

Living Smoke-Free: Texas Public Housing Authorities

Toolkit for Administrators and Property Managers
May 2018



Made possible with funding from the Texas Department of State Health Services

General Disclaimer:

This toolkit is provided as an educational tool only and is not to be construed as legal opinion or as a substitute for obtaining legal advice.

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About this Toolkit

The University of Texas at El Paso (UTEP) created this “Living Smoke-Free: Texas Public Housing Authorities Toolkit for Administrators and Property Managers” with funding from the Texas Department of State Health Services (DSHS) and Centers for Disease Control and Prevention (CDC). This toolkit was made to help public housing administrators and staff members to understand, adopt and support the newly announced federal rule about smoke-free public housing. The toolkit also provides resources for Texans who want to quit using tobacco.

Background

In February 2017, the U.S. Department of Housing and Urban Development (HUD) announced a federal rule titled Instituting Smoke-Free Public Housing Policies. The rule prohibits the use of defined tobacco products in public housing, including living units, interior common areas, outdoor areas within 25 feet from public housing, and administrative buildings.^{1,2} **By July 30th 2018, 18-months after the effective date, public housing authorities (PHAs) are required to adopt smoke-free policies in their public housing properties, meeting or exceeding the minimum requirements detailed in the rule.** The HUD rule applies to PHAs nationwide, including here in Texas.

Benefits of Smoke-Free Multi-Unit Housing

Going smoke-free offers numerous benefits to multi-unit administration and staff: cost and maintenance savings; insurance savings; reduced legal liability; and improving resident health and safety.² Prior to the rule, multi-unit housing agencies both public and private in the United States adopted smoke-free guidelines to reduce the overall cost of smoking damage to their apartment units.¹ Some housing agencies offer a smoke-free property as part of their amenities.³

Cost and Maintenance Savings

The costs of turning over the unit of a smoker can add up quickly! Turning over a smoking unit can cost two to seven times more than turning over a non-smoking unit.¹ Smoking inside a unit can affect most surfaces, including walls, refrigerators, countertops, carpets, and fixtures. See the table below for estimated costs of rehabilitating a non-smoking unit (where smoking is prohibited) versus a heavy smoking unit (where smoking is allowed).⁴

Housing Unit Rehabilitation Costs: Non-Smoking vs. Heavy Smoking⁴

	Non-Smoking	Heavy Smoking
General Cleaning	\$270	\$720
Paint	\$170	\$480
Flooring	\$50	\$1,425
Appliances	\$60	\$490
Bathroom	\$40	\$400
Total	\$560	\$3,515

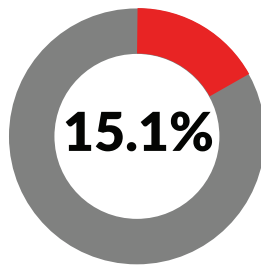
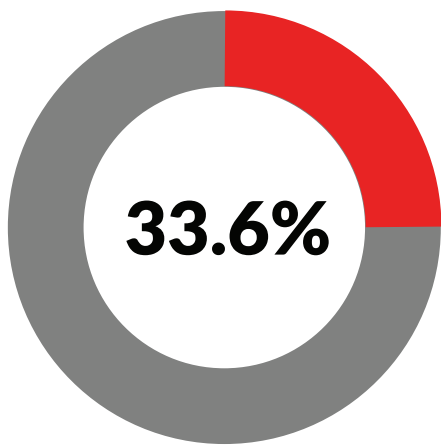
As cited in Change is in the Air: An Action Guide for Establishing Smoke-Free Public Housing and Multifamily Properties. U.S. Department of Housing and Urban Development, Office of Lead Hazard Control and Healthy Homes.

Reduced Fire Risk

Smoking-related fires can cause significant property damage that is costly to repair. Smoking in apartment units increases the chances of igniting a smoking-related fire.^{1,2,3,4} According to the National Fire Protection Association, 64 percent of smoking-related fires reported from 2007 to 2011 occurred in homes, including apartments.^{5,6} A quarter of the victims killed in smoking-related fires were not the smokers whose cigarettes had started the fires.⁵

Secondhand Smoke

Pregnant women, infants, children, and older adults are especially susceptible to the serious health risks of secondhand smoke.^{1,7,8} In the United States, 25 percent of nonsmokers and about 40 percent of children are exposed to secondhand smoke.^{9,10}



One-third (33.6 percent) of adults living in public housing smoke compared to 15.1 percent of the general population.¹¹

There is no safe level of secondhand smoke exposure.⁷ Movement of smoke within a unit cannot be controlled and can travel into other units through hallways, stairwells and even water pipes. The only way to reduce the health risk from secondhand smoke exposure is by creating a smoke-free environment.



In The United States:



Approximately **58 million** (1 in 4) non smokers are exposed to secondhand smoke ^{9,16}



About **2 in 5** children (including 7 in 10 black children) are exposed to secondhand smoke. ^{10, 16}



The **home is the main place** where **children** are exposed to secondhand smoke. ^{7, 8, 16}

Section 1: Preparing Your Public Housing Community

This section will help you to prepare your housing community to go smoke-free.

