

MERRIMAC HOUSING AUTHORITY NON SMOKING POLICY

PURPOSE: The purpose at the Merrimac Housing Authority (MHA) Non Smoking Policy, also referred to as the “Smoke Free Policy”, is to mitigate irritation and known health effects of secondhand smoke for residents, guests, contract workers and MHA employees. It is understood and acknowledged by the parties that this Smoke Free Policy shall not be used to disqualify any applicant to any MHA program or resident of the MHA. In addition, the smoke free policy is intended to decrease the risk of fire in MHA units.

DEFINITION OF SMOKING: Smoking is defined as inhaling, exhaling, breathing or burning or carrying any lit cigar, cigarette, pipes, and other tobacco product or similarly lighted smoking material, including marijuana, in any manner, form or derivative. Smoking shall include e-cigarettes and other similar aerosol or vaporizing devices, but not FDA-approved cessation products. This rule does not prohibit prescribed medical marijuana in an edible form. In addition, no cultivation of marijuana as defined as any devices of any kind intended or designed for growing or processing.

SMOKE FREE AREAS: Effective September 1, 2017 all buildings on the MHA property will be smoke free buildings. All living units and interior areas, including community bathrooms, lobbies, community rooms, laundry rooms, hallways, stairways, elevators, management/administrative offices, balconies, entryways, porches as designed as smoke free. Also designated as smoke free areas are MHA walkways, lawns, playgrounds and parking areas. Residents are prohibited to smoking in their vehicles parked on MHA property.

The Merrimac Housing Authority staff, contractors, current residents, all guests and all new residents of the Merrimac Housing Authority are required, as of September 1, 2017, to adhere to the Smoke Free Policy.

TENANT TO PROMOTE SMOKE FREE POLICY AND REPORT SUSPECTED VIOLATION: Resident shall inform all household members, guests and service providers of the Smoke Free Policy. If a resident or employee notices or observes a violation of this policy, they may submit a voluntary report to the Housing Manager.

MERRIMAC HOUSING AUTHORITY TO PROMOTE SMOKE FREE POLICY: MHA shall inform each resident of the Smoke Free Policy at the time of Lease signing and any time thereafter as may be deemed appropriate. MHA will post No Smoking signs and promote this policy in meetings and discussions with residents and enforce compliance with this policy. MHA will make smoking cessation information available to resident. New residents will be given a copy of the smoke free policy and will be required to sign a smoke free lease addendum at the time of lease up. Current residents will be required to sign a smoke free Lease Addendum by August 1, 2017 that will be kept in resident’s file and a copy given to the resident.

MHA has promoted smoking cessation resources onsite to help interested residents learn more about quitting smoking. MHA may continue to promote cessation resources for residents when MHA, in its discretion, deems it helpful. MHA understands the effort it will take for tenants to comply with this policy but the health of all residents must be considered.

Smoke free housing does not mean that smokers are prohibited from living in MHA developments. It simply means that tenants and visitors must smoke off the MHA property. Tenants who smoke who do not wish to quit will have to smoke off the MHA property.

SMOKE FREE ENFORCEMENT PLAN

1st Violation - Verbal warning and reminder of the smoke free policy.

2nd Violation - Warning/Reminder letter reiterating the smoke free policy and advising the resident of further consequences.

3rd Violation- Informal Conference with resident.

4th Violation- Notice of possible lease violation and informal conference with Executive Director will be held prior to any legal action.

Once a resident has incurred a fourth violation, the matter will be treated as a breach of the lease. Legal action may be taken for violation of the Smoke Free Policy. Where feasible, legal action may be resolved or avoided by written agreement to comply.

At each stage in the enforcement plan, the MHA staff will seek to remind residents about the opportunity to participate in cessation programs, although this reminder shall not be a prerequisite to enforcement.

MERRIMAC HOUSING AUTHORITY NOT A GUARANTOR OF SMOKE FREE ENVIRONMENT: The MHA's adoption of a smoke free policy does not make the MHA nor any of its managing agents the guarantor of Resident's health or of the smoke free condition of Resident's unit and common units. However, the MHA shall take reasonable steps to enforce the smoke free terms of its lease and to make the non- smoking areas as smoke free as is reasonably possible. MHA will address violations of this policy upon the MHA's actual knowledge of said smoking or if the MHA has been given notice of said smoking and said notice can be substantiated. MHA may also discover violations of the lease addendum as part of a unit inspection or other observation by MHA.

DISCLAIMER BY AMESBURY HOUSING AUTHORITY: The MHA's adoption of a smoke free policy does not in any way change the standard of care that the MHA would have to a resident household to render building and premises designated smoke free any safer, more habitable, or improved in terms of air quality standards than any other rental property. MHA 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. The MHA cannot and does not warranty or promise that the rental premises or common areas

will be free from secondhand smoke. Resident acknowledges that MHA's ability to police, monitor or enforce the agreements of the smoke free lease addendum is dependent in significant part on voluntary compliance by resident and resident's guests. Residents with respiratory ailments, allergies or a physical or psychological condition relating to smoke are put on notice that the MHA does not assume any higher duty of care to enforce the smoke free lease addendum than any other MHA obligation under the lease.

POLICY ADDENDUM: The Non Smoking Lease Addendum is attached hereto and made a part hereof. The Lease Addendum shall be controlling.

Approved by Merrimac Housing Authority Board on May 18, 2017