

Smoke-Free Housing Policy

Cheyenne Housing Authority [*Date of Adoption*]

Purpose:

1. To clarify the Cheyenne Housing Authority's (CHA) position supporting and promoting a healthy environment for the well-being and safety of tenants, staff, visitors, and others who have a presence within the buildings owned by CHA. Smoking is a critical health issue not only for those who smoke, but also for those exposed to it second-hand.
2. To reduce the wear and damage to properties operated by the Cheyenne Housing Authority caused by smoking, much of which has to ultimately be remedied through the expenditure of public funds that could otherwise be used more appropriately to serve the mission of CHA in providing needed housing and housing-related services to low-income, elderly, and disabled persons.

Policy Terms:

1. Smoking is not permitted anywhere in any Cheyenne Housing Authority owned building, including single family homes and apartments, in accordance with the definitions and guidelines set forth in this policy.
2. "Smoking" is defined as the lighting, burning, inhaling, exhaling or other similar uses of tobacco or any other material in any type of smoking device or equipment. This includes, but is not limited to, cigarettes, electronic cigarettes, clove cigarettes, cigars, pipes, hookahs, bidis, and any item or device that simulates any of these products.
3. "Building" is defined to include all apartments, houses, interior hallways, foyers, lobbies, entryways, vestibules, closets, rooms, elevators, basements, garages, sheds, other such enclosed structures, and all subparts and areas within these listed structures. References within this policy to "home(s)", "apartment(s)", or "house(s)" are intended to be synonymous with the definition of "building." The opening of doors or windows of a building does not remove that structure from the definition of a "building."
4. Effective on _____, all current residents, all employees, all guests, and all new residents of the Cheyenne Housing Authority owned properties after this date will be prohibited from smoking anywhere in Cheyenne Housing Authority owned buildings, including in apartment units and single family homes.
5. Any current resident of any CHA owned property as of _____ who wishes to be able to smoke within their apartment or house after _____ will only be allowed to do so if they have a CHA approved exemption. The CHA will not consider applications for exemption to the Smoke-Free Housing Policy submitted more than 30-days after the effective

date.

- A. Only persons currently residing in a CHA owned property as of _____ are eligible for an exemption. "Currently residing" means that the person has signed a current, non-terminated lease to reside in a CHA owned property prior to _____ or that the person has been formally approved by CHA as a member of a tenant's household prior to _____ where that tenant has also signed a current, non-terminated lease to reside in a CHA owned property prior to _____.
- B. Persons who sign a lease or who are added to a tenant's household after _____ are not eligible to receive an exemption.
- C. Exemptions are specific to individual persons and do not cover all members of a household. Each eligible member of a household who wishes to be able to smoke in their house/apartment must separately have their own exemption. Exemptions are not transferable and cannot be given or assigned to other persons.
- D. Members of a household who are under the age of 18 are not eligible to receive an exemption.
- E. To apply for an exemption, a person must sign and date two (2) copies of the smoking exemption form. One copy must be returned to the Housing Authority office for review and approval by CHA. If the exemption is approved, a letter will be sent to the applicant notifying them that they have received an exemption. The exemption is not effective until the applicant receives the letter notifying them of the approval. Exemptions will not be approved for persons who are not eligible to have an exemption, as set forth in this policy.
- F. An exemption is only valid until the date when the person holding it moves out of the property in which they are currently a tenant or household member. "Moves out" includes vacating the property, transferring to a different CHA-owned unit, abandoning the property, being removed as a member of the household, or being removed from the property through eviction or other involuntary methods. Once a person with an exemption has moved out of the property they currently reside in, they will no longer be eligible to have an exemption, even if they should later return to reside in CHA-owned properties.
- G. Exemptions are specific to the specific property at which the person resides as a tenant/household member. Any person with an approved exemption must not smoke in any unit other than their own.
- H. Exemptions do not cover guests or visitors. Any person with an approved exemption must not allow anyone else to smoke inside their apartment or house, including guests and other members of the household (unless those other members of the household also have a current, approved exemption).
- I. All residents of multi-unit properties with exemptions must keep the entrance doors

to their dwelling unit closed at all times while smoking.

J. No resident with an exemption shall begin or continue smoking, as defined above, at such time as any employee or representative of the Cheyenne Housing Authority enters or is present in the resident's apartment or house. If any resident refuses to stop smoking prior to the employee or representative entering the apartment/house, or if the resident begins or continues smoking while an employee or representative is present in the apartment/house, then the employee or representative must leave the premises and shall not return until such time as there is no longer any smoking occurring at the premises. If this occurs, the tenant shall be responsible for any consequences that result from a delay in providing services at the unit.

K. A smoking exemption may be revoked by CHA in its sole discretion at any time for any of the following reasons:

(1.) any violation of any of the terms of this Smoke-Free Housing Policy by the tenant and/or any member of their household or guests, including any of the terms and restrictions relating to the exemption itself;

(2.) any violation of any of the terms of the tenant's lease/lease addendum relating to smoking by the tenant and/or any member of their household or guests;

(3.) if smoking in the unit has caused damage to any carpet(s), walls, countertop(s), or other features of the unit; or

(4.) if the unit fails inspection due to housekeeping problems caused by nicotine stains, burns, ashes, smoke residue, or other smoking-related reasons; and

(5.) if the person holding the exemption otherwise becomes or is discovered to be ineligible for an exemption, as set forth in this policy.

L. Any person who has their smoking exemption revoked by CHA will be notified in writing of the revocation. Once a person's exemption has been revoked, they are no longer able to smoke in their apartment/house and must comply fully with all terms of this Smoke-Free Housing Policy. Once a person has had their exemption revoked, they are no longer eligible to have any further exemption from this policy.

M. The revocation of a person's exemption does not prohibit or preempt action by CHA to take enforcement action against that person for lease or policy violations. The same conduct which results in revocation of a person's exemption can also be used as cause to enforce the lease, including lease termination, against that same person and/or the tenant for the household in which that person resides.

6. Any deviation from any of the terms of this Smoke-Free Housing Policy by any tenant, a member of their household, or their guest will be considered a lease violation. It is not necessary that a person be observed to have been engaged in the act of smoking in order for a lease violation to occur; the presence of ashes, burnt cigarettes, smoke or smoke residue, cigarette burns, or other circumstantial evidence of smoking can be sufficient to establish a lease violation. Action may be taken to enforce the lease, including lease termination and eviction, for violations of this policy.

7. This Smoke-Free Housing Policy does not alter or supersede any city, county, state, or federal rules, regulations, laws, or ordinances that may apply to smoking by persons in or around CHA owned property. All tenants, members of tenants' households, employees, visitors, and guests are required to comply with such rules, regulations, laws and ordinances.

8. If a resident smells smoke in any place in the building, they are requested to report this to the Housing Authority as soon as possible. Housing Authority staff will seek the source of the smoke and take appropriate enforcement action where possible.

9. All tenants will be given two (2) copies of this Smoke-Free Housing Policy. After review, all members of the tenant's household, age eighteen (18) and older, must sign both copies and return one to the Cheyenne Housing Authority's office within the time frame specified by CHA. The copy will be maintained in the tenant's file.

RESIDENT CERTIFICATION

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

All household members, 18 years of age or older, must sign below

Resident Signature(s): _____

Apartment Number: _____ Date: _____

Address: _____