

EXHIBIT 8-1: WMHA SMOKE-FREE POLICY

In accordance with HUD regulations, the Housing Authority of Warren Metropolitan Housing Authority has adopted these smoke-free policies. The policies are effective as of April 1, 2018.

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. Resident agrees and acknowledges that the premises to be occupied by Resident and members of Resident’s household have been designated as a smoke-free living environment. Resident, members of Resident’s household, and guests under Resident’s control shall use prohibited tobacco products anywhere in the unit rented by Resident, in the building where Resident’s unit is located, in any of the common areas, playground areas, areas within 25 feet of any exterior window or door, and areas outside a tenant’s unit, including balconies, patios and all areas on the building grounds, unless identified with signage as a designated smoking area.

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

Designated Smoking Areas (DSA)

- The PHA has established designated smoking areas at Metropolitan Village in Lebanon, Ohio and Brookview in Middletown, Ohio. Residents using the designated smoking areas must extinguish all smoking materials and dispose of them safely in receptacles provided for that purpose.
- The PHA has not designated smoking areas for the scattered site single family homes and duplexes. Smoking is prohibited in outdoor areas within 25 feet from public housing and administrative office buildings.

Electronic Nicotine Delivery Systems (ENDS)

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

- 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 of this smoke-free policy is as follows:

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

Residents must execute a smoke-free lease addendum prior to the effective date of this policy. All residents must be in compliance with the smoke-free policy no later than April 1, 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 on 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.

Repeated violation of the smoke-free policy may rise to the level of other good cause for termination of tenancy. Violations of the WMHA Smoke-Free Policy will be considered a breach of the lease agreement and may be grounds for eviction. Enforcement progression is based on violations per household, not per tenant and is subject to the WMHA Grievance Procedure. WMHA will utilize the following enforcement progression:

- 1st Violation: Written warning, copy of Smoke Free Policy and referral to cessation services.
- 2nd Violation: Written warning II and referral to cessation services. The household will also be subject to random inspections for 90 days.
- 3rd Violation: Written warning FINAL NOTICE, referral to cessation services, mandatory conference with Property Manager. Family will be informed that any future breaches of the Smoke Free Policy may result in termination of lease.
- 4th Violation: Legal referral for eviction.