



Housing Authority of the City and County of Denver Non-Smoking Housing Policy

Purpose

Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, the Housing Authority of the City and County of Denver (“DHA”) hereby declares that a non-smoking housing policy (the “Policy”) shall be enforced at all newly constructed properties, all properties that undergo substantial rehabilitation/modernization work placed into service after October 10, 2013, all properties that have adopted this Policy by Local Resident Council (“LRC”) Resolution, and all properties required by the United States Department of Housing and Urban Development (“HUD”) to implement this Policy (the “Properties”).

Definitions

Smoking: The term “smoking” means inhaling, exhaling, breathing, burning, carrying, or possessing any lighted cigar, cigarette, pipe, or other product or similarly lighted product in any manner or in any form including all electronic cigarette products, commonly referred to as “e-cigarettes”. Burning of incense, sage and similar products is not allowed.

Substantial Rehabilitation/Modernization: The term “substantial rehabilitation/modernization” shall be defined in DHA’s sole discretion on a case by case basis taking into account the following factors including, but not limited to: the total cost of the scope of work to be completed, the percentage of units at a specific property/building included in the scope of work, and the need for temporary or permanent relocation of some/all residents.

Resident: The term “resident” means any resident, household member, or family member who resides at any property subject to this Policy.

Rules and Regulations

All residents, employees, visitors, invitees, and guests must abide by the following rules and regulations:

- 1. Prohibition of Smoking Inside the Buildings.** Smoking shall not be permitted anywhere inside individual apartment units, or in any buildings at the Properties including all common areas (such as entryways, hallways, restrooms, elevators, stairways, and laundry rooms). Smoking shall be prohibited in all openings to all buildings and individual apartment units, including window and door openings.
- 2. Prohibition of Smoking in Most Areas Outside the Buildings.** Smoking outside the buildings shall be limited to specific area(s) as identified with signs located at the respective property. Smoking shall not be permitted in any other outside areas of the

Properties, including individual patios and balconies, yards, all common areas or adjoining grounds of buildings, entry ways, playground areas, and parking lots.

3. Proper Disposal of Smoking Materials. Smoking related materials and products must be disposed of in a neat and safe manner. Residents, for example, may not throw cigarette butts on the ground.

4. Compliance by Resident's Guests. Residents are responsible for informing guests, invitees and visitors of this Policy and for ensuring that resident's guests, invitees and visitors comply with this Policy.

5. Lease Violation. A breach of this Policy will be considered a lease violation. Repeated violations of this Policy may result in termination of tenancy and possible financial costs to remediate damage created by smoke odor or residue in resident's apartment unit.

6. Complaints. If resident witnesses someone smoking or if resident smells smoke in any place within the interior of any building on any of the Properties or if resident witnesses someone smoking on the grounds somewhere other than the designated smoking area, resident is encouraged to report the violation or the odor to the Property Manager in writing as soon as possible.

7. Investigations. Property Managers receiving a complaint will seek the specific source of the reported smoke and will take appropriate enforcement action as soon as possible. Property Managers are not required to take steps in response to smoking unless Property Managers know of said smoking or have been given written notice of said smoking.

8. Communication of Policy. This Policy shall be communicated by the Property Manager to all employees of DHA at affected properties, at the time of employment for all new employees, and prior to admission and/or prior to the signing of a lease for any new resident.

9. Disclaimer. DHA's adoption of this Policy and its efforts to designate any of the Properties as non-smoking do not in any way change the standard of care that DHA or the Property Manager would have to a resident to render buildings designated as non-smoking any safer, more habitable, or improved in terms of air quality standards than any other rental premises. DHA specifically disclaims any implied or express warranties that any building, common area, or resident's individual apartment unit will have any higher or improved air quality standards than any other rental property. DHA cannot and does not warrant or promise that any building or individual resident unit located at any of the Properties will be free from secondhand smoke.

10. Effective Date. The effective date of this Policy shall be _____.