

Chapter 15 SMOKE FREE POLICY

A. Purpose

The purpose of The Smoke-Free Policy is to mitigate irritation and known health effects of secondhand smoke. In addition, the smoke-free policy is intended to reduce the cost of maintenance and cleaning resulting from smoking and decrease the risk of fire in CHA-managed units.

B. Definition of Smoking

Smoking is defined as inhaling, exhaling, breathing or carrying any lit cigar, cigarette, pipe, other tobacco product or similarly lighted smoking material in any manner or in any form. E-cigarettes are not considered smoking under this policy.

C. Definition of a Smoke Free area

Smoking is prohibited in all living units and interior areas, including but not limited to bathrooms, lobbies, hallways, stairways, elevators, management offices, community rooms and balconies. Smoking is prohibited on the grounds of all CHA managed properties including lawns, parks, courtyards, walkways and parking lots except in designated areas. Designated areas may be determined by the management in cooperation with tenant councils and interested tenants and must be at least 25 feet from all doors and windows.

D. Promotion of Smoke Free policy

CHA shall post no-smoking signs, promote the policy as appropriate in meetings and discussions with residents, and enforce compliance with the policy. Residents are expected to comply with the policy as they would any section of the CHA lease.

E. Not a guarantor of Smoke Free environment

Resident acknowledges that CHA's adoption of a smoke-free environment does not make CHA or any of its managing agents the guarantor of Resident's health or of the smoke-free condition of the Resident's unit and the common areas. However, CHA shall take reasonable steps to enforce the smoke-free terms of its leases and to make the non-smoking area as smoke-free as is reasonably possible. CHA will address violations of this policy upon CHA's actual knowledge of said smoking.

F. Enforcement of the Smoke Free Policy

A breach of this policy constitutes grounds for initiation of the enforcement remedies of the smoke-free policy. Breach of the provisions of the policy by a household member or guest of the resident constitutes a breach of the CHA lease. Residents in breach of this policy will receive a verbal warning upon the first violation, a written warning on the second, and a request for a conference with the management on the third. Through all enforcement steps, the management will share cessation resources and tips with residents. Upon the fourth violation, the CHA may bring eviction proceedings, in which case it will send written notice of a possible lease violation, with an offer of an informal conference. Residents have a right to file a grievance under the CHA grievance policy.

G. Disclaimer by CHA

Resident acknowledges that Landlord's adoption of a smoke-free living environment does not in any way change the standard of care that the Landlord or managing agent would have to a resident household to render buildings and premises designated smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental property. Landlord specifically disclaims any implied or express

warranties that the building, common areas, or Resident's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warrant or promise that the rental premises or common areas will be free from secondhand smoke. Resident acknowledges that the Landlord's ability to police, monitor or enforce the agreements of Addendum is dependent in significant part on voluntary compliance by Resident and Resident's guests, as well as by other residents and guests in other parts of the smoke-free area. Residents with respiratory ailments, allergies or other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this addendum than any other landlord obligation under the Lease.

9.4 Smoke-free Policy of the Housing Authority of Baltimore City

The following is the smoke-free policy of the [Housing Authority of Baltimore City](#). Prior to implementation of the smoke-free policy, PHAs are required to amend their PHA Plan to include the smoke-free policy. If the new smoke-free policy constitutes a significant amendment to the PHA Plan, the PHA must go through the public notice and comment process prior to amending the PHA plan.

To learn more about the requirements of the smoke-free rule, [See Chapter 3.0](#).