



Amended Smoke Free Housing Policy

24 CFR Parts 965 and 966

Enforcement Date: July 30, 2018

1. Department of Housing and Urban Development Rule

On November 29, 2016, the Department of Housing and Urban Development (HUD) adopted Rule RIN 2577-AC97, effective on February 3, 2017, which requires every Public Housing Agency (PHA) administering public housing to implement a smoke free policy. Specifically, no later than 18 months from the effective date of the rule, each PHA must implement a “smoke free” policy banning the use of “prohibited tobacco products” in all public housing living units, indoor common areas in public housing, and in PHA administrative office buildings. The smoke free policy must also extend to all outdoor areas up to 25 feet from the public housing and administrative office buildings.

2. Prohibited Tobacco Products

Prohibited tobacco products are defined as (1) items that involve the ignition and burning of tobacco leaves, such as (but not limited to) cigarettes, cigars, and pipes, and (2) to the extent not covered by (1), water pipes (hookahs), and (3) electronic vaping devices, meaning any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation or vapor or aerosol from the product; the term includes any such device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor.

NOTE: The E-cigarette ban will become effective on October 31, 2018.

3. Purpose of Policy

This smoke free policy is intended to benefit the Housing Authority and all of its public housing tenants, visitors, and staff by mitigating (i) the irritation and known adverse health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non smoke-free dwelling unit. This policy is in effect for all Wichita Public Housing units, including multifamily and single family units.

4. All Buildings and Dwelling Units To Be Smoke Free

All public housing buildings, dwelling units, single-family homes and administrative offices shall be smoke free. Smoking is prohibited in all living units, including any associated balconies, decks, or patios, and in the common areas of the buildings, including, but not limited to, community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices, and elevators.



5. Smoking on Grounds of Buildings and Dwelling Units

Smoking is prohibited within 25 feet of public housing dwelling units, single-family homes, and public housing administrative buildings, and common areas including but not limited to entryways, patios, parking lots, and yards or on the grounds adjoining public housing and public housing administrative buildings. Smoking is only permitted on property grounds past the 25 feet threshold.

6. Applicability of Policy

This Policy is applicable to all tenants, Housing Authority employees, visitors, contractors, volunteers, and vendors.

7. Responsibilities of Tenants

Tenants and household members shall be responsible to inform and enforce this Policy to their guests, invitees, and visitors to their residential units. Further, a Tenant may provide the Housing Authority a written statement of any incident where tobacco smoke is migrating into the Tenant's unit, single-family home or common space element. Property Managers will investigate the complaint and take appropriate action.

8. Violations of Policy

A violation of this smoke free Policy shall be considered a material breach of the Tenant's Lease and grounds for enforcement actions, including eviction, by the Housing Authority. A Tenant who violates the Policy shall also be liable to the Housing Authority for the costs of repair to the Tenant's apartment unit or single-family home due to damage from smoke odors or residue.

Should the Housing Authority find any Tenant in violation of this Policy, the following enforcement steps shall take place:

1. First, a verbal warning will be communicated to the Tenant. Documentation that a verbal warning was communicated will be recorded in the Tenant's file.
2. Second, a 14-day Written Notice will be provided to the Tenant and placed in the Tenant's file. This notice gives the Tenant 14 days to come into compliance with the policy.
3. Third, a 30-day Written Notice will be provided to the Tenant, providing that the policy has been violated again and that the Housing Authority is moving forward with Lease Termination and Eviction. The 30-day Notice will be documented in the Tenants file.
4. After the 30-day Notice has been provided, the Tenant has an opportunity to exercise the grievance procedure in accordance with the lease.