

NO-SMOKING 2009

**North Bend City Housing Authority
&
Coos-Curry Housing Authority**

**1700 Monroe Street
North Bend, OR 97459**

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Housing authority residents protest smoking ban proposal

By Carl Mickelson, Staff Writer
 Saturday, May 28, 2005 | 3 comment(s)

Disabled residents and people of low income turned out in large numbers Wednesday to voice opposition to a North Bend City and Coos/Curry County housing authorities' proposal to ban smoking inside the residences they own and manage.

The proposed ban drew sharp criticism, and probing questions from residents and many of the agencies that work with the poor and disabled.

"I know I shouldn't be smoking - it's stupid. I know that. But that is my decision - or should be," said Freddie Langston, 46, a resident of Woodland Apartments Preservation in Empire.

The housing authorities own 260 units, including apartments and duplexes in Coos Bay, North Bend, Port Orford and Powers, where the policy would take effect.

About 40 residents, as well as several community agency officials, turned out for the meeting to voice their concern for the proposal, or at least delay it.

The Coos/Curry County Housing Authority Board of Directors was poised Wednesday to vote on the measure, which would have taken effect July 1.

In a letter it sent to residents in mid-April, the Housing Authority outlined the proposal which would mandate residents could be evicted if caught smoking, or if they failed to sign a revised lease acknowledging the new policy.

However, the mass turnout - that many described as the largest in recent memory - seems to have stalled the attempt for now.

Paul Colbert, the executive director of both Housing Authorities, said the ban was stimulated by increased insurance costs (or an inability to find a willing insurance carrier), expensive cleaning procedures necessary to rid apartments of the smell of smoke and a growing anti-smoking movement across the country by other housing authorities and businesses.

Tina Scarborough, a case manager for the Coos County Community Health Outreach Coalition, called the move discriminatory against the poor and disabled. She said it could result in booting the community's most vulnerable population into the streets.

"I am afraid that this is going to effect a large increase in homelessness," she said. "This is like taking what little bit they have away from them. They'll have to go somewhere if they are evicted for smoking."

Scarborough said a large percentage of the occupants of the housing authorities' 260 properties are smokers. Colbert estimated smokers filled half of the properties.

"This is their only refuge," Scarborough said. "All they have is their cigarettes and their cable. A lot of them are very reclusive. They are in the home and don't go out. Society is not kind to them."

Langston, whose rent is fixed at \$119 per month, is one of those people.

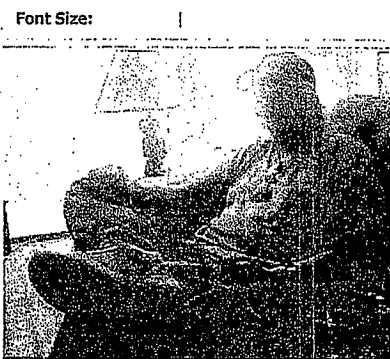
"I'm agoraphobic," he said, referring to the disorder in which people are afraid of being in open or public places. "I value my home. It is my sanctuary. It's the only place I can go to feel at ease."

After spending 15 years being homeless in Washington and Oregon, he finally found a place to stay in Coos Bay. He said his long list of health problems includes obsessive compulsive disorder, diabetes, kidney problems, hepatitis C and heart disease, prevents him from leaving his apartment.

"As far as finding a different place to rent - there isn't anything," Langston said. "I will be out on the streets." Langston collects \$579 monthly from the federal government's Supplemental Security Income program that provides money to the elderly, blind and disabled. He also receives \$68 each month in food stamps.

He said he started smoking when he was 14 and is up to about three packs of cigarettes per day - a \$150 per month habit, he said, that eventually will kill him.

He said he had no intention of signing the lease addendum, knowing full well it meant he would be evicted 72 hours after July 1.



Fred Langston, 46, of Empire is concerned about a smoking ban being considered by the Coos/ Curry County Housing Authority, which manages low-income housing. A 21/2 pack-a-day smoker, Langston is worried the housing authority's move will set a precedent to take other rights away from tenants. He said the bulk of his daily life is spent inside his unit at the Woodland Apartments. World Photo by Dan Schreiber

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Colbert said due to dropping revenues, the cost to renovate smokers' apartments has become more than the Housing Authority can bear. He said the cost can be between \$1,000 and \$2,000.

