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## **Boston Housing Authority**

### **Non-Smoking Policy**

**January 13, 2011**

#### **I. Background:**

The BHA owns and manages over 10,000 units of federally-funded family and elderly/disabled public housing throughout the City of Boston. This portfolio varies from large, campus-like family sites to high-rise elderly buildings to smaller scattered-site properties. Regardless of building type, all BHA public housing consists of attached units sharing party walls and/or corridors, with the majority of units in multi-level buildings with residents living next to and below or above one another.

Over the past decade the BHA has engaged in several healthy housing partnerships and studies with residents, advocate organizations, health agencies, and local universities. These initiatives have increased awareness for residents and the Authority of the negative impacts that second-hand smoke-- either within the home or from a neighbor's home--can have upon our resident population. While particularly problematic for people with asthma, second-hand smoke is well-documented to exacerbate many diseases and health problems common to our resident population. In addition, it is known to impact children's physical and cognitive development.<sup>1</sup>

At the same time that BHA has increasingly pursued a variety of healthy housing strategies, requests from residents for non-smoking housing have increased. As we have surveyed our sites, the vast majority of respondents (typically 80-90% depending upon the site) want to live in non-smoking housing. This mirrors a national trend, with many Public Housing Authorities (PHAs) pursuing non-smoking policies and the U.S. Department of Housing and Urban Development (HUD) encouraging PHAs to adopt non-smoking policies.

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<sup>1</sup> The hazards of second-hand smoke are broadly documented and it is not our goal to relay this well-accepted body of research in this policy statement. For more information on the hazards of second-hand smoke, see the Centers for Disease Control and Prevention web site at [http://www.cdc.gov/tobacco/basic\\_information/secondhand\\_smoke/index.htm](http://www.cdc.gov/tobacco/basic_information/secondhand_smoke/index.htm).

BHA has piloted two successful non-smoking housing initiatives over the past year, at Franklin Hill and Washington Beech, totaling 114 units. Another 188 non-smoking units will come on-line over the next year at the Old Colony, Cathedral and Heath developments. We are now seeking to transition the vast majority of units at BHA to non-smoking housing over the next 3 years.

Non-smoking housing means that no one is permitted to smoke anywhere inside a Boston Housing Authority public housing building or outside within a specified distance of the building. Smokers can still smoke on site in designated areas, but there is no smoking inside apartments or common areas. The non-smoking policy applies to every member of the household, as well as to all visitors to the unit. Violating the policy (by smoking in non-designated areas) will constitute a lease violation and could result in enforcement actions up to and including eviction. **Non-smoking housing does not mean that smokers are prohibited from living at non-smoking buildings. It simply means that residents and visitors must smoke outdoors in designated areas.**

At this time, the BHA is proposing the following policy for federal units only. The BHA is working with the Massachusetts Department of Housing and Community Development (DHCD) to develop a non-smoking policy for the BHA's state-funded units that meets the requirements of applicable state laws and regulations. It is the BHA's goal to apply the non-smoking policy to the state sites on the same timeline as the federal sites.

It is important to note that several partner agencies (Boston Public Health Commission, Committee for Boston Public Housing, the Boston Urban Asthma Coalition, Health Resources in Action and UMass Nursing School) are currently working with BHA to ease the transition process for residents who smoke. Our partners will continue to work directly with the resident community to offer education and cessation services over the next two years. These services include access to cessation programs and patches, a trained tobacco cessation specialist, support groups, referrals, and other resources. **While the non-smoking housing policy does not require smokers to quit or to move, smoking cessation and education resources will be available to ALL BHA residents during the implementation period.**

## **II. Proposed Policy:**

1. Purpose: The purpose of the non-smoking policy is to mitigate the irritation and known health effects of second-hand smoke in Boston Housing Authority (BHA) buildings. In addition, it is intended to decrease maintenance costs and decrease risk of fire in BHA units.
2. Definition of Smoking: The term “smoking” means inhaling, exhaling, breathing or carrying any lighted cigarette, cigar, pipe or other tobacco product, as well as marijuana or any other similar lighted product in any manner or any form.
3. Non-Smoking Building: A Non-Smoking Building means that smoking is prohibited by residents and their guests in all units, hallways, and common areas, and within a small perimeter outside the building (to be established on a site-by-site basis). Residents that live in designated Non-Smoking Buildings agree to and acknowledge the Non-Smoking Policy when they sign their lease. Violating the policy (by smoking in a Non-Smoking Building) will constitute a lease violation and could result in enforcement actions up to and including eviction.
4. Lease Enforcement of Non-Smoking Policy: A violation of the Non-Smoking Policy shall be considered a breach of the Lease and shall give the BHA and resident all of the enforcement rights contained in the Lease.
5. BHA to Promote Non-Smoking Policy: BHA shall post no-smoking signs at entrances to all Non-Smoking Buildings and promote the Non-Smoking policy as appropriate in meetings and discussion with residents.
6. Residents to Promote Non-Smoking Policy: Residents shall inform their guests and occupants of the Non-Smoking Policy.
7. BHA Not a Guarantor of Resident Health: The Non-Smoking Policy does not make the BHA a guarantor of resident health or of the smoke-free condition of the resident’s unit or common areas.
8. Reasonable Accommodation: Residents may request a Reasonable Accommodation in relation to the Non-Smoking Policy, in accordance with the BHA’s Reasonable Accommodation Policy. Residents must adhere to the Non-Smoking policy until such time as a Reasonable Accommodation is granted.

## **III. Proposed Process and Timeline:**

The following steps describe the timeline and process by which the BHA proposes to implement the policy at family and elderly sites over a 2-3 year period:

1. The BHA will continue to conduct surveys, outreach and community forums on an ongoing basis to ensure that BHA residents are aware of the proposed policy and able to make suggestions about its implementation.
2. Several partner agencies (Boston Public Health Commission, Committee for Boston Public Housing, the Boston Urban Asthma Coalition, UMass Nursing School and Health Resources in Action) will also work directly with the resident community to offer education and cessation services. While the non-smoking housing policy does not require smokers to quit or to move, smoking cessation and education resources will be available to ALL BHA residents during the implementation period.
3. Upon HUD approval of the BHA 2011 Agency Plan, BHA will begin to execute the new Lease Addendum with existing resident re-certification and with new placements. The Lease Addendum will alert new and existing residents that their housing is scheduled to become non-smoking at a future date to be noticed by BHA. The BHA will likely phase the implementation such that some sites may become non-smoking before others. **The earliest date that the BHA expects to implement this policy at any occupied building is September, 2012.** Some buildings that are emptied for capital renovations may be designated non-smoking upon re-occupancy prior to September, 2012.
4. A site-specific Non-Smoking Housing Plan will be developed for each site by October, 2011 for public review and comment during the FY 2012 Agency Plan process. Each plan will include 1) a proposed schedule for implementation at that site, 2) a proposed schedule of resident meetings regarding the policy and implementation plan, 3) a recommendation for designated smoking areas, if any, at the site, and 4) a summary of any issues raised during the survey, re-certification, and/or occupancy process over this next year that will need to be addressed in order for the policy to be successfully implemented.

### **Non-Smoking Housing Policy Comments**

**c/o Administration**

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