

YOLO COUNTY HOUSING
Smoke-Free Housing Policy
(81 FR 87430)

This policy bars the use of prohibited tobacco products on all Low-Income Public Housing property owned by Yolo County Housing including but not limited to public housing units, common areas both interiors of buildings and exteriors of buildings, property management offices, playgrounds, soccer fields, etc. Smoking, as defined herein, is prohibited in any building, facility, playground, soccer field or vehicle. As part of this policy, YCH also prohibits the use of electronic nicotine delivery systems (ENDS) in the above areas and is including it in this policy's definition of smoking. Smoking is **only allowed in designated** smoking areas on YCH property.

This policy applies to all residents, resident's families, resident's guests and persons under their control, visitors, contractors, service personnel, and employees.

Purpose

- 1) To mitigate the irritation and known health effects of secondhand smoke. Smoking or exposure to secondhand smoke (sometimes called environmental tobacco smoke) causes premature death from respiratory disease, cancer or heart disease. Smoking is the number one cause of preventable disease in the United States.
- 2) Smoking or exposure to secondhand smoke (sometimes called environmental tobacco smoke) causes premature death from respiratory disease, cancer or heart disease. According to the EPA, secondhand smoke exposure causes disease and premature death in children and adults who do not smoke. People with chronic diseases such as asthma or cardiovascular disease are particularly vulnerable to the effects of secondhand smoke. Secondhand smoke lingers in the air for hours after cigarettes have been extinguished and can migrate between apartments in multifamily buildings.
- 3) To allow all administrative and maintenance staff the opportunity to perform their job duties in an environment that is nonsmoking.
- 4) Minimize the maintenance, cleaning, painting and redecorating costs associated with smoking.
- 5) Decrease the risk of smoking-related fires to property and personal safety. Fires started by lighted tobacco products, principally cigarettes, constitute the leading cause of residential fire deaths.

Definitions

Public Housing – Public Housing is defined as low-income housing, and all necessary appurtenances (e.g. community facilities, public housing offices, day care centers, and laundry rooms) thereto, assisted under the U.S. Housing Act of 1937 (the 1937 Act), other than assistance under section 8 of the 1937 Act.

Development/Property – All of YCH's public housing developments and property are included in this policy and all related administrative offices and maintenance facilities.

Smoking - The term “smoking” means igniting, inhaling, exhaling, breathing or carrying or possessing any lit cigar, cigarette, pipe, water pipe referred to as hookahs or other tobacco product or similar lighted product in any manner or in any form or any other device containing tobacco, marijuana or other legal or illegal substance that burns. This definition also includes electronic nicotine delivery systems (ENDS) including electronic cigarettes (“e-cigarettes”).

Indoor Areas – Indoor Areas are defined as living units/apartments, indoor common areas, electrical rooms and closets, storage units or closets, community bathrooms, lobbies, hallways, laundry rooms, stairways, offices, elevators and all public housing administrative offices/buildings, maintenance facilities and vehicles.

Individual Apartment /Units - Individual Apartment/Units are defined **as the interior and exterior spaces tied to a particular apartment/unit**. This includes, but is not limited to, bedrooms, hallways, kitchens, bathroom, patios, balconies, porches and apartment entryway areas.

Common areas - Common areas are areas that are open to all residents, resident’s families, resident’s guests, visitors, contractors, service personnel, employees and members of the public. Common areas include:

- (a) Any inside space
- (b) Entryways/entrances
- (c) Patios, porches and balconies
- (d) Lobbies
- (e) Hallways and stairwells
- (f) Elevators
- (g) Management offices
- (h) Maintenance offices and warehouses
- (i) Public restrooms
- (j) Community rooms
- (k) Community kitchens
- (l) Lawns
- (m) Sidewalks and walkways within the development
- (n) Parking lots and spaces
- (o) Playgrounds, parks and picnic areas
- (p) Common areas also include any other area of the buildings or developments where residents, resident’s families, resident’s guests, visitors, contractors, service personnel, employees, and members of the public may go.

