



No Smoking Policy

Resolution: 2364
Approved:

Due to the increased risk of fire, increased maintenance costs, and the health effects of secondhand smoke, the Allentown Housing Authority (AHA) is adopting the following No-Smoking Policy, which prohibits smoking in any interior common areas, including but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevators, within all living units, and within ten (10) feet of building(s) including entry ways, porches, balconies and patios. This policy applies to all residents, guests, visitors, contractors and employees.

1. Health and Safety of Our Residents and Staff

Smoking and secondhand smoke are well known human health hazards. Allowing smoking within apartment units exposes all residents and AHA site staff to these known carcinogens. Additionally, indoor smoking poses a significant safety risk and is the number one cause of residential fires in Pennsylvania.

2. Dangers of Secondhand Smoke

Secondhand smoke travels through lighting fixtures, cracks in walls, around plumbing, under doors, and in shared heating/ventilation. Medical studies have shown that tobacco smoke in any form exposes users and bystanders to serious health risks, and can cause lung cancer and cardiac disease in nonsmokers, as well as severe asthma attacks, respiratory infections, sinus infections, sudden infant death syndrome, and other cardiovascular and pulmonary diseases. The U.S. Surgeon General¹ has concluded the following:

- a. Secondhand smoke causes premature death and disease in children and in adults who do not smoke.
- b. Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their children.
- c. Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
- d. The scientific evidence indicates that there is no risk-free level of exposure to second hand smoke.
- e. Many millions of Americans, both children and adults, are still exposed to secondhand smoke in their homes and workplaces despite substantial progress in tobacco control.
- f. 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 exposures of nonsmokers to second-hand smoke.

¹ The Health Consequences of Involuntary Exposure to Tobacco Smoke, A Report of the Surgeon General, 2006

3. Impact of Smoking on Maintenance Costs

Turnover (the process of making a vacant apartment ready for occupancy) costs are increased when apartments are vacated by smokers. Additional paint to cover smoke stains, cleaning of the ducts, replacing stained materials, or replacing carpets that have been damaged by cigarettes can increase the cost necessary to make an apartment occupant ready².

4. Definition

The term “smoking” means inhaling, exhaling, breathing, carrying, or possessing any lighted cigar, cigarette, pipe, other tobacco product or similar lighted product in any manner or in any form.

5. No Smoking Areas

The no smoking policy prohibits smoking in the following areas: common areas, including but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, reception areas, stairways, offices and elevator(s), within all apartment units, and within 10 feet of building(s), including entry ways, porches, balconies and patios.

6. Residents, Guests, Contractors and Employees

This policy applies to everyone who visits, lives and works at AHA public housing properties. Residents would also be responsible for informing their guests of the no smoking policy. Residents will be held accountable for guests who violate the policy. The AHA is responsible for enforcing the policy with contractors and AHA employees.

7. Compliance

The No-smoking Policy does not mean that residents will have to quit smoking in order to live in public housing. The new policy will only prohibit indoor smoking. Residents will still be able to smoke outside as long as they are at least 10 feet away from any building entry ways.

8. Smoking Cessation Resources

If a resident is interested in quitting smoking, your site staff and resident service coordinator(s) will be able to provide you with the smoking cessation resources. Resident service coordinators have been provided with training in smoking cessation support and are available as a resource for residents during this transition.

For additional information please contact:

TobaccoFree Northeast PA
236 N 17th Street
Allentown, PA 18104
1-866-974-QUIT
www.tobaccofreene.com

² EcoWise, September 2009, Volume 7, Issue 9

9. Landlord Not a Guarantor of Smoke Free Environment

Resident acknowledges that Landlord's adoption of a No-Smoking Policy, and the efforts to designate portions of the Property as non-smoking do not make the Landlord or any of its managing agents the guarantor of Resident's health or of the smoke free condition of the non-smoking portions of the Property. However, Landlord will take reasonable steps to enforce the No-Smoking Policy. Landlord is not required to take steps in response to smoking unless Landlord has actual knowledge of the smoking and the identity of the responsible Resident.

10. Lease Violation

Residents are responsible for the actions of their household, their guests and visitors. Failure to adhere to any of the conditions of this Policy and lease addendum will constitute both a material non-compliance with the rental agreement and a serious violation of the Rental Agreement. In addition, Resident will be responsible for all costs to remove smoke odor or residue upon any violation of this Policy.

