



MUSCATINE MUNICIPAL HOUSING AGENCY

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## MEMORANDUM

**TO:** Gregg Mandsager, City Administrator

**FROM:** Dick Yerington, Housing Administrator

**DATE:** April 26, 2013

**RE:** Resolution to Authorize Amendments to Smoking Rules in Public Housing

**INTRODUCTION:** In response to HUD recommendations to designate Public Housing properties as "No Smoking", the MMHA has explored the possibility of implementing new rules regarding smoking at Sunset Park and the Clark House.

**BACKGROUND:** In January 2013 a steering committee was developed to address our current smoking guidelines. The committee was comprised of appointed members from the Residential Advisory Board, Sunset Park Resident Association and the Clark House Resident Council. Two members from each group were appointed to the steering committee. The committee met for the first time on January 29, 2013. The committee reviewed the current smoking guidelines for both Sunset Park and Clark House. Information packets containing facts on smoking and the damages caused to residents and facilities were distributed to the committee. A sample survey for residents was presented to the steering committee. Changes to the survey were made and finalized for distribution. Surveys were distributed to all residents of Sunset Park and Clark House. Residents were asked to return the surveys for the committee's consideration. The steering committee met again on February 12, 2013. The committee reviewed the results of submitted surveys and discussed proposed changes to the current smoking guidelines. The committee made recommendations for where smoking should be allowed and an acceptable time frame for implementation. The steering committee met March 6, 2013 to begin developing new smoking guidelines to present to Sunset Park and Clark House residents. The committee set dates for open forums to allow residents to give further input on the smoking guidelines. A letter was sent to residents notifying them of the open forum dates along with a copy of the proposed smoking guidelines. On March 21, 2013 the first forum was held at the Clark House with a moderate size turn out. On March 22, 2013 the second forum was held at Sunset Park. Two residents turned out to voice their opinions. The steering committee met on March 27, 2013 to consider the input heard at the forums. After some discussion the steering committee developed their recommendation for smoking guidelines at Sunset Park and Clark House and disseminated the information.

On April 25, 2013 the committee met to review additional resident and community input and unanimously agreed on a revised recommendation as attached. The committee believes this final recommendation is fair to all parties involved.

**RECOMMENDATION/RATIONALE:**

Staff has reviewed the recommendations of the steering committee and recommends the city council, acting as the MMHA Board of Commissioners, approve the attached resolution to allow MMHA to amend the smoking guidelines.

Attached

Amendment to Smoking Rules; Dated May 3, 2013

Implementation of new Smoking Rules; Dated May 3, 2013

Resolution

"I remember Muscatine for its sunsets. I have never seen any  
 on either side of the ocean that equaled them"- Mark Twain

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION AUTHORIZING SMOKING RULE CHANGES FOR PUBLIC HOUSING**

**WHEREAS**, the 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections and asthma attacks; and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke, establishing smoke-free buildings is the only effective way to ensure that secondhand smoke exposure does not occur in the home and (6) evidence from peer-reviewed studies shows that smoke-free policies and laws do not have an adverse economic impact ; and

**WHEREAS**, numerous studies have found tobacco smoke is a major contributor to indoor air pollution; and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease and lung cancer. The 2006 Surgeon General Executive Summary Report on the *Health Consequences of Involuntary Exposure to Tobacco Smoke* estimated nearly 50,000 excess deaths result annually from exposure to secondhand smoke ; and

**WHEREAS**, the Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen; and

**WHEREAS**, inasmuch as there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments. ASHRAE has determined there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke; and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smoke-free in their entirety.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Muscatine, Iowa, acting as the Muscatine Municipal Housing Agency, implement the amended rule change as presented.

**MOVED, PASSED AND ADOPTED** this \_\_\_\_\_ day of May 2013

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DEWAYNE HOPKINS, MAYOR

## **IMPLEMENTATION OF NEW SMOKING GUIDELINES**

Effective July 1, 2013 Clark House and Sunset Park facilities will prohibit smoking inside the property and any common areas, including but not limited to hallways, laundry rooms, stairways, elevators and all living units.

