed or existing Massachusetts procedures found in 760 CMR 6.00 *Occupancy Standards and Tenant Participation for State Aided Housing*.

Policy Adopted: December 14, 2011
Reviewed: June 20, 2018