11. Enforcement

The "No Smoking Policy" is anticipated to have varying levels of resident compliance and will create additional responsibility for property management staff to enforce. Following is an outline of our enforcement plan:

- a) First Violation – verbal warning followed by smoking cessation materials.
- b) Second Violation – verbal warning followed by smoking cessation materials and referral to smoking cessation program.
- c) Third Violation – written warning letter with smoking cessation materials and referral to smoking cessation program.
- d) Fourth Violation – Lease Violation Notice, 30 day notice with option to remedy.
- e) Fifth Violation – Lease Termination Notice.

12. Lease Addendum

All residents will be required to sign the No-Smoking Lease Addendum, included in this policy as Attachment 1. Refusal to execute the attached Lease Addendum will be considered a material breach of the residents' lease agreement.

13. AHA Disclaimer

The AHA's adoption of a non-smoking living environment, and the efforts to designate portions of the Property as non-smoking does not in any way change the standard of care that the AHA has under applicable law to render the Property any safer, more habitable or improved in terms of air quality standards than any other rental premises. AHA specifically disclaims any implied or express warranties that the Property will have any higher or improved air quality standards than any other rental property. AHA cannot and does not warranty or promise that the Property will be free from secondhand smoke. Residents with respiratory ailments, allergies or other condition relating to smoke are put on notice that Landlord does not assume any higher duty of

case to enforce this Policy than any other Landlord obligation under the rental agreement.

14. Resident Participation

Resident participation is an important component in the development of policies and procedures that impact the lives of our residents. A series of resident meetings were conducted to solicit input from residents in the development of the No-Smoking Policy. Resident meetings were conducted in September and October 2011 at the following locations: Central Park; Cumberland Gardens; Walnut Manor, 700 Building and Little Lehigh, and Gross Towers - Towers East. Residents were provided advance notice of the meeting and copies of the proposed policy. Residents submitted verbal and written comments on the proposed policy at each resident meeting. In addition, residents completed a survey on the proposed policy. A summary of the resident comments and survey results are included in Attachment 2.

15. Resident Advisory Board

The proposed policy and a summary of the resident meetings were presented and discussed with the Resident Advisory Board (RAB) in November 2011.

16. Annual Plan Amendment

Adoption of the No-Smoking Policy required an amendment to the AHA's Annual Plan. The amendment was advertised as required and provided for a 45 day comment period. Notices were posted to inform residents of the comment period, a summary of the resident comments provided in this comment period are included as Attachment 3.

NO SMOKING LEASE ADDENDUM

Date _____ Property Name _____

Resident name(s) _____

Resident address _____

The following terms, conditions and rules are hereby incorporated into the Rental Agreement for the above unit effective _____, 2011.

- No-smoking policy** – Due to the increased risk of fire, increased maintenance costs, and the health effects secondhand smoke, Landlord is adopting the following No-Smoking Policy, which prohibits smoking in any interior common areas, including but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevators, within all living units, and within ten (10) feet of building(s) including entry ways, porches, balconies and patios. This policy applies to all residents, guests, visitors, service personnel and employees.
- Definition** – The term “smoking” means inhaling, exhaling, breathing, carrying, or possessing any lighted cigar, cigarette, pipe, other tobacco product or similar lighted product in any manner or in any form.
- Landlord not a guarantor of smoke free environment** – Resident acknowledges that Landlord’s adoption of a No-Smoking Policy, and the efforts to designate portions of the Property as non-smoking do not make the Landlord or any of its managing agents the guarantor of Resident’s health or of the smoke free condition of the non-smoking portions of the Property. However, Landlord will take reasonable steps to enforce the No-Smoking Policy. Landlord is not required to take steps in response to smoking unless Landlord has actual knowledge of the smoking and the identity of the responsible Resident.
- Landlord disclaimer** – Resident acknowledges that Landlord’s adoption of a non-smoking living environment, and the efforts to designate portions of the Property as non-smoking does not in any way change the standard of care that the Landlord has under applicable law to render the Property any safer, more habitable or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the Property will have any higher or improved air quality standards than any other rental property. 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 this Addendum is dependent in significant part on voluntary compliance by Residents and Residents’ guests. Residents with respiratory ailments, allergies or other condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Addendum than any other Landlord obligation under the rental agreement.
- Lease Violation** – Residents are responsible for the actions of their household, their guests and visitors. Failure to adhere to any of the conditions of this Addendum will constitute both a material non-compliance with the rental agreement and a serious violation of the Rental Agreement. In addition, Resident will be responsible for all costs to remove smoke odor or residue upon any violation of this Addendum.

Resident Participation Summary

In an effort to obtain resident input on the proposed No Smoking Policy staff conducted resident meetings on five separate dates in late September and early October³. Residents were informed of the meeting in advance either by a direct notice or common area postings.

At each meeting residents were provided copies of background information on Smoking Policies, a copy of the proposed lease addendum and the proposed No Smoking Policy. All information was provided in both English and Spanish.

In addition to the written information provided at the meetings residents were provided smoking cessation information. Ms. Jeanne Fignar, Policy Research Coordinator, Tobacco Free Northeast PA, attended each meeting and provided information on resources available to residents who wanted to stop smoking.

Residents at each meeting were asked to complete a brief survey. A summary of all responses is listed below and I have attached summaries for four of the five meetings. The participation at Cumberland was very low so a summary is not included.

Next Steps

The Annual Plan must be amended to include the No Smoking Policy, this requires a minimum 45 day notice period. In that time the change is advertised and residents are notified. The amendment is presented to the Resident Advisory Board who will review the policy, any action they take is advisory. The Annual Plan amendment is then approved by the Board.

Once the Annual Plan is amended the Board can approve the resolution to implement the No Smoking Policy.

³ Central Park, September 26; Cumberland Gardens, September 27; Walnut Manor, October 4; 700 Building and Little Lehigh, October 6; and Gross Towers and Towers East, October 10.

Schedule

October 31 – Advertise Annual Plan Amendment

November 4 – Quarterly Resident Advisory Board Meeting

December 14 – Comment Period Complete

December 15 – Board of Commissioners Meeting, Approve Resolution

December 16 – Information Letter to Elected Officials and HUD

December 28 – Resident Notification with Rent Statement

January 1 – All New Leases to Include No Smoking Provision

January to June -

Current Residents Sign Lease Addendum.

Smoking Cessation Outreach and Meetings at Property

Information in Newsletter

July 1 – Smoking Policy in Full Effect

Survey Summary

| | Yes | No |
|---|--------|--------|
| Are you a smoker? ⁴ | 35.96% | 64.04% |
| If you are a non-smoker, does smoke bother you? | 73.21% | 26.79% |
| If you are a smoker, would you agree not to smoke in the apartment building or housing unit and follow any non-smoking rules in your lease agreement? | 69.23% | 30.77% |
| Will you move out of an AHA property if it is a non-smoking property? | 7.14% | 92.86% |
| Would you accept having a designated smoking area away from the apartment building? | 88.16% | 11.84% |
| If you are a smoker, do you feel that living in a smoke free community will help you give up smoking? | 25.81% | 74.19% |
| If you are a smoker, would you like to quit smoking? | 48.39% | 51.61% |

Resident Comments as Recorded on Survey

⁴ Survey results based on 90 responses.

Central Park

"I am a non-smoker and smoke does bother me. I would like to see a non-smoking policy put into effect, although I do have smoker friends who wouldn't like me saying this."

"Yes, I will do my best to quit smoking, but I need a paint job in my apartment because I've been residing at CPW #213 for five years and I'm a smoker."

"I think the smoking areas should be more than 10 feet away from the building. There should be a smoking area for smokers put up on the end of the building away from the building."

"Am more or less neutral; would prefer non-smoking. Tenant above us smokes and sometimes we get ashes on our porch railing."

"I get second smoke coming up my kitchen and bathroom vents."

"These questions are more for smokers to answer. Smoking is #1 reason for fires."

"I am allergic to smoke! It comes in my window."

"I have no comments. You will do whatever you want anyway. You live our life for us. What ever you say we have to do. This place is not really our home."

"I did smoke, but quit cold turkey 12 years ago and never had one since."

Cumberland Gardens

"I appreciate the introduction of 'No Smoking' policy. I am a smoker but will commit myself to the smoking cessation program and hope for a positive outcome."

Walnut Manor

"Have a designated place to smoke. We pay our rent and we are entitled the same rights as the non-smoker. If non-smokers don't like they can move."

"I do not smoke in my apartment over 2 years. However, I do smoke on my porch and since it is outside I would continue to do so. 80% of people in this building never open their door to their porch! What is the difference 10 feet away from building or outside porch – outside is outside!"

"Yes, sometimes smoke does bother me, but if people want to smoke I feel they have the right. I will walk away."

"I believe in non-smoking areas but restricting smoking in your private apartment is invasion of my chosen lifestyle. More and more restrictions are being placed upon us by the government and no longer feel like I have the right to live free."

"I agree not to smoke in my apartment. I agree to have a designated area."

"People have to be allowed to smoke if they want to, it's their problem."

“People have the right to do what they want in their own apartment.”

“People should be allowed to smoke in their apartment.”

“Leave the people alone.”

“People should be allowed to do what they want in their own apartment.”

“Yes, we should have designated area outside the building.”

“Good luck.”

“I do not smoke, I have never smoked.”