The Clark House facility will allow smoking in designated outdoor smoking areas located in the front and back of the building. Smoking will also be permitted on the 5<sup>th</sup> floor balcony in a designated area. The use of electronic cigarettes will be allowed in living units and designated smoking areas.

The Sunset Park facility will allow smoking on front and back patios of living units. Smoking will be allowed in all other outdoor areas unless otherwise designated. The playground areas will be designated as no smoking areas. The use of electronic cigarettes will be allowed in units and designated smoking areas.

Violations of the new smoking guidelines will be addressed with tenants by the individual site managers. Violations of the new smoking guidelines may result in termination of the lease, with the following exceptions for existing tenants.

- 1) Tenants that presently smoke in their apartments as of May 3, 2013 will be allowed to do so for one year, provided they are actively pursuing a smoking discontinuation plan with a medical professional or through other professional assistance such as New Horizons. Tenants will submit documentation confirming they are participating in a plan to quit smoking to Housing Staff.
- 2) Residents that have tenancy as of May 3, 2013 will not be evicted for solely violating the new smoking guidelines.

Tenants will be assisted with accessing free and low cost resources to quit smoking if they wish by Housing Staff. Tenants may request assistance by contacting the Housing Staff during business hours. Housing Staff will continue to assist Tenants in their endeavors to quit smoking as needed.

Establishing 100% smoke-free facilities is the ultimate goal, However, this goal may eventually be achieved through attrition.

# **AMENDMENT TO SMOKING RULES**

## **May 3, 2013**

**Clark House**    **Sunset Park**

**Unit Number** \_\_\_\_\_

***The following terms, conditions and rules are hereby incorporated into the Residential Rules for the above property.***

- 1) No Smoking Policy** – Due to health effects of second-hand smoke, increased risk of fires and increased maintenance costs, the Landlord is adopting the following No Smoking Policy. The policy prohibits smoking inside the property and any common interior areas, including but not limited to hallways, laundry rooms, stairways, elevators, all living units, and within 15 feet of building(s) including entryways. Smoking will be allowed in designated areas. **Clark House will allow smoking in designated smoking areas located in the front and rear of the building. Smoking will be allowed in designated areas on the 5<sup>th</sup> floor patio. Sunset Park will allow smoking on front and back patios on the tenant units. Smoking will be allowed in all other outdoor areas unless otherwise designated. The playground areas will be designated as no smoking areas. The use of electronic cigarettes will be allowed in all units at both facilities and in designated smoking areas.** This policy applies to all residents, guests and visitors.
- 2) Definition of Smoking** – The term “smoking” means inhaling, exhaling, breathing, carrying, possessing any lighted cigarette, cigar, pipe, or other tobacco product or similar lighted product in any manner or in any form.
- 3) Landlord Not a Guarantor of Smoke-Free Environment** – Tenant acknowledges that Landlord’s adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, do not make the Landlord or any of its managing agents the guarantor of Tenant’s health or of the smoke-free condition of the Tenant’s unit and the common areas. However, Landlord shall take reasonable steps to enforce the smoke-free terms of its leases and to make the complex smoke-free. Landlord is not required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking.
- 4) Disclaimer by Landlord** – Tenant acknowledges that Landlord’s adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, does not in any way change the

standard of care the landlord or managing agent would have to a Tenant household. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of this Amendment is dependent in significant part on voluntary compliance by Tenant and Tenant's guests. Tenants with respiratory ailments, allergies and or any other physical or mental condition related to smoke are notified that Landlord does not assume any higher duty of care to enforce this Amendment than any other landlord obligation under the Lease.

**5) Lease Violation** – Tenants are responsible for the actions of their household, Tenant's guests and visitors. Failure to adhere to any of the conditions of this Amendment may result in termination of the Lease. In addition, the Tenant(s) will be responsible for all costs to remove smoke odor or residue upon any violation of this Amendment.

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**Tenant Signature**

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**Date**

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**Housing Specialist**

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**Date**