Engaging your residents throughout the process can help to minimize pushback and empower residents to take ownership as the policy is put into place. You will want to adopt a policy that best suits your property and current environment. This will help ensure the cooperation of residents who are smokers. Involving them at this stage is vital to ensuring a smooth transition.

Communication is key as you go smoke-free. Find creative ways to engage your residents and staff as you prepare for the upcoming change. Going smoke-free protects the health of both residents and employees. Staff will benefit from working in a smoke-free environment, which lowers their risk of exposure to secondhand smoke, smoking-related fires, and property damage. Every time a property manager, maintenance worker, administrative staff or other PHA members enters a building or unit where tobacco was smoked, that person risks secondhand smoke exposure.¹

Here are some points about the health effects of secondhand smoke that may be helpful when talking to residents and staff:¹⁴

- There is no safe level of secondhand smoke exposure.
- Pregnant women, infants, children, older adults, and people with disabilities are especially susceptible to the health hazards of second hand smoke.
- About 80 percent of multi-unit housing residents choose to make their own homes smoke-free.
- Secondhand smoke can travel within multi-unit housing and common areas through doorways, cracks in walls, electrical lines, ventilation systems, and plumbing.
- Opening windows and using fans does not completely rid the air of secondhand smoke.

Be prepared to answer the following:

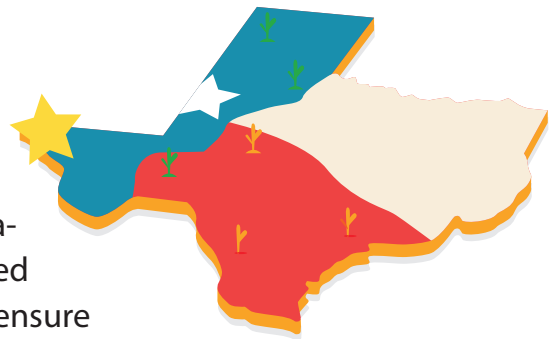
- The effective date of the policy.
- How this policy is happening nationwide.
- Where people can smoke after the policy is implemented (even if you are thinking about going 100% smoke-free on property).
- How the policy is about removing smoke from public housing and not punishing smokers.
- How the policy will be enforced, and how violations will be handled.
- Stay on message! Have a copy of the policy available for review, and be prepared to listen and redirect the conversation when you need to.

Questions and Answers

- **Is this legal?** It is legal to adopt a smoke-free policy.
- **Doesn't this infringe on my rights?** Smokers are not a protected class, and there is no right to smoke under any federal, state, or local law.^{1,12}
- **Don't you have to provide a smoking area?** No. Smoke-free policies can cover any area under ownership; there is no legal obligation to provide a designated smoking area for residents.
- **Why are you making rules against smokers?** A smoke-free policy restricts smoking in designated areas, not smokers.
- **If I am a smoker am I still allowed to live here?** Smoke-free policies do not prohibit anyone from living in your housing authority. In fact, housing providers are sometimes expected to make accommodations for people with disabilities whose health is compromised by tobacco smoke.⁶

Success Story: El Paso, Texas¹³

In 2013, a team of health practitioners from UTEP along with resident services staff from the Housing Authority of the City of El Paso (HACEP) received funding from a regional health foundation (Paso del Norte Health Foundation) to assess support for a smoke-free policy in subsidized multi-unit public housing. HACEP's leadership wanted to ensure that all residents in their 54 communities had an opportunity for their voices to be heard, so the outreach team developed a plan to engage with more than 6,500 households. Over a period of six months, UTEP and HACEP staff surveyed 1,422 households (in English or Spanish, as preferred). A number of strategies were used to increase resident participation in all 54 communities including:



- Promoting a brief survey in newsletters, rent receipts, and other communications with residents,
- Placing flyers on doors inviting residents to participate in community forums held at each housing community, and
- Going door-to-door and surveying residents in their own homes. Residents were able to participate in-person through community forums and home visits or by phone with resident services staff.

Results were shared at HACEP board meetings, resident council meetings, and other leadership and commissioner meetings. **As has been the case in other surveys of public housing residents, more than 80 percent of residents supported a smoke-free policy.**

Involving Your Residents

Resident meetings and engagement are also a requirement of the federal HUD rule. From the beginning, present a positive message. Talk about how adoption of smoke-free public housing policies is happening nationwide to improve the health, wellness, and safety of residents living in public housing. Center the conversation on health and safety, ensuring everyone has access to clean, smoke-free air at home. Don't single out smokers or make judgment calls on smoking; this policy is designed to take the smoke out of the areas where residents live. There may be tough questions, but stick to the facts; remember, everyone has the right to breathe air free of tobacco smoke.

Involving Your Staff

Including your staff in the conversation is vital to your success in establishing and enforcing smoke-free policies. Talk to your staff about how the policy will benefit them and promote tobacco-cessation resources. See Section 4 to learn more about help available to Texas residents who are ready to quit tobacco.

Be prepared to discuss the items found in the Involve Your Residents section with your staff. Having an initial conversation may help you find areas where you may need to train or re-train staff on how to implement and enforce your policy.

If your housing agency provides employee health insurance, some staff may also qualify for tobacco cessation medications and treatments. Knowing this information beforehand can help staff who want to quit.

1 IN 5 U.S. WORKERS
is exposed to secondhand smoke in the workplace¹⁷



Exposure to secondhand smoke results in \$5.6 billion a year in **lost productivity** in the United States.¹⁷

Section 2: Going Smoke-Free

In this step of Going Smoke-Free, you are going to decide what type of smoke-free policy fits your community the best. Drafting the policy-lease amendment and enforcement procedures should reflect your various communications with your residents, staff, leadership, and board.

Think through these factors as you find a policy that is the right fit for your agency. This may help you determine whether a 100% smoke free property nonsmoking policy, or extending the nonsmoking area beyond the required 25 feet, will work better with your housing community.

Your leadership and board may find it beneficial if you collect information or comments formally from residents and staff throughout the process. Be sure to share any findings with your leadership and board. The more you communicate about an upcoming change in going smoke-free, the better prepared your community will be when you begin to implement the policy.

Public Housing HUD related guidance:²

All smoke-free policies must be in effect by July 30, 2018, 18 months after the effective rule date of February 3, 2017. Lease amendments must be provided to new tenants at the time of initial lease signing and to existing tenants at their annual recertification or the first recertification after HUD approves amendments.

Federal HUD rule minimum requirement:

Minimum requirements to meet the HUD rule are to implement a policy barring the use of prohibited tobacco products in all public housing living units, interior common areas, and outdoor areas within 25 feet of public housing and administrative office buildings.^{1,2} For sample lease addendum language, refer to Appendix A. PHAs have the discretion of including Designated Smoking Areas (DSAs). DSAs may be partially enclosed structures or benches and may include lighting; none are required by the federal HUD rule.¹

Prohibited Tobacco Products² — Prohibited tobacco products are defined as items that involve the ignition and burning of tobacco leaves, such as: cigarettes, cigars, pipes, and water pipes (also known as hookahs).

Interior common areas² — Included but not limited to: hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures.

100% Smoke-Free Property:

The federal HUD rule allows for PHAs to adopt policies stronger than the minimum requirement.

Additional policy areas to consider:^{1,2}

- Electronic Nicotine Delivery Systems (i.e. e-cigarettes)
- Limitation on smoking to Designated Smoking Areas only
- Requirement of a smoke-free perimeter greater than 25 feet
- Requirement for an entire campus to be smoke-free, which would mean no smoking on the entire property or premises (100% smoke-free property)
- Requirement of smoke-free outdoor common areas not included within the current requirement, such as children's playgrounds or other outdoor amenities

Electronic Nicotine Delivery Systems — Electronic Nicotine Delivery Systems (ENDS) can also be defined as electronic smoking devices and are commonly known as electronic cigarettes (e-cigarettes). Electronic cigarettes were not included into the federal HUD rule, but there may be reasons for your PHA to include them. One benefit is from the enforcement standpoint. Because of the variety of devices, some may look similar to prohibited lighted tobacco products. It may be hard to tell whether the resident or guest is smoking an electronic cigarette and not a traditional cigarette from where you or a staff member is standing.

Extending smoke-free coverage on your property — Extending coverage may work for your property for many reasons. For some smaller properties, the 25-foot rule may mean your entire campus must be smoke-free. In other cases, you must consider what the 25-foot rule would look like on your campus. Think about steps you'll need to take to implement the rule. If you extend coverage past 25 feet, be sure to communicate with your staff and residents where it will be acceptable to smoke. You may want to extend coverage to children's playgrounds or other outdoor common areas. Such coverage decreases the chances of exposing children to the harmful effects of secondhand smoke. It also decreases the chances of a child coming into contact with tobacco litter or e-liquid containers from the play site, which could lead to accidental poisoning.

Helpful Hint

Housing agencies should tailor their smoke-free policy to meet their needs. Things to consider include which areas you would like to see become smoke-free beyond the minimum requirement of the rule; being courteous to surrounding neighbors and risk factors such as high speed traffic or low-visibility areas near your property.

Success Story: Austin, Travis County, Texas

In 2013, Austin Public Health began working with the Housing Authority of the City of Austin and the Housing Authority of Travis County to implement smoke-free multi-unit housing policies in their public housing properties. Through collaboration, communication strategies were identified to engage, inform, and obtain feedback from residents about the transition to smoke-free housing.



Austin Public Health's best practices for communicating with residents prior to the implementation of a smoke-free housing policy include:

- Creating a timeline for smoke-free housing policy communications, including resident letters, formal announcements at resident meetings, signage purchase and placement, and lease addendum signing;
- Notifying residents about the new policy using multiple avenues, such as letters, flyers, newsletters, resident calendars and resident forums.
- Notifying residents at the onset of the transition period and multiple times throughout the transition period regarding: 1) the plans for the policy, 2) effective date of the policy, and 3) the requirement to sign a new smoke-free lease addendum;
- Attending Resident Councils to meet with residents, share information, address questions and concerns, identify policy champions, and obtain feedback; and
- Including health risk messages and cessation resources in all communication.



Section 3: Living in a Smoke-Free Environment

Living and working in a smoke-free environment will take some getting used to for everyone.

It may be helpful to assign implementation and enforcement roles to staff. Giving staff examples of how they can address issues with compliance and what to do when policy is violated or questions arise can go a long way in ensuring compliance.

Remember, smoking is an addiction. Residents with mental illness, disabilities or who are older may require more attention than others.¹ Ensure that residents receiving services understand your new requirement, and how they can comply with the policy.

A handful of residents may find becoming smoke-free challenging. You may consider moving them to entrances or units with easier access to the outside. If they have regular visits with support staff such as social workers or skilled nurses, be sure to share the new policy with them, too. You may be able to enlist their help in finding out if a resident needs help understanding the policy or finding ways to quit tobacco.¹

Staff and residents come and go; it is important that you establish regular messaging for staff and residents alike regarding your policy. Explain the following in training and orientation sessions:

- 1) How this policy is implemented on your grounds;
- 2) How to address residents who violate this policy;
- 3) What the process is for reporting violation(s); and
- 4) What tobacco-cessation resources are available.

When residents are signing the lease addendum, give them supporting documents like the enforcement measures/protocol for lease violations. When communicating with residents during this process, be sure to point out the new no-smoking rule as it applies to your properties. It is recommended that all residents 18 or older initial the no-smoking policy to be sure they have read it, and that you are available for questions while they're reading it.¹

You may find that some staff and residents become your own smoke-free ambassadors. Consider networking with state and local organizations to help refer people to cessation information or treatment in your area. This extra step can go a long way!

Connect with Texas Department of State Health Services Tobacco Prevention and Control Regional Coordinators at <https://www.dshs.texas.gov/tobacco/regions.shtm>.

Enforcement

Housing agencies that have adopted smoke-free policies prior to the federal HUD rule say they enforce the no-smoking policy just like any other lease rule or regulation.^{4,15} As mentioned earlier, it is important to train your staff so they know their role during the implementation process, including how to address residents who violate this policy, and the proper way to report policy violations. Be prepared to share how violations will be determined, what evidence will be required to verify a violation, and how that evidence will be gathered.¹ Written documentation, written complaints by residents, maintenance staff, administrative staff, and/or the property manager are helpful.¹

Many housing agencies have said that smoke-free policies are self-enforcing.^{4,15} Remember, you may already have warning and enforcement methods that can also be used for smoking violations. The lack of enforcement with one resident can create issues of enforcement with other residents. Be consistent to send a clear message that smoking is not allowed on your property.¹⁵ Use your past experience of policy enforcement to help guide you as to how you will enforce this policy on your property. Your agency may already have a mechanism for the enforcement of lease provisions. You will find a sample English and Spanish notice of possible lease violation with information on Texas resources in Appendix C.

Enforcing Smoke-Free Policies

- **Reminders benefit everyone.** At the beginning of implementation of the policy it is best to remind residents and staff often of the policy and ways to comply with the policy.
- **This change will take time.** Don't give up on enforcing your policy. You may see that during certain times such as during a winter or rain storm your PHA may experience an increase in violations. Incidences have been shown to decrease with time once residents know the PHA management will enforce the policy.
- **Identifying lease violations.** Possible lease violations may be identified through common everyday staff or vendor activities. For example, maintenance staff may enter an apartment to find an ashtray with cigarette butts while performing a maintenance request. Staff could then report this possible lease violation to their supervisor which would then communicate to the property manager. The property manager could then schedule an in-person inspection to confirm the violation.
- **Enforcement protocol.** After identifying the lease violation, follow your enforcement protocol or procedures to document the lease violation. As these enforcement protocols may vary, many PHAs use the same procedures as any other lease violation which may escalate in severity. For example, the first violation may start as a verbal warning, second a written notice, eventually leading to eviction.
- **Revisit your current procedures for documenting or gathering evidence for a lease violation. Remember once you identify a possible lease violation set a goal for you and your staff to address it timely.**

Section 4: Cessation Resources for Texans

Although the main focus of going smoke-free is to stop indoor smoking, residents and staff may decide that this may be a good time to quit tobacco altogether. Be prepared to connect them to the appropriate resources and information. As mentioned in the Living Smoke-Free section, you may find some staff and residents may effectively become your smoke-free ambassadors. Consider networking with state and local organizations to help connect people to cessation information or treatment in your area.

Tobacco cessation resources are treatments to help people quit smoking or using tobacco. These treatments can involve the combination of a nicotine patch, gum, lozenge, medications, and/or group, individual, and phone counseling.

The Texas Tobacco Quitline (1-800-YES-QUIT) is a confidential, toll-free service available to Texas residents age 13 and older. Quitline callers are offered free telephone counseling with a Quit Coach, web-based cessation services, texting support and printed quit smoking materials. There are expanded telephone counseling sessions offered to pregnant women and services for the hearing impaired or those hard of hearing. Quitline callers receive help in setting up a quit date and plan, 24 hours a day, 7 days a week, at no cost to the caller. All services are available in English and Spanish, with interpretative services available for other languages.

Need some help?

Learn about which services are in your area at <https://www.dshs.texas.gov/tobacco/regions.shtm>.

Some residents who have Medicaid, Medicare, Tricare or other health insurance may be able to receive greater benefits through their health insurance plan to help them quit smoking. The underinsured also may be served by health clinics or Federally Qualified Health Centers, which may use an income-based sliding scale for prescription medications and doctor visits. Some of these health clinics or centers may also implement tobacco-cessation programs that provide group or individual counseling to patients.

HUD Texas PHA Fax Referral

In Appendix D you will find the adapted HUD Texas PHA Fax Referral in English and Spanish. You can use the fax referral to connect your resident to the Texas Tobacco Quitline directly.

Texas Quitline Phone Application Electronic Referral

Another way for PHA staff to refer residents is the Texas Quitline Phone Application. The mobile application is available in English and Spanish, and supported on both Android™ and Apple® devices, including tablets.

To download the electronic application to your device visit, <http://www.uttobacco.org/>

All PHAs in Texas are allowed to refer their public housing residents to the YesQuit referral program.

Here's how:

Fax Referral:

1. Your resident shares they are ready to quit tobacco to a staff member.
2. Your staff member asks your resident if they would like to be connected to the Texas Quitline.
3. If yes, your staff member and resident fill out all the fields within the fax referral form.
4. Your staff faxes the form to the Texas Quitline at 1-800-483-3114.
5. The resident gets connected to the Texas Quitline through the fax referral.

Electronic/App Referral:

1. Download the Texas Quitline Phone Application on a device (phone or tablet).
2. Your resident shares they are ready to quit tobacco to a staff member.
3. Your staff member asks your resident if they would like to be connected to the Texas Quitline.
4. If yes, your staff member and resident fill out all the fields within the downloaded electronic form on the application.
5. Your staff submits the electronic form on your device (phone or tablet) to the Texas Quitline.
6. The resident gets connected to the Texas Quitline through the electronic form.

For more information on the HUD Texas Fax Referral and/or the Texas Tobacco Quitline Phone Application contact your Texas Department of State Health Services Tobacco Prevention and Control Branch Regional Coordinator to help guide you through the process
<https://www.dshs.texas.gov/tobacco/regions.shtm> .

For more information on these resources, or to obtain printable handouts on additional quit resources available in Texas, visit the Texas Department of State Health Services public housing smoke-free webpage at <https://www.dshs.texas.gov/tobacco/Public-Housing-Smoke-Free-Toolkit.doc> or www.YesQuit.org.

**Yes!
I'm Ready
to Quit.**



Good for you!

The single most important thing you can do to protect your health is to stop smoking.

All it takes is a plan of action and a little help from people who care.

877.YES.QUIT
YES QUIT
YESQUIT.ORG

**No,
I'm Not
Ready
to Quit.**



Even if you're not ready to give up cigarettes, think about why you do smoke and what lies ahead.

877.YES.QUIT
YES QUIT
YESQUIT.ORG

**¡Sí! Estoy
listo para
dejar de
fumar.**



¡Muy bien!

Lo más importante de todo lo que usted puede hacer para proteger su salud es dejar de fumar.

Necesitas un plan de acción y un poco de ayuda de gente amable.

877.YES.QUIT
YES QUIT
YESQUIT.ORG

**No, no
estoy
listo para
dejar de
fumar.**



Incluso si aún no está listo para dejar el tabaco, piense en por qué fuma y en lo que está por venir.

877.YES.QUIT
YES QUIT
YESQUIT.ORG

Appendix A

Lease Addendum Language Meeting HUD Requirements¹

NO SMOKING LEASE ADDENDUM

Date _____ Development _____ Unit# _____
 Head of Household _____
 Date of Move-In _____ Effective Date _____

THE FOLLOWING TERMS, CONDITIONS AND RULES ARE HEREBY INCORPORATED INTO THE LEASE FOR THE ABOVE UNIT EFFECTIVE [DATE] FOR NEW MOVE-INS AND [DATE] FOR CURRENT RESIDENTS.

1. No Smoking Policy — Due to the increased risk of fire, increased maintenance costs, and the health effects of secondhand smoke, the [PHA NAME] 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, hallways, laundry rooms, stairways, offices and elevator; within all living units; and within [____] feet] of building(s) including entryways, porches, balconies, and patios. This policy applies to all residents, guests, visitors, service personnel, and employees.
2. 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 in any form.
3. The [PHA NAME] is not a guarantor of smoke-free environment. Resident acknowledges that the [PHA NAME]’s adoption of a No-Smoking Policy will not make the [PHA NAME] the guarantor of Resident’s health or of the smoke-free condition of the non-smoking portions of the property. However, [PHA NAME] will take reasonable steps to enforce the No-Smoking Policy. The [PHA NAME] is not required to take steps in response to smoking unless the [PHA NAME] has actual knowledge of the smoking and the identity of the responsible resident.
4. [PHA NAME] Disclaimer — Resident acknowledges that the [PHA NAME] adoption of a non-smoking living environment does not in any way change the standard of care that the [PHA NAME] 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. The [PHA NAME] specifically disclaims any implied or express warranties that the property will have any higher or improved air-quality standards than any other rental property. The [PHA NAME] cannot and does not warranty or promise that the property will be free from secondhand smoke.