Effective Date

The effective date of this policy shall be July 30, 2018. All residents, resident’s families, resident’s guests and persons under their control, visitors, contractors, service personnel, employees, and members of the public will be prohibited from smoking on all Low-Income Public Housing property owned by Yolo County Housing **except in designated smoking areas** including but not limited to housing units, common areas both interiors of buildings and exteriors of buildings, administrative offices, inside the buildings, in common areas, including all housing units starting on that date.

Residents Responsibilities and Lease Violations

- 1) Residents are responsible for the actions of members of their household and guests. Any resident will be considered in violation of the lease if they, members of their household or guests are found smoking in any smoke-free areas included in this policy. Visual observation of smoking is not necessary to substantiate a violation of this policy. For example, the presence of smoke, tobacco smoke odor, burns, or smoke stains within an apartment in combination with butts, ash trays, or other smoking paraphernalia will be considered significant evidence of a policy violation. **Five (5) violations will be considered to be a serious violation of the material terms of the lease and will be cause for eviction.** In addition, resident will be responsible for all costs to remove smoke odor or residue upon any violation of this policy.
- 2) No smoking signs will be posted both outside and inside the buildings, offices and common areas of YCH property. Residents will be responsible to inform all their household, family, and guests and persons under their control that their apartment is smoke free and that their housing may be affected by violators.
- 3) If the smell of tobacco smoke is reported, YCH will seek the source of the smoke and appropriate action will be taken. Residents are encouraged to promptly give YCH staff a written statement of any incident where smoke is migrating into the resident's apartment from sources outside of the resident's apartment.

Enforcement

If a resident is found to be in violation of this policy, the following steps will be taken:

- **First violation:** The first documented violation will result in a verbal warning and referral to smoking cessation resources.
- **Second violation:** The second documented violation will result in a written warning, referral to smoking cessation resources and referral to client services.
- **Third violation:** The third documented violation will result in a second written warning, referral to smoking cessation resources and referral to client services.
- **Fourth violation:** The fourth documented violation, the resident is served with a Notice to Perform Covenant or quit, cessation resources and a third referral to client services.
- **Fifth violation:** The fifth documented violation will result in a Notice to Terminate Tenancy. Any person whose tenancy is terminated due to violation of this policy will be subject to a unit cleaning fee.

In addition, YCH reserves the right to charge a resident a reasonable fee associated with any maintenance costs related to resident's smoking during the duration of their lease.

If an employee is found to be in violation of this policy, any disciplinary actions should be consistent with YCH's Personnel Policy.

Adoption of Policy by Resident

Upon approval of this policy by YCH, all current residents living in YCH's public housing developments will be given a copy of this policy. New residents will be given a copy of this policy at lease-up. After review, both current and new residents will be required to sign the Smoke-Free Housing Lease Addendum within 60 days of the effective date of the policy. A copy will be retained in the resident file. Failure to sign and/or return the Smoke-Free Housing Policy Lease Addendum to the Property Management office in a timely manner will result in a written warning. If still not received after a second warning, eviction procedures will be started. All current residents who smoke will be provided with resources for a cessation program. The development's Property Manager will provide information on cessation program accessibility.

