

# HOUSING AUTHORITY OF THE CITY OF BAYONNE

## Public Housing Smoke-Free Policy *and Lease Addendum*

### Purpose:

Bayonne Housing Authority (“BHA”) has implemented a smoke-free policy to comply with federal government regulations at 24 CFR Parts 965 & 966. Any housing agency receiving federal funds from the Department of Housing and Urban Development (“HUD”) must adhere to operation regulations and standards for housing quality.

### Definitions:

1. **“Smoking”** means carrying or smoking a lighted tobacco product or the burning of any tobacco material to be inhaled including, but not limited to, cigarettes, cigars, pipes, or hookahs (water pipes), or engaging in an act that generates smoke for the purpose of human inhalation.
2. **“Housing Authority property”** for purposes of this policy, “Housing Authority property” means buildings and structures owned or otherwise controlled, operated or leased by the BHA.
3. **“Restricted Areas”** means indoor areas of public housing, including but not limited to, living units, indoor common areas such as hallways/stairwells, laundry rooms, community rooms, electrical closets, storage units, bathrooms, and administrative office buildings.
4. **“25 foot perimeter”** means all outdoor areas up to 25 feet from the housing and administrative office buildings, including balconies.

### Policy:

1. This policy establishes standards and requirements to provide a smoke-free environment for all Bayonne Housing Authority residential, communal, and administrative properties. Smoking is not permitted anywhere inside restricted areas, and within a 25 foot perimeter of restricted areas, which includes balconies.
2. Effective by **July 31, 2018**, smoking will be prohibited in restricted areas. This policy will not apply to any resident until the effective date, at which point it will be incorporated into all residents’ lease agreements in 2018 and thereafter, and into all 2018 lease renewal agreements, and apply to all residents upon signing. Failure of any resident to follow the smoke-free policy will be considered a lease violation.
3. The policy applies to public housing residents, members of the resident’s household, resident’s guest, or other person under the resident’s control must not engage in any smoking of specified prohibited tobacco products in restricted areas.

**Enforcement:**

Any deviation from the smoke-free policy by any resident, resident guest, or resident household member will be considered a lease violation, based on the following enforcement plan:

1st Violation: Verbal warning and cessation materials

2nd Violation: Verbal warning and cessation materials

3rd Violation: Written warning and cessation materials

4th Violation: Notice to Cease subject to BHA’s grievance procedure

5th Violation: In the event of a 5<sup>th</sup> violation, the Authority shall have the discretion to terminate a resident Lease Agreement.

**Smoking Cessation Assistance:**

The BHA shall make available smoking cessation assistance to residents. BHA resident services shall be designated to answer questions, refer residents to on-site and outside resources, and otherwise provide smoking cessation assistance options and opportunities.

**Disclaimer:**

Bayonne Housing Authority is not acting as a guarantor of this policy. Failure to enforce any part of this policy does not negate the right of the BHA to enforce it in the future.

Enforcement of this policy will begin by **July 31, 2018**.

**Resident Certification:**

I have read and understand the above smoke-free policy and I agree to comply fully with the provisions. I understand that failure to comply may constitute reason for termination of my lease.

In witness, whereof, the parties have executed this Lease Addendum this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_.

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