In the past, the authority paid for the damages - new carpets, freshly painted and sealed walls - knowing the former occupants could not afford to cover the costs.

However, he said, that no longer will be the case.

The Housing Authorities began looking into the policy after recent incidents on the West Coast. Colbert said the San Francisco Housing Authority is being forced to pay the majority of a \$12 million lawsuit stemming from a fire that killed several tenants. The SFHA only had \$3 million in insurance coverage.

"If that happened (here), we would be bankrupt," Colbert said adding that the Housing Authority would have to consider selling its properties - leaving hundreds homeless - to pay for a lawsuit.

In addition, Colbert said, insurance companies have threatened that premiums will go up if a smoking ban is not initiated. Other insurance companies have said they will not cover the Housing Authority at all if smoking continues.

"Our budgets are being cut. It is something we have to take action on," Colbert said.

Reaction from tenants has been split. Colbert said he's received about 40 letters which share views indicating not all smokers are opposed to the ban, and not all non-smokers support it.

Exactly how such a policy would be enforced remains to be seen. Colbert said the Housing Authority would not have "smoking patrols" scouring the properties for violators. Nor would it rely on tattling neighbors.

Instead, he said, those who blatantly disregard the policy, and those who are on oxygen tanks would be scrutinized. That strategy drew considerable concern from tenants and board members.

"We have to treat everyone the same way. We can't have exceptions," said board member Earl Breuer.

Colbert told the audience Wednesday that housing authorities in Bend and Redmond, which recently initiated no-smoking policies have not evicted anyone.

"The intent is to reduce the damages to our rental units," Colbert said. "The intent is to reduce our risk of lawsuit and also to reduce the possibility of having a fire due to a smoker."

Scarborough said she was concerned over the policy in part because it might be used as a means to evict "unruly or hard residents." She said she thought the policy had more to do with insurance, than actually halting smoking.

Coos County Mental Health Director Ginger Swan suggested that the board slow down and form a subcommittee to augment the policy. She said one tenant had already "started packing" due to language in the letter that was interpreted as stating that tenants could not smoke anywhere on the property.

To prevent a mass exodus from its residences, Colbert said one strategy likely to be implemented would be to have case workers working with tenants to implement alternatives to smoking in their residences, such as going for a walk, or going out on a balcony. In addition, Housing Authority staff could carry out a series of steps before any one was actually evicted including a series of written warnings.

After 90 minutes of testimony, the board decided to form the subcommittee and bring back a sample of a revised ban on smoking at its June board meeting.

Scarborough said she thinks the board was caught a little off guard, and was not expecting such a large turnout.

"I think they are going to try," Scarborough said after the board decided to take no action. "Both sides wanted to compromise and do what is best for everybody concerned. It shows good faith on their part to show some consideration."

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NORTH BEND CITY / COOS-CURRY HOUSING AUTHORITIES

1700 MONROE STREET

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Oregon Video Relay Service: 1-866-327-8877

Managing Agent – Woodland Apartments Preservation Inc / Powers Housing Development Inc

September 9, 2009

Public Notice

The North Bend City / Coos-Curry Housing Authorities has posted the following items for a 30-day public comment period.

Proposed Revision of the Resident Obligations No-Smoking Policy

Enclosed is a copy of the revised Resident Obligations for your review. The No-Smoking Policy can be viewed at the Housing Authority main office, Airport Heights Managers office, Woodland Apts. office and the Powers Housing Development office.

All comments regarding the above items must be in writing and submitted to:

Ned Beman, Executive Director
North Bend City / Coos-Curry Housing Authorities
1700 Monroe Street
North Bend OR 97459

All comments must be reviewed by the Housing Authority on or before October 10, 2009.

Posted September 9, 2009
e-mailed to all staff September 9, 2009





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NO-SMOKING POLICY

NORTH BEND CITY / COOS-CURRY PUBLIC HOUSING WOODLAND APARTMENTS AND POWERS HOUSING DEVELOPMENT

- 1. No-Smoking Policy** – Due to the increased risk of fire, increased maintenance costs, and the health effects of secondhand smoke, NBC/CCHAs are adopting the following No-Smoking Policy. The Policy prohibits smoking in any interior common areas, including but not limited to; within all living units, community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices, elevator, or within 10 feet of any building(s) including entry ways, porches, balconies, patios, storage areas and dry yards. This Policy applies to all residents, guests, visitors, service personnel and employees.
- 2. Definition** – The term “smoking” means inhaling, exhaling, breathing, carrying, or possessing any lighted cigar, cigarette, pipe, other tobacco product or similar lighted product in any manner or in any form.
- 3. NBC/CCHAs not a guarantor of smoke free environment** – Resident acknowledges that NBC/CCHAs adoption of a No-Smoking Policy, does not make NBC/CCHAs or any of its managing agents the guarantor of Resident’s health or of the smoke free condition of non-smoking portions of the property. However, NBC/CCHAs will take reasonable steps to enforce the No-Smoking Policy. NBC/CCHAs are not required to take steps in response to smoking unless NBC/CCHAs has actual knowledge of the smoking and the identity of the responsible Resident.
- 4. Landlord disclaimer** – Resident acknowledges that NBC/CCHAs adoption of a non-smoking living environment, and the efforts to designate portions of the property as non-smoking does not in any way change the standard of care that NBC/CCHAs 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. NBC/CCHAs specifically disclaim any implied or express warranties that the property will have any higher or improved air quality standards than any other rental property. NBC/CCHAs cannot and does not warranty or promise that the property will be free from secondhand smoke. Resident acknowledges that NBC/CCHAs ability to police, monitor or enforce this Policy is dependent in significant part on voluntary compliance by Residents and Resident’s guests. Residents with respiratory ailments and/or allergies to other conditions relating to smoke are put on notice the NBC/CCHAs does not assume any higher duty of care to enforce this Policy than any other NBC/CCHAs obligation under the rental agreement.
- 5. Lease violation** – Residents are responsible for the actions of their household, their guests and visitors. Failure to adhere to any of the conditions of this Policy will constitute a material non-compliance with the rental agreement and a serious violation of the Rental Agreement. In addition, Resident will be responsible for all costs for all clean-up associated with smoking, upon any violation of this Policy, such as removal of smoke odor or residue, sealing and repainting, picking up cigarette butts, etc.





NORTH BEND CITY/COOS-CURRY HOUSING AUTHORITIES
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RESIDENTS OBLIGATIONS

The Residents is to abide by such necessary and reasonable regulations as may be set forth by THE HOUSING AUTHORITY for the benefit and well being of the Housing Community and the Residents, and which shall be posted in the Complex Office, delivered to the Residents and incorporated by reference in this lease.

Residents and members of Residents household agree to abide by the following rules, obligations, and standards. A failure to comply with the rules, obligations, and standards contained herein constitutes a material violation of this lease agreement and may result in the termination of the lease.

A. RULES RELATING TO RESIDENTS CONDUCT AND BEHAVIOR:

- ___ 1. **Peaceful Conduct.** Residents, household members and/or guests will not disturb any neighbor's peaceful enjoyment of their accommodations and will conduct themselves in a way that is conducive to maintaining the development community in a decent, safe and sanitary condition.
- ___ 2. **Harassment.** Residents, household members and/or guests will not engage in behavior which is intended to harass, or has the effect of harassing, another Residents, a THE HOUSING AUTHORITY employee, visitors, or persons residing in (non-THE HOUSING AUTHORITY) neighborhoods adjacent to THE HOUSING AUTHORITY property. A Residents will be considered to have engaged in harassing behavior: if the Residents repeatedly files unsubstantiated complaints, whether about another Residents, a THE HOUSING AUTHORITY employee, visitors, or a person residing in adjacent neighborhoods, if the Residents actions or behavior interferes with another's right to a peaceful enjoyment of their property, or if the Residents actions or behavior interfere with the ability of a THE HOUSING AUTHORITY employee to perform his/her job functions.
- ___ 3. **Disruptive, Offensive, Lewd, and Destructive Conduct.** Residents, household members or guests will not engage in any conduct that disrupts the peacefulness of the development community, offends the sense of decency of the development community or damages the real or personal property of any Residents or THE HOUSING AUTHORITY. Residents or their guests will not engage in lewd conduct, including but not limited to public displays of nudity and sexual activity. Verbