

SMOKE-FREE POLICY

In accordance with HUD regulations, the Housing Authority of City of Spartanburg (Spartanburg Housing) has adopted these smoke-free policies. The policies are effective as of July 30, 2018.

Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, smoking is prohibited in all living units and interior areas, including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures. Smoking is also prohibited in outdoor areas within 25 feet from public housing and administrative office buildings.

This policy applies to all employees, residents, household members, guests, and service persons. Residents are responsible for ensuring that household members and guests comply with this rule.

The term “smoking” means any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other prohibited tobacco product in any manner or any form. Prohibited tobacco products include water pipes or hookahs.

Violation of the smoke-free policy constitutes a violation of the terms of the public housing lease. Consequences of lease violations include termination of tenancy.

SPARTANBURG HOUSING POLICIES

Designated Smoking Areas (DSA)

Spartanburg Housing has established designated smoking areas at Archibald Rutledge Hi-Rise and Archibald Village Apartments. Residents using the designated smoking areas must extinguish all smoking materials and dispose of them safely in receptacles provided for that purpose.

Spartanburg Housing has not designated any smoking areas at Victoria Gardens, Cambridge Place, Camp Croft Courts, or Prince Hall Apartments. Residents may not discard smoking products on the property.

Electronic Nicotine Delivery Systems (ENDS)

Electronic nicotine delivery systems (ENDS) include e-cigarettes, nicotine inhalers, and vaping devices.

Use of ENDS is permitted in public housing units only as a reasonable accommodation approved by Spartanburg Housing that necessary for a person with disabilities. Use of ENDS is prohibited in common areas and in outdoor areas within 25 feet from housing and administrative buildings. That is, use of ENDS is prohibited in all areas in which smoking is prohibited.

Effective Date

Spartanburg Housing’s effective date(s) of this smoke-free policy is/are as follows:

The smoke-free policy will be effective for all residents, household members, employees, guests, and service persons on July 30, 2018.

The smoke-free policy will take effect at the next annual lease renewal for each resident household. Residents must execute a smoke-free lease addendum as part of the annual lease renewal process. Regardless of the lease renewal date, all residents must be in compliance with the smoke-free policy no later than July 30, 2018.

Enforcement

Spartanburg Housing must enforce smoke-free policies when a resident violates this policy. When enforcing the lease, Spartanburg Housing will provide due process and allow residents to exercise their right to an informal settlement and formal hearing. The PHA will not evict a resident for a single incident of smoking in violation of this policy. As such, Spartanburg Housing will implement a graduated enforcement framework that includes escalating warnings. Prior to pursuing eviction for violation of smoke-free policies, Spartanburg Housing will take specific, progressive monitoring and enforcement actions, while at the same time educating tenants and providing smoking cessation information. The lease will identify the actions that constitute a policy violation, quantify the number of documented, verified violations that warrant enforcement action, state any disciplinary actions that will be taken for persistent non-responsiveness or repeated noncompliance, and state how many instances of noncompliance will constitute a violation. Tenancy termination and eviction will be pursued only as a last resort. Spartanburg Housing may terminate tenancy at any time for violations of the lease and failure to otherwise fulfill household obligations if resident behavior disturbs other residents' peaceful enjoyment and is not conducive to maintaining the property in a decent, safe, and sanitary condition.

Violation 1: Upon issuance of a written warning from the property manager and/or a documented complaint, the SHA will increase the frequency of unit inspections for a suspected policy violator. The SHA may enter the unit, with reasonable advance notification to perform inspections. A written statement specifying the purpose of the SHA entry delivered to the dwelling unit at least two days before such entry is considered reasonable advance notification

Violation 2: The SHA will provide information and resources on smoking cessations, including: Information may be provided from the American Lung Association, The Forrester Center, DHEC, etc.

Violation 3: The SHA will provide a mandatory referral to The Forrester Center or other agency that provides information or resources on smoking cessations.

Violation 4: Repeated violations of four or more of the smoke-free policy may rise to the level of other good cause for termination of tenancy.

If the resident does not have any new violations for 6 months, the resident will be considered to have a clear record, and no further enforcement action will be taken.

Reasonable Accommodation

While addiction to nicotine or smoking is not a disability, Spartanburg Housing will provide reasonable accommodation to persons with disabilities who smoke that are in compliance with the requirements of this smoke-free policy.