## BHA PROPERTY REVISED SMOKE-FREE POLICY

The smoking of tobacco, marijuana or any other substance is strictly prohibited in and around all property owned and/or operated by The Housing Authority of the Township of Brick (BHA). This Revised Smoke-Free Policy is intended to improve the quality of air and is necessary for the safety of residents, guests, and employees. Implementation of a Smoke-Free Policy is encouraged by the U.S. Department of Housing and Urban Development and it is consistent with their program goals and objectives. There are NO EXCEPTIONS to this policy. Smoking is only permitted in specifically designated outdoor areas.

- 1. **Smoking is prohibited within all living units.** No person may use, smoke, hold or carry any lighted, smoldering or smoking tobacco, marijuana or any other smoking substance in any form, including cigarettes, pipes, vaporizers or cigars, in any BHA owned properties and any and all interior common areas, including but not limited to community rooms, community bathrooms, lobbies, offices, reception areas, hallways, laundry rooms, stairways and elevators. Any tenant who is found to have deactivated their smoke alarm will be immediately evicted.
- 2. Smoking outside BHA owned properties shall be permitted only in designated smoking areas, which shall be <u>at least 25 feet from entry ways</u>, windows, porches, balconies, patios, or ventilation system. Smoking areas shall be located sufficient distances from the buildings and sidewalks so that secondhand tobacco smoke does not enter the buildings and to ensure residents and guests can avoid walking through secondhand tobacco smoke to enter or leave BHA owned properties.
- 3. Persons who smoke in designated smoking areas are responsible for properly disposing of cigarette butts or other tobacco products so as not to litter the grounds.
- 4. Residents and employees who smell tobacco smoke from inside BHA owned property are to report this to the BHA office as soon as possible. BHA staff will attempt to identify the source of the smoke and take appropriate legal action.
- 5. All BHA tenants/residents will receive a copy of this Smoke-Free Policy and are required to sign a copy below, which shall be deemed to be an addendum to the tenant's lease agreement.
- 6. The BHA's adoption of this Smoke-Free Policy does not make the BHA nor any of its managing agents the guarantor of the health of any tenant, resident or visitor, nor of the smoke-free condition of any tenant's unit or the common areas. The BHA, however, shall take all reasonable steps to enforce this smoke-free policy and to make its properties as smoke-free as is reasonably possible.
- 7. The BHA will address violations of this policy unon the BHA obtaining actual knowledge of said smoking, or if the BHA has been given written notice of said smoking and said notice can be substantiated. The BA may also discover violations of this policy as part of a unit inspection or other observations by BHA personnel. The BHA's adoption of this

Smoke-Free Policy does not in any way change the standard of care that the BHA would give to a tenant's household to render all buildings and premises designated a smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental property. BHA specifically disclaims any implied or express warranties that the buildings, common areas or tenants' premises will have any higher or improved air quality standards than any other rental property. The BHA cannot and does not warry or promise that the rental premises or common areas will be free from secondhand smoke.

- 8. Tenant acknowledges that BHA's ability to police, monitor or enforce the Smoke-Free Policy is dependent in significant part on the voluntary compliance by all tenants and their household members and guests. Tenant with respiratory ailments, allergies or physical or psychological conditions relating to smoke are put on notice that the BHA does not assume any higher duty of care to enforce smoke free conditions than any other BHA obligation.
- 9. Failure to abide by this Smoke-Free Policy is considered a lease violation and an act of gross negligence causing destruction, damage and/or injury to the premises. A right of reentry is reserved to the BHA for a violation of this Smoke-Free Policy inside any of the BHA buildings or apartments, resulting in the following consequences:

ANY VIOLATION OCCURRING INDOORS WILL RESULT IN THE IMMEDIATE FILING OF EVICTION PROCEEDINGS IN COURT TO REMOVE THE VIOLATING TENANT/RESIDENT FROM THE PREMISES

VIOLATIONS OCCURRING OUTDOORS WILL RESULT IN A NOTICE TO CEASE, FOLLOWED BY A DEMAND FOR POSSESSION AND EVICTION PROCEEDINGS TO FOLLOW.

- 10. Current and new tenants will be given two (2) copies of BHA's Amended Smoke-Free Property Policy. After review, tenant (head of household) will sign and date page 2. Return the fully executed (signed and dated) policy to BHA Administration and keep the other copy for your records. The BHA's copy will be placed and maintained in your resident housing file.
- 11. The New Jersey Department of Health and Senior Services can help NJ Quitline (1-866-NJSTOPS) is a FREE, confidential and multilingual telephone-based counseling and referral service for smokers who are ready to quit smoking.

## **TENANT CERTIFICATION**

I have read and understand the above Revised Smoke-Free Policy and Lease Addendum, and I agree to comply fully with the provisions. I understand that failure on my part, other members of the household, and my guests to comply with this Revised Smoke-Free Policy will result in eviction proceedings as outlined above.

X		
Tenant's Signature	date	unit number