

HARRIETSTOWN HOUSING AUTHORITY

14 KIWASSA ROAD STE 1
SARANAC LAKE, NEW YORK 12983-2373

LAKE FLOWER APARTMENTS
ALGONQUIN APARTMENTS
SECTION 8 RENTAL ASSISTANCE



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HARRIETSTOWN HOUSING AUTHORITY SMOKE-FREE POLICY

1. Purpose.

This policy, which complies with the U.S. Department of Housing and Urban Development's Smoke-Free Public Housing Rule (24 CFR Part 965 and Part 966), intends to:

- Improve indoor air quality in housing;
- Benefit the health of public housing residents, visitors, and staff;
- Reduce the risk of fire; and
- Lower maintenance costs.

2. Definitions.

2.1 **Electronic Cigarettes.** Handheld electronic devices that vaporize a flavored liquid. The user inhales the vapor. Also known as e-cigarettes, e-cigs, electronic nicotine delivery systems, electronic non-nicotine delivery systems, or personal vaporizers.

2.2 **Marijuana.** The psychoactive dried resinous flower buds and leaves of the female hemp or cannabis plant that contain high levels of THC and are smoked, vaped or ingested.

2.3 **Prohibited Tobacco Products.**

- a. Items that involve the ignition and burning of tobacco leaves, such as, but not limited to, cigarettes, cigars, and pipes.
- b. To the extent not covered in (a), above, waterpipes (hookahs).

2.4 **Smoking.** The inhaling, exhaling, using, carrying, or disposing of any activated or lighted electronic cigarette, prohibited tobacco product, marijuana, or any other illegal drug.

3. Implementation of Policy.

Smoking is prohibited everywhere inside buildings owned by the Harrietstown Housing Authority. Smoking is prohibited everywhere outside on properties owned by the Harrietstown Housing Authority.

4. **Applicability of Policy.**

All individuals including but not limited to residents, visitors, guests, aides, employees, and contractors are required to comply with this policy. Residents are responsible for their own visitors, guests, and aides.

5. **Lease.**

This policy is deemed part of the lease between the tenant and the Housing Authority. Those living in the Lake Flower and Algonquin apartments at the time this policy goes into effect will have signed a lease addendum, in effect, making this a part of the lease.

6. **Violations, Enforcement and Penalties.**

6.1 **Violations.** All complaints of smoking, in order to be addressed by the Housing Authority, must be submitted in writing via the Smoking Incident Report Form, attached, to Housing Authority staff. All submitted complaints will be investigated. Residents, Staff, and Visitors can submit an Incident Report Form.

6.2 **Enforcement/Penalties.** As tobacco products are legal and marijuana and other illegal drugs are not, the treatment of reports differs.

6.2.1. If the Incident Report pertains to marijuana or any other illegal drug, and hard evidence (photo, video, physical) is available, the resident's lease is terminated immediately. If there is no such hard evidence of the use of marijuana or any other illegal drug, or if the Incident Report relates to use of prohibited tobacco products, the enforcement and penalties provisions of Section 6.2.2. will control.

6.2.2.

With submission of first Incident Report:

Prohibited Tobacco Products	Marijuana or Any Other Illegal Drug
The Housing Authority will send a warning letter to resident. Letter will include: <ul style="list-style-type: none">➤ details of Incident Report➤ a reminder that smoking is a lease violation➤ health effects of smoking (first and second hand)➤ other effects of smoking➤ identification of resources to help quit➤ a second Incident Report may result in a \$50 fine	The Housing Authority will send a warning letter to the resident. Letter will include: <ul style="list-style-type: none">➤ details of incident report➤ a reminder that marijuana is illegal➤ impacts of smoking marijuana on living environment/HHA➤ any subsequent Incident Report shall be shared with village police➤ resident is jeopardizing lease

With submission of second Incident Report:

Prohibited Tobacco Products	Marijuana or Any Other Illegal Drug
<p>The Housing Authority will send a letter to resident. Letter will include:</p> <ul style="list-style-type: none"> ➤ details of Incident Report ➤ \$50 fine ➤ resident is jeopardizing lease ➤ any subsequent Incident Report will result in termination of lease 	<p>The Housing Authority will send a letter to resident. Letter will include:</p> <ul style="list-style-type: none"> ➤ details of Incident Report ➤ Incident Report and letter shared with police ➤ resident is jeopardizing lease ➤ any subsequent Incident Report will result in termination of lease

With submission of third Incident Report:

Prohibited Tobacco Products	Marijuana or Any Other Illegal Drug
<p>The Housing Authority will send a letter to resident. Letter will include:</p> <ul style="list-style-type: none"> ➤ details of Incident Report ➤ lease is terminated ➤ grievance/appeal process 	<p>The Housing Authority will send a letter to resident. Letter will include:</p> <ul style="list-style-type: none"> ➤ details of Incident Report ➤ Incident Report and letter shared with police ➤ lease is terminated

6.3 **Resident Recourse.** A resident who feels injured by someone’s smoking can bring a claim directly against another resident based on secondhand smoke intrusion. The resident bringing the claim can get a court order requiring that the smoking resident stop the smoke infiltration or the resident may be able to recover monetary damages.

7. Grievances.

7.1 Use of Tobacco Products. A tenant aggrieved by a decision of the Housing Authority, as the decision pertains to use of tobacco products in violation of this policy, may request an informal settlement of grievance and, if deemed appropriate by the tenant, a hearing using the procedure set forth in the Housing Authority’s Admissions and Continuing Occupancy Plan (ACOP) and available in the Housing Authority’s office.

7.2 Use of Marijuana or Any Other Illegal Drug. Per Housing Authority policy set forth in Section 14-III.C. of the ACOP,

The PHA [Public Housing Authority] is located in a due process state. Therefore, the PHA will not offer grievance hearings for lease terminations involving criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of the PHA....

8. Disclaimer.

The Housing Authority is not the guarantor of this policy. While the Housing Authority will do all it can to enforce this policy, it cannot, and shall not, be liable for claims brought by residents injured because of policy violations unknown to the Housing Authority.

HARRIETSTOWN HOUSING AUTHORITY SMOKING INCIDENT REPORT

Name of Individual *SEEN* or *SUSPECTED OF* (circle one) smoking: _____

Date and Time of Incident: _____

Product Seen/Suspected: _____ Tobacco Product _____ Marijuana or Other Illegal Drug

Where was the individual (check one)?

_____ In an apartment. If an apartment, which apartment? _____

_____ Indoor common area – please specify _____

_____ Outdoors on Housing Authority property – please specify _____

Where were you at the time? _____

Remarks/Detailed Description of Incident:

Please attach or email any hard evidence, e.g., photo, video.

Your Name: _____ Date: _____

Address: _____ Phone: _____

Signature: _____

Please submit to Tammy Burdt, Housing Assistant