

Attachment J

SMOKE FREE HOUSING STATEMENT

Background

The U.S. Department of Housing and Urban Development (HUD) recently issued new regulations requiring all housing authorities to have a smoke-free policy in place by July 30, 2018.

The HUD regulations are intended to improve indoor air quality, benefit the health of public housing residents and staff, reduce the risk of fires, and lower overall maintenance costs. Secondhand smoke can lead to stroke, heart disease, cancer, and respiratory illness. The Centers for Disease Control and Prevention has established smoking as the leading cause of preventable death in the nation and there is no safe level of exposure to secondhand smoke.

Under New York City law, smoking is already prohibited in management offices and in common areas in NYCHA developments, such as lobbies, hallways, stairwells, and elevators. The new regulations, lease, and policy will prohibit the smoking of tobacco products, including cigarettes, cigars, pipes, and hookah pipes, in apartments, public areas, or within 25 feet of public housing buildings.

In order to meet HUD requirements, NYCHA will adopt a smoke-free policy, which will include provisions on enforcement. In accordance with HUD regulations, NYCHA will also amend its public housing lease to include smoke-free provisions. NYCHA will issue a lease addendum stating it is a violation of the lease if a tenant, a member of the household, or a guest smokes inside the apartment, in common areas, or within 25 feet of the building. NYCHA will also promote employee adherence to the policy.

Amending Leases

Current NYCHA public housing residents will receive notice of the new lease language in early 2018. A notice posted at the developments will inform residents of the new lease language and when it will take effect. Residents will have the opportunity to comment on the new lease language before it goes into effect.

After the notice has been posted at the developments, NYCHA will begin mailing all residents a lease addendum which revises the terms of their lease to prohibit smoking of tobacco products in all public housing apartments and all common areas, as well as in outdoor areas within 25 feet of public housing buildings. The lessee (and co-lessee) must sign and return the lease addendum. The addendum will specify that violation of the policy will be treated as a civil and not criminal matter. NYCHA will also modify the public housing lease for new residents to reflect the new policy.

Graduated Enforcement

In consultation with residents, staff, and the New York City Department of Health and Mental Hygiene and consistent with HUD guidance, NYCHA is formulating a graduated enforcement approach to address violations of the smoke-free rules. Graduated enforcement means NYCHA will address violations with escalated warnings and specific, progressive enforcement actions, while educating residents and providing smoking cessation resources or referrals.

NYCHA staff observing violations can report them to the Property Management office. Residents may report violations as well by calling the Customer Contact Center and providing details of the

violation. Violations will be documented. After a staff member has observed a resident violating the policy, or in response to multiple resident-generated complaints that a resident has violated the policy, Property Management will conduct an informal conference with the resident to discuss the violation or violations. Property Management will provide materials to educate the resident on smoking and health topics such as the health effects of secondhand smoke and strategies to take smoking outside the buildings and the 25-foot perimeter. Property Management will also provide the resident with available smoking cessation resources. The lessee (and co-lessee) will agree in writing to comply with the smoke-free policy and will acknowledge that further violations can result in the commencement of termination of tenancy proceedings.

Overall Implementation Strategy

Since the release of the HUD Rule, NYCHA has engaged residents, staff, city agencies, experts in smoking cessation, and others in dialogue about smoking and health. Smoke-free housing policy is fundamentally about promoting healthy living and working environments, and NYCHA will continue to work collaboratively to develop strategies and resources to educate residents about the health risks of exposure to secondhand smoke and to connect residents to cessation services for those who want to quit.

NYCHA will work to advance smoke-free implementation in alignment with other agency initiatives to achieve safe, clean, and connected communities. In any residential context smoke-free policy is an important component to healthy and sustainable housing, particularly for children, seniors, and residents of all ages with vulnerable health conditions.