Disclaimers and Representations

- 1) The Smoke-Free Housing Policy does not mean that residents and/or employees will have to quit smoking in order to live and/or work at YCH's public housing developments and offices or drive its vehicles.
- 2) YCH does not guarantee a Smoke-Free Environment. YCH's adoption of the Smoke-Free Housing Policy, and the efforts to designate developments as non-smoking does not make YCH or any of its Board of Commissioners, officers, employees or agents the guarantor of resident's health or of the smoke-free condition. YCH will take reasonable steps to enforce the Smoke-Free Housing Policy. YCH is not required to take steps in response to smoking unless YCH has actual knowledge of the smoking and the identity of the responsible resident.
- 3) YCH's adoption of a non-smoking living environment and the efforts to designate its developments as non-smoking does not in any way change the standard of care that YCH has under applicable law to render its developments any safer, more habitable or improved in terms of air quality standards than any other rental premises. YCH specifically disclaims any implied or express warranties that the air quality in the apartment or the building containing the apartment will improve or be any better than any other rental property. YCH cannot and does not warranty or promise that its developments will be free from secondhand smoke. YCH's adoption of the Smoke-Free Housing Policy does not in any way change the standard of care that it has to the resident's apartments and the common spaces.
- 4) YCH's ability to police, monitor or enforce the Smoke-Free Housing Policy is dependent in significant part on voluntary compliance of residents, resident's household, resident's families, resident's guests and visitors. It is also dependent on the applicable court to enforce lease termination.
- 5) Residents with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that YCH does not assume any higher duty of care to enforce this policy than any other landlord obligation under the lease. YCH is not responsible for smoke exposure even if the resident, a member of the resident's household, resident's families, resident's guests or visitors have respiratory ailments, allergies, or any other physical or mental condition relating to smoke.
- 6) Even though YCH has adopted a Smoke-Free Housing Policy, it cannot guarantee that smoking will never happen.
- 7) In apartments that used to allow smoking, the effects of that smoking may still linger.

Smoking Cessation

YCH desires to assist any resident who wishes to stop smoking with referrals to various resources available in the community. In addition to these resources, on-site cessation classes may be available. Residents are encouraged to take advantage of these programs.

Dignity Health/Woodland Memorial Hospital

The Dignity Health System offers education and support resources for smoking cessation at its Heart and Vascular Institute of Greater Sacramento. Contact information is below:

Dignity Health – Mercy General Hospital
Alex G. Spanos Heart & Vascular Center
4001 J Street
Sacramento, California 95819
(916) 453-4545
www.mercygeneral.org

State of California

CALIFORNIA SMOKERS' HEPLINE
1-800-NO-BUTTS
www.nobutts.org

SPANISH
1-800-45-NO-FUME

CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES
www.dhcs.ca.gov
TobaccoFreeCA.org

Centers for Disease Control:

Office on Smoking and Health
Centers for Disease Control & Prevention (CDC)
Toll free number 1-800-232-4636 (1-800-CDC-INFO)
www.cdc.gov/tobacco

Offers information on tobacco, smoking, and quitting.

National Institute for Occupational Safety and Health
Centers for Disease Control & Prevention (CDC)
Toll free number: 1-800-232-4636 (1-800-CDC-INFO)
www.cdc.gov/niosh

Offers information on workplace safety topics and safety practices; can look into potential hazards in workplaces if asked by employers or employees.

Other Online Resources:

American Academy of Family Physicians
American Cancer Society
American Heart Association
American Lung Association
National Cancer Institute
National Women's Health Information Center
www.smokefree.gov

YOLO COUNTY HOUSING

SMOKE FREE ENVIRONMENT LEASE ADDENDUM

I, _____, understand that the entire property at Yolo County Housing (all buildings, common areas, etc.) are smoke-free. This means no smoking anywhere on YCH property except designated smoking areas. This includes but not limited to the following:

- The interior of all YCH owned buildings, including but not limited to individual units, hallways, stairwells, offices, and common areas. THIS INCLUDES THE INTERIOR OF MY RENTED UNIT.
- Other than designated smoking areas, YCH property will be smoke-free including all buildings, recreational areas, patios, back, front and side yards and porches;
- Within any YCH-owned vehicles, including buses, vans, and work trucks.

I will not smoke and shall assure that my resident family, other persons under my resident family's control, live-in aide, and my resident family's guests shall not smoke unless in a designated smoking area or off YCH property. Smoking includes but is not limited to the use of cigarettes, cigars, pipes, tobacco or incense products, including electronic cigarettes and hookahs that emit aerosol and vapor. I understand that cannabis/marijuana or any other controlled substance is **illegal** on YCH public housing property and other federally financed or subsidized property.

I will comply with this Lease Addendum. I understand that any violation of the Lease Addendum is a serious violation of a material term of my Lease and is grounds for Yolo County Housing to terminate my lease in accordance with the Smoke-Free Policy.

Head of Household Signature

Date

Resident Signature

Date

Resident Signature

Date

Resident Signature

Date

Housing YCH Staff Signature

Date