¹This sample lease addendum language is in alignment with the sample language within the HUD Smoke-Free Policy in Public Housing Guidebook resource.

5. Resident acknowledges that the [PHA NAME]'s ability to policy, 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 the [PHA NAME] does not assume any higher duty of care to enforce this Addendum than any other [PHA NAME] obligation under the rental agreement.
6. Lease violation — Residents are responsible for the actions of their household, guests, and visitors. Failure to adhere to any conditions of this Addendum will constitute both a material noncompliance with the Lease Agreement and a serious violation of the Lease Agreement. In addition, resident will be responsible for all costs to remove smoke odor or residue upon any violation of this Addendum.

Signature of Head of Household

Date

Other member of Household

Date

Other member of Household

Date

Signature, Management Staff

Date

Appendix B

Lease Addendum 100% Smoke-Free Property¹

NO SMOKING LEASE ADDENDUM

Date _____ Development _____ Unit# _____
 Head of Household _____
 Date of Move-In _____ Effective Date _____

THE FOLLOWING TERMS, CONDITIONS AND RULES ARE HEREBY INCORPORATED INTO THE LEASE FOR THE ABOVE UNIT EFFECTIVE [DATE] FOR NEW MOVE-INS AND [DATE] FOR CURRENT RESIDENTS.

1. No Smoking Policy — Due to the increased risk of fire, increased maintenance costs, and the health effects of secondhand smoke, the [PHA NAME] is adopting the following No-Smoking Policy, which prohibits smoking throughout the entire campus, including but not limited to any interior common areas and outdoor areas throughout the entire property owned and operated by [PHA NAME]. This policy applies to all residents, guests, visitors, service personnel, and employees.
2. Definition— The term “smoking” means inhaling, exhaling, breathing, carrying, or possessing any lighted cigar, cigarette, pipe, hookah, other tobacco product, or similar lighted product in any manner in any form. Smoking also includes the use of “Electronic Smoking Devices.” “Electronic Smoking Devices” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor².
3. The [PHA NAME] is not a guarantor of smoke-free environment. Resident acknowledges that the [PHA NAME]’s adoption of a No-Smoking Policy will not make the [PHA NAME] the guarantor of Resident’s health or of the smoke-free condition of the non-smoking portions of the property. However, [PHA NAME] will take reasonable steps to enforce the No-Smoking Policy. The [PHA NAME] is not required to take steps in response to smoking unless the [PHA NAME] has actual knowledge of the smoking and the identity of the responsible resident.

¹This sample lease addendum language was adapted from the sample language within the HUD Smoke-Free Policy in Public Housing Guidebook resource to include language 100% Smoke-Free Property.

²Americans for Nonsmokers’ Rights, Model Lease Addendum

4. [PHA NAME] Disclaimer — Resident acknowledges that the [PHA NAME] adoption of a non-smoking living environment does not in any way change the standard of care that the [PHA NAME] 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. The [PHA NAME] specifically disclaims any implied or express warranties that the property will have any higher or improved air quality standards than any other rental property. The [PHA NAME] cannot and does not warranty or promise that the property will be free from secondhand smoke.
5. Resident acknowledges that the [PHA NAME]'s ability to policy, 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 the [PHA NAME] does not assume any higher duty of care to enforce this Addendum than any other [PHA NAME] obligation under the rental agreement.
6. Lease violation — Residents are responsible for the actions of their household, guests, and visitors. Failure to adhere to any conditions of this Addendum will constitute both a material noncompliance with the Lease Agreement and a serious violation of the Lease Agreement. In addition, resident will be responsible for all costs to remove smoke odor or residue upon any violation of this Addendum.

Signature of Head of Household

Date

Other member of Household

Date

Other member of Household

Date

Signature, Management Staff

Date

Appendix C

Notice of Possible Lease Violation with Texas Resources (English)¹

NOTICE OF CONCERN POSSIBLE “NO SMOKING” ADDENDUM VIOLATION

This is a courtesy notice of an unconfirmed lease violation and/or an apparent minor first-time violation. This is not a lease termination notice. If the [PHA NAME] elects to serve an eviction notice for the violations discussed here, you will be served a lease termination notice.

Date _____

Resident _____

Name _____

Address _____

This is a courtesy notice to inform you that it has come to the attention of your property manager that you may be in violation of the No Smoking Addendum in the following way(s):

The [PHA NAME] staff was informed that on _____ at approximately _____ you were **(smoking in the unit), (smoking in the __interior or outdoor_ common areas), or (smoking on the property)**. This is a serious lease violation of the No Smoking Addendum.

If you violate the No Smoking Addendum again, it will result in a **NOTICE OF FOR CAUSE**.

If you have questions about this notice and would like to discuss it, please contact your property manager at (NAME/LOCATION).

At this time, no formal action is being taken by the [PHA NAME] beyond this courtesy notice. We do stress, however, the importance of refraining from smoking in your unit, in the common areas, and on the entire property. Failure to do so may be treated as a violation of material terms of your lease and may lead to termination of your lease.

