

EXHIBIT 8-1: MODEL SMOKE-FREE POLICY

In accordance with HUD regulations, the Housing Authority of Brevard County and the Melbourne Housing Authority have adopted these smoke-free policies. The policies are effective as of July 1, 2017.

Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, smoking is prohibited in all living units and interior areas, including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures. Smoking is also prohibited in outdoor areas within 25 feet from public housing and administrative office buildings.

This policy applies to all employees, residents, household members, guests, and service persons. Residents are responsible for ensuring that household members and guests comply with this rule.

The term “smoking” means any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other prohibited tobacco product in any manner or any form. Prohibited tobacco products include water pipes or hookahs.

Violation of the smoke-free policy constitutes a violation of the terms of the public housing lease. Consequences of lease violations include termination of tenancy.

PHA POLICIES

Smoke-Free Perimeter

PHA Policy: Smoking is not permitted in or within 25 feet of any PHA dwelling.

Designated Smoking Areas (DSA)

PHA Policy: The PHA has not designated any smoking areas on the PHA’s property. Residents may not discard smoking products on the property.

Electronic Nicotine Delivery Systems (ENDS)

Electronic nicotine delivery systems (ENDS) include e-cigarettes, nicotine inhalers, and vaping devices.

PHA Policy: Use of ENDS is not permitted in public housing units, common areas, or in outdoor areas within 25 feet from housing and administrative buildings.

Effective Date

The PHA's effective date(s) of this smoke-free policy is/are as follows:

PHA Policy: The smoke-free policy will be effective for all residents, household members, employees, guests, and service persons on July 1, 2018.

PHA Policy: The smoke-free policy will be effective for all employees and service persons on May 30, 2017.

The smoke-free policy will take effect at the next annual lease renewal for each resident household. Residents must execute a smoke-free lease addendum as part of the annual lease renewal process. Regardless of the lease renewal date, all residents must be in compliance with the smoke-free policy no later than July 30, 2018.

Enforcement

The PHA must enforce smoke-free policies when a resident violates this policy. When enforcing the lease, the PHA will provide due process and allow residents to exercise their right to an informal settlement and formal hearing. The PHA will not evict a resident for a single incident of smoking in violation of this policy. As such, the PHA will implement a graduated enforcement framework that includes escalating warnings. Prior to pursuing eviction for violation of smoke-free policies, the PHA will take specific, progressive monitoring and enforcement actions, while at the same time educating tenants and providing smoking cessation information. The lease will identify the actions that constitute a policy violation, quantify the number of documented, verified violations that warrant enforcement action, state any disciplinary actions that will be taken for persistent non-responsiveness or repeated noncompliance, and state how many instances of noncompliance will constitute a violation. Tenancy termination and eviction will be pursued only as a last resort. The PHA may terminate tenancy at any time for violations of the lease and failure to otherwise fulfill household obligations if resident behavior disturbs other residents' peaceful enjoyment and is not conducive to maintaining the property in a decent, safe, and sanitary condition.

PHA Policy: Upon issuance of a written warning from the property manager and/or a documented complaint, the PHA will increase the frequency of unit inspections for a suspected policy violator.

The progression of enforcement policy is as follows:

The tenant will be given 2 verbal warnings for documented, verified violations of the smoking-free policy that have occurred. Verbal warnings are documented.

A third documented, verified violation of the smoke-free policy will result in a written Notice of Lease Violation. The PHA may inspect monthly until there is no evidence of a smoke-free violation.

Residents not adhering to the 25 foot perimeter restriction will be given 2 verbal warnings (documented), the third will result in a Notice of Lease Violation.

PHA Policy: At each warning and the Notice of Smoke-free lease violations the tenant will be counseled and provided information and resources on smoking cessations, including: Smoke-Free Florida Literature outlining the availability of on Smoking Cessation classes and assistance in becoming Smoke-Free.

PHA Policy: If the resident does not have any new violations for 3 months, the resident will be considered to have a clear record, and no further enforcement action will be taken.

PHA Policy: Repeated violation of the smoke-free policy may rise to the level of other good cause for termination of tenancy.

Lease Violations will be handled in accordance with the ACOP Policies found in Chapter 13 and as those in the Lease.

The PHA may pursue resident eviction after unsuccessfully pursuing resident compliance with the policy over a 12 (twelve) month period of time, and subject to grievance procedures. (PIH 2017-03, D.1.c)

Reasonable Accommodation

While addiction to nicotine or smoking is not a disability, the PHA will provide reasonable accommodation to persons with disabilities who smoke that are in compliance with the requirements of this smoke-free policy.