

SMOKE-FREE HOUSING POLICY FOR THE MUNICIPAL HOUSING AUTHORITY FOR THE CITY OF YONKERS

To insure the quality of air and the safety of residents in its housing programs, the Municipal Housing Authority for the City of Yonkers has declared that all its residential properties as smoke free buildings.

Smoking is not permitted inside any area of any MHACY building including the apartments. Smoking is only permitted outside in specifically designated areas. If there are no designated areas onsite, then smoking is permitted if and only if it occurs more than twenty-five (25) feet away from the buildings. All residents, employees, guests, contractors, and business invitees must abide by the following rules and regulations.

**MHACY Board Approved
September 11, 2014**

Board Resolution

The Board of Commissioners of the Municipal Housing Authority for the City of Yonkers finds that:

Whereas, the American Lung Association considers cigarette smoking the number one cause of preventable disease in the United States and both elderly and young disabled populations are especially vulnerable to the adverse effects of smoking.

Whereas, this concern was recently addressed by the Family Smoking Prevention and Tobacco Control Act, P.L. 111-31, signed by the President on June 22, 2009.

Whereas, the Public Health Service's National Toxicology Program (NTP) has listed second hand smoke as a known carcinogen

Whereas, Environmental Tobacco Smoke (ETS) can migrate between units in multifamily housing, potentially contributing to respiratory illness, heart disease, cancer, and other adverse health effects in neighboring families, the U.S Department of Housing & Urban Development (HUD) is encouraging PHAs to adopt non-smoking policies. HUD now requires PHAs to encourage non-smoking in public housing by promoting non-smoking policies in some or all of their public housing units.

Whereas, by reducing unwarned exposure to ETS and its associated health risks, this policy will enhance the effectiveness of federal and local efforts to provide increased public health protection for residents of public housing. A smoke free policy is also an important method to reduce residential fires and fire-related deaths and injuries in multiunit housing where even one incident puts all residents at risk.

Whereas, there is no safe level of exposure to secondhand smoke, and the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments. Furthermore, ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and recommends that indoor environments be smoke-free in their entirety.

Whereas, smoke-free housing policies have already been implemented in some residential properties owned or managed by MHACY or one or more of its affiliated entities.

Now therefore, the Municipal Housing Authority for the City of Yonkers adopts this smoke-free housing policy, which applies to all residential properties owned or managed by MHACY or any affiliated entities which are not currently governed by a smoke-free housing policy.

Smoke Free Housing Policy Of the Municipal Housing Authority for the City of Yonkers

1. **Smoke Free Policy Statement:** Smoking is not permitted anywhere inside any property owned or managed by the Municipal Housing Authority for the City of Yonkers (MHACY) or any entity in which MHACY has a partnership or ownership interest (MHACY Properties). Anyone smoking inside MHACY property, and/or leaning out a window to smoke, will be deemed in violation of this policy.
2. **“Smoking Defined”:** “Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, electronic nicotine delivery system” or “vaporized nicotine* product” (electronic cigarette), pipe, hookah, or any form of lighted object or device that contains tobacco and/or marijuana, including but not limited to medical marijuana.
3. **“Effective Date of Policy”:** This policy is effective on January 1, 2015 for all residents, their guests, and all employees, contractors, business invitees who provide services to any MHACY Properties. The MHACY shall enforce this policy in accordance with the following timetable:
 - (a) For all property owned or managed by the MHACY or one of its affiliates that is opened for occupancy after January 1, 2015, the enforcement provisions of this policy shall be effective immediately;
 - (b) The enforcement provisions of this policy shall be effective at all MHACY sites six (6) months after its effective date, on July 1, 2015;
4. **Enforcement Provisions:** Failure of any resident 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 MHACY commences any eviction proceeding under this policy, the Authority shall first issue warnings, as follows:
 - (a) 1st 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) 2nd violation – the tenant shall receive a written warning and a referral to the Resident Services Coordinator;
 - (c) 3rd violation – the tenant shall receive a termination notice as provided for in MHACY’s lease.

5. **Signs:** MHACY will post "No Smoking" signs outside and inside of all MHACY buildings. Residents 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 Executive Director approves, in his/her 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 MHACY property within 25 feet from any entrance or window, or building. MHACY will give each resident a site map that indicates the specific locations, and designated smoking areas shall be clearly posted. Where an area has been designated for outside smoking, MHACY 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 site manager. Complaints should be made in writing and should be as specific as possible, including the date, approximate time, location and suspected source of migrating smoke. Complaints may be made anonymously. Complaint forms shall be made available by the MHACY at all sites, and complaint forms shall also be available on MHACY's website at www.MHACY.org.
8. **Complaint Investigations:** In circumstances where smoking is smelt or observed by staff, and /or reported by any person, MHACY will seek the specific source of the smoke and take appropriate action consistent with the enforcement provisions of this policy, as set forth in paragraph 4. Residents are encouraged to promptly notify MHACY staff of any incident where smoke is discernible in prohibited areas on MHACY property.
9. **Policy Distribution:** Upon adoption of this policy, all current residents of properties covered by this policy will be given two copies of the policy. After review, the resident will sign one copy and return the executed copy to his/her site manager within seven (7) days after its distribution. The signed copy will be placed in the resident's file. New residents will be given two (2) copies of the smoking policy at the time they execute their lease. After review, the resident will sign one copy and return the executed copy to MHACY's Main Office. The signed copy will be placed in the resident's file.

RESIDENT CERTIFICATION [Every person in the household over the age of eighteen (18) 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.

Resident Signature: _____

Resident Signature: _____

Resident Signature: _____

Resident Signature: _____

Address/Apartment Number: _____

Date: _____