If you have been thinking about quitting smoking or tobacco, our office can connect you to cessation resources available to Texans through Yes Quit. You can find more information about Yes Quit at YesQuit.org or by calling 1-877-YES-QUIT (1-877-397-7848).

Thank you,

Property Manager

¹ This Notice of Possible Lease Violation was adapted from sample language within the HUD Smoke-Free Policy in Public Housing Guidebook to include relevant information for Texas residents.

Appendix C

Notice of Possible Lease Violation with Texas Resources (Spanish)¹

AVISO DE POSIBLE INFRACCION DE ARRENDAMIENTO “NO FUMAR”

Este es un aviso de cortesía en una infracción de arrendamiento no confirmada y/o una infracción menor y por primera vez. Este aviso no es rescisión de arrendamiento. Si [Nombre de Autoridad de Vivienda Publica] decide que la(s) infracción(es) en este documento son sujetas al desalojo, se le dará una orden oficial.

Fecha _____

Residente _____

Nombre _____

Dirección _____

Este es un aviso de cortesía para informarle que ha venido a la atención del encargado de la propiedad que posiblemente este en infracción de la enmienda NO FUMAR al contrato en la siguiente forma(s):

El personal de [Nombre de Autoridad de Vivienda Publica] fue informado que en la fecha _____aproximadamente a la(s) _____ usted o alguien (**estaba[n] fumando en la unidad**), (**fumando en las áreas comunes**) o (**fumando en la propiedad**). Esta es una infracción a la enmienda No Fumar del contrato de arrendamiento.

Si otra infracción se comete a la enmienda No Fumar del contrato, resultara en un AVISO DE CAUSA.

Si tiene preguntas sobre este aviso, y gustaría discutirlo, favor de ponerse en contacto con (NOMBRE/LUGAR).

En este momento, no habrá acción formal tomada por [Nombre de Autoridad de Vivienda] más allá de este aviso de cortesía. Sin embargo, ponemos énfasis, en la importancia de abstenerse de fumar en su unidad, áreas comunes, y en toda la propiedad. El incumplimiento a la enmienda, será tratado como una infracción de arrendamiento y puede ser sujeta a rescisión de contrato.

Si ha pensado en dejar de fumar o usar tabaco, nuestra oficina lo puede poner en contacto con recursos disponibles a residentes de Texas por el programa Yes Quit. Para más información sobre el programa puede visitar YesQuit.org o llamando al 1-877-397-7848. Gracias,

Encargado de la Propiedad

¹ This Notice of Possible Lease Violation was adapted from sample language within the HUD Smoke-Free Policy in Public Housing Guidebook to include relevant information for Texas residents.

Appendix D

TEXAS TOBACCO QUITLINE FAX REFERRAL FORM

Fax Number: 1-800-483-3114



Provider Information:

DATE FAX SENT _____

PUBLIC HOUSING AUTHORITY (PHA) ID NUMBER _____

PHA ZIP CODE _____

PHA NAME _____

PHA STAFF CONTACT NAME _____

FAX NUMBER _____

PHONE NUMBER _____

Resident Information:

GENDER

RESIDENT NAME _____

DATE OF BIRTH _____

☐

MALE

☐

FEMALE

ADDRESS _____

APT# _____

CITY _____

ZIP CODE _____

PRIMARY PHONE NUMBER _____

☐

HM

☐

WK

☐

CELL

SECONDARY PHONE NUMBER _____

☐

HM

☐

WK

☐

CELL

Language preference (please check one):

☐

ENGLISH

☐

SPANISH

☐

OTHER

By participating in this program I understand that outcome information may be shared with PHA staff for purposes of my treatment.

_____ I am ready to quit tobacco and request the Texas Tobacco Quit Line contact me to help me with my quit plan.
(Initial)

_____ I DO NOT give my permission to the Texas Tobacco Quit Line to leave a message when contacting me.
(Initial) **By not initialing, you are giving your permission for the quitline to leave a message.

RESIDENT SIGNATURE _____

DATE _____

The Texas Tobacco Quit Line will call you. Please check the BEST 3-hour time frame for them to reach you.

NOTE: The Quit Line is open 7 days a week; call attempts over a week-end may be made at times other than during this 3-hour time frame.

☐

6AM – 9AM

☐

3PM – 6PM

☐

9AM – 12PM

☐

6PM – 9PM

☐

12PM – 3PM

Within this 3-hour time frame, please contact me at (check one):

☐

Primary #

☐

Secondary #

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Appendix D

LÍNEA TELEFÓNICA DE AYUDA PARA DEJAR DE FUMAR TEXAS TOBACCO QUITLINE



Numero de Fax: 1-800-483-3114

Información de
Proveedor:

FECHA DE HOY

NÚMERO DE IDENTIFICACIÓN DE AUTORIDAD DE VIVIENDA (PHA)

CÓDIGO POSTAL

NOMBRE DE AUTORIDAD DE VIVIENDA (PHA)

NOMBRE DEL CONTACTO (PHA)

NUMERO DE FAX

NUMERO DE TELÉFONO

Información del Residente:

SEXO

☐

HOMBRE

☐

MUJER

NOMBRE DEL RESIDENTE

FECHA DE NACIMIENTO

DIRECCIÓN

APT#

CUIDAD

CÓDIGO POSTAL

NÚMERO DE TELÉFONO PRINCIPAL

☐ ☐ ☐

CASA TRABAJO CELULAR

NÚMERO DE TELÉFONO SECUNDARIO

☐ ☐ ☐

CASA TRABAJO CELULAR

(Idioma de Preferencia (por favor de marcar una respuesta))

☐ INGLÉS

☐ ESPAÑOL

☐ OTRO

Por medio de participar en este programa, yo tengo entendido que mi información será compartida con mi proveedor con propósitos de mi tratamiento.

_____. Estoy lista(o) para dejar el tabaco y solicito que un asesor de la Línea Telefónica de Texas Tobacco Quit Line se ponga al
(Iniciales) contacto conmigo sobre un plan.

_____. NO doy permiso que la Línea Telefónica de Texas Tobacco Quit Line me deje un recado cuando se ponga al contacto
(Iniciales) conmigo.

**Si NO pone sus iniciales, está dando permiso a la línea que le deje un recado.

FIRMA DEL RESIDENTE

FECHA

La Línea Telefónica Texas Tobacco Quit Line le hablara. Favor de marcar el mejor horario en el cual puedan hablar con usted.

NOTA: La Línea Telefónica Texas Tobacco Quit Line está abierta 7 días a la semana; llamadas de intento en los fines de semana serán en horarios diferentes a estos.

☐ 6AM – 9AM

☐ 3PM – 6PM

☐ 9AM – 12PM

☐ 6PM – 9PM

☐ 12PM – 3PM

Durante el horario seleccionado, favor de hablarme al (seleccione uno):

☐ Número de
Teléfono Principal

☐ Número de
Teléfono Secundario

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Appendix E



HUD SMOKE-FREE HOUSING RULE FAQ FOR PHA STAFF

Why did HUD adopt a smoke-free policy rule?

The smoke-free rule was adopted to prevent fires, improve indoor air quality, benefit the health of residents, public housing staff, and visitors, and to lower overall maintenance costs.

What tobacco products are banned?

Banned tobacco products include any products that ignite and burn tobacco leaves, including but not limited to cigarettes, cigars and pipes. Water pipes (hookahs) are also prohibited.

Where is the use of tobacco products banned?

Use of prohibited tobacco products is banned in all inside areas, including living units, administrative offices and indoor common areas.

Does the rule cover outdoor areas?

Yes, use of prohibited tobacco products is banned within 25 feet of any building, and includes outdoor living areas such as patios, balconies and porches.

Do Public Housing Authorities (PHAs) need to build smoking shelters for smokers?

No. PHAs have the option to build shelters for smokers, but are not required to do so.

Does the rule apply to residents, visitors and staff?

Yes, the rule applies to all residents, visitors and staff.

Can physically disabled residents smoke in their units?

No. All residents must abide by the rule. PHAs are encouraged to work with disabled residents to find out how they can be accommodated. For example, allowing the resident to move to a unit closer to a designated smoking area.

When does the rule go into effect?

All PHAs must adopt the smoke-free rule by July 31, 2018, which is 18 months from the effective date of the final rule. PHAs are welcome and encouraged to adopt the rule earlier.

How is the rule enforced?

The smoke-free rule must be included in all PHA leasing agreements.



HUD SMOKE-FREE HOUSING RULE FAQ FOR PHA STAFF

Can PHA residents be evicted for violating the rule?

PHA residents can be evicted for not complying with any provision in their lease, including the smoke-free rule. However, PHAs that have voluntarily gone smoke-free have reported few cases of evictions. HUD encourages PHAs to use a graduated enforcement approach, including escalated warnings and fines before considering eviction.

Does the smoke-free rule ban smokers from living in public housing?

No. PHAs cannot discriminate against residents by not allowing smokers to live in units. The smoke-free rule restricts where a person can smoke, but does not require a resident to be a non-smoker.

Are e-cigarettes banned?

No. The smoke-free rule does not apply to e-cigarettes. However, PHAs can and are encouraged to adopt policies that ban e-cigarettes as well.

Does the rule cover marijuana?

The rule does not change any regulation about marijuana use in PHAs. For more information about medical marijuana use in PHAs, go to: <https://portal.hud.gov/huddoc/med-marijuana.pdf>.

Can PHAs adopt a more restrictive policy?

Yes. PHAs have the discretion to establish designated smoke-free areas outside of the 25-foot zone or make their entire grounds smoke-free. PHAs can also expand the ban to include other tobacco products such as e-cigarettes.

Does the rule apply to mixed-financed projects that are managed by PHAs?

No. Project-based Section 8 or housing choice voucher units are not covered by the rule.

How can PHA residents get help to quit smoking?

Residents can contact PHA staff for information on free telephone counseling referrals and eligibility for nicotine replacement therapy, including patch, gum or lozenge. Residents who are enrolled in Medicaid are eligible for both over the counter nicotine replacement therapy and prescribed medications. Contact your health care provider to find out more about Medicaid cessation offerings.

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