

## **HOUSING AUTHORITY OF THE CITY OF ERIE NON-SMOKING POLICY**

Pursuant to the United States Department of Housing and Urban Development's adoption of 81 FR 87430 on February 3, 2017, 24 C.F.R. §§965.961-965 and due to the health effects of secondhand smoke, the increased risk of fire, and rising maintenance costs related to smoking, the Housing Authority of the City of Erie ("HACE") is adopting a Non-Smoking Policy at all of its Public Housing Developments.

### **DEFINITIONS:**

1. The term "smoking" means inhaling, exhaling, breathing, carrying or possessing any lighted cigarette, cigar, pipe, other tobacco products (including vapor and e-cigarettes) or similar lighted product in any manner or in any form.
2. The phrase "HACE Public Housing Developments" includes all of the following: Harbor Homes, Harbor Homes Annex, Lake City Dwellings, John E. Horan Garden Apartments, Agnes R. Priscaro Apartments, Ostrow Apartments, Eastbrook Apartments, Bird Drive Apartments, Pineview Apartments, Friendship Apartments, Curry/Schell Apartments, C. Ted Dombrowski Apartments, Erie Heights, Schmid Towers, and all scattered sites developments.

### **RULES:**

1. The Policy bans smoking in resident's dwelling units, interior common areas, including, but not limited to, community rooms, laundry rooms, lobbies, community bathrooms, maintenance and storage areas, elevators, offices, and hallways/stairways. Smoking will also not be permitted within twenty-five (25) feet of any HACE public housing development, including entry ways, porches, balconies, and patios.
2. This Policy applies to all residents, guests, visitors, contractors, service personnel and HACE employees.
3. Exception to the twenty-five (25) feet smoking prohibition will be made for the smoking shelters located within the Friendship Apartments, Schmid Towers, and Ostrow Apartments
4. HACE is not a guarantor of a smoke-free environment. Resident acknowledges that HACE's adoption of this Policy, and the efforts to designate HACE Public Housing Developments as non-smoking, does not make HACE the guarantor of a resident's health or of the smoke-free condition of any HACE Public Housing Development. However, HACE will take reasonable steps to enforce this Policy. HACE is not required to take steps in response to smoking unless it has actual knowledge of the smoking and the identity of the responsible resident.
5. HACE's adoption of a non-smoking living environment and the efforts to designate portions of all HACE Public Housing Developments as non-smoking does not in any way alter the standard of care that HACE has under any applicable law to render any HACE Public Housing Development safe, more habitable or to improve air quality standards when compared to other non-public housing rental premises. HACE specifically disclaims any implied or express warranties that any HACE Public Housing Development will have any higher or improved air quality standards than any other rental property. HACE cannot and does not warrant or promise that HACE Public Housing Developments will be free from second-hand smoke. Resident acknowledges that HACE's ability to police, monitor, or enforce the non-smoking lease addendum is dependent in significant part on voluntary compliance by residents and resident's guests. Residents with respiratory ailments, allergies, or other conditions relating to smoke are hereby on notice that HACE does not assume any higher duty of care to enforce the lease addendum than any other landlord/HACE obligation under the rental agreement.
6. HACE Public Housing Development residents are responsible for the actions of their household, their guests and visitors. Failure to adhere to any of the conditions of the lease addendum will constitute material non-compliance with the rental agreement and a serious violation of the lease which could result in termination of a resident's lease and eviction. In addition, residents will be responsible for all costs to remove smoke odor, residue and damage upon any violation of the lease addendum.

## **CURRY/SHELL APARTMENTS**

### **NO SMOKING POLICY**

Due to the health effects of secondhand smoke, the increased risk of fire and rising maintenance costs related to smoking, the Housing Authority of the City of Erie (HACE) is adopting a No Smoking Policy at Curry/Schell Apartments. The policy bans smoking in resident's apartments, interior common areas, including, but not limited to, community rooms, laundry rooms, lobbies, community bathrooms, maintenance and storage areas, elevators, offices and hallways/stairways. Smoking is also not to be permitted within 25 feet of the Curry/Schell Apartment building including entry ways, porches, balconies and patios.

This policy applies to all residents, guests, visitors, contractors, service personnel and HACE employees.

**DEFINITION:** The term "smoking" means inhaling, exhaling, breathing, carrying or possessing any lighted cigarette, cigar, other tobacco product or similar lighted product (including vapor and e-cigarettes) in any manner or in any form.

HACE, as a landlord is not a guarantor of a smoke-free environment. HACE's adoption of a No Smoking Policy, and the efforts to designate portions of its properties as no smoking, do not make HACE the guarantor of resident's health or of the smoke-free condition of the non-smoking portions of HACE property. However, HACE will take reasonable steps to enforce the No Smoking Policy. HACE is not required to take steps in response to smoking unless it has actual knowledge of the smoking and identity of the responsible resident.

**HACE Disclaimer:** HACE's adoption of a non-smoking living environment and the efforts to designate the Curry/Schell Apartment building and portions of the property as no smoking does not in any way change the standard of care that HACE has under applicable law to render the property any safer, more habitable or improved in terms of air quality standards than any other rental premises. HACE specifically disclaims any implied or express warranties that HACE property will have any higher or improved air quality standards than any other rental property. HACE cannot and does not warranty or promise that the Curry/Schell property will be free from second-hand smoke. HACE's ability to police, monitor or enforce the No Smoking Policy is dependent in significant part on voluntary compliance by residents and residents' guests. Residents with respiratory ailments, allergies, or other conditions relating to smoke are put on notice that HACE does not assume any higher duty of care to enforce the no smoking policy than any other landlord/HACE obligation under the lease agreement.

Curry/Schell residents will be required to enter into a lease addendum in which the No Smoking Policy will become a material term of their lease agreement. Curry/Schell residents are responsible for the actions of their household, and their guests and visitors. Failure to adhere to any of the conditions of the lease addendum will constitute a material non-compliance with the rental agreement and a serious violation of the lease which could result in termination of a resident's lease and eviction. In addition, residents will be responsible for all costs to remove smoke odor, residue and damage upon any violation of the lease addendum.