“I feel you should give the building a chance to get use to non-smoking. Slowly giving us the opportunity to help us get use to non-smoking. This is almost something that is brought on us really fast.”

700 Building & Little Lehigh

“I am non-smoker, but I would like everybody not smoke.”

“I am not a smoker, but I don’t think you or the Establishment should take away a person’s rights; what they do in their apartment is their business.”

“Can’t afford to live anywhere else. No heat half of the time. Why go outside to smoke? Will try to quit smoking by myself.”

“I am not a smoker. In fact, I have COPD and touch of emphysema. I was a smoker of 2 packs a day and now have been on oxygen approximately 11 years or I wouldn’t be here today. Smoke free, greatest idea.”

“You are taking my rights away. This is a lot of bull s**t.”

“I don’t smoke, but I think smokers can smoke in apartment. When are you going to keep your word with getting 70°-72°F heat. It’s about time you keep your promise. I will not sign that paper about smoking and some other things. Where is our freedom in our apartment? You fix the heat than I would sign.”

“I do not smoke, but if someone smokes they can do it outside far from me. “

“If we live in this building then we should adhere to the rules. It’s for our good and our health. If we do not adhere to the rules of the earth, then we will not be adhering to the rules of God. We need to take care of our health and the world we live in; it’s for our own good.”

“If we live in this building than we should adhere to the rules. If we do not adhere to the rules of the earth, then we will not be adhering to the rules of God. With this bad habit we are destroying ourselves. Our body is the temple for the Holy Spirit and we should not destroy our bodies with this bad habit.”

"I am asthmatic and it is not to my well-being to be in areas or walking by cigarette smoke. I believe they should assign specific areas for smoking. The cigarette smoke infiltrates from one apartment to another."

"I am bringing up my granddaughter here in Little Lehigh and every time she goes outside and she picks up the butts and puts them in her mouth. I have also found matches in the stair wells."

"It's my right to do what I want to do."

"I believe smokers have a right to smoke in the apartments. I think all of the smokers agree it's a personal decision and most of us have been smoking for years and enjoy it. I've tried for years to quit but it reacts with all my meds because of my illness. I hate the fact you want us to smoke outside but if we should, have coverage so when we're outside in the winter we're not cold."

"I really feel that smoking is the No. One health habit in this country and world today. I was a smoker on and off for years. I quit for good 4-1994. I was coughing so bad it made me sick to my stomach, along with that I was coughing up blood. I now have problems with breathing, lungs, bladder and bowel problems from smoking."

"I am not a smoker. I have health problems. I have allergies and get allergy shots once a week. Smoke is one of my allergies but the shots won't help for that. I was told I have to avoid the smoke from cigarettes on my own. One other thing is smoking will cut the oxygen off to the brain."

Gross Towers/Towers East

"I think what I do in my apartment is my affair – smoking is legal and too much is put on "Second-hand" smoke. It's all part of the politically correct agenda. I carried two children while smoking and I was a very young age. They were both born healthy and weights were 7–8 pounds, 20 and 21 inches. They are still alive today and healthy all their lives. They are now in their fifties and going strong and so am I."

"Agree with policy for fire concerns."

"I think it's not fair to force you not to smoke in your apartment."

"I moved and asked about smoking, I was told, yes. I pay my rent."

"I think if we had a designated smoking area, I would agree. I think we should be able to smoke on the balcony. Some people are really disabled and can't come outside to smoke. Now your visitors have to go outside to smoke."

"Decks should be allowed due to bad weather or becoming ill. People who suffer PTSD and chronic anxiety, to take away smoking for them could and most likely will cause other illnesses. I feel if anything, have smokers purchase apartment insurance. Stress causes illness. You are

born with cancer it lays dormant until a gene or stress brings it out, and Type II diabetes from obesity and their diet of foods is running out of control.”

“This is a very difficult thing for a smoker, but for the sake of all, rules and regulations should be set.”

“This use to be a senior high rise and there are a lot of other people here on oxygen or having breathing problems, also lung cancer.”

“What people that do smoke, is bothering me and my family!!!”

“I am in favor of non-smoking. My husband died of lung cancer and I have been around it so I am glad you are doing something about this.”

“They should make it 25 feet away from building.”

“Good going. No smoking, yes.”

“Smoke makes me sick.”

“Smoke makes me sick, thereby interfering in my health.”

“It would be great to live in a non-smoking building. I have seen what smoking has done to a relative of mine.”

“It wasn’t easy to quit smoking, but I did!”

“I agree to non-smoking.”

“See letter from Mary C. Rishcoff given to Mr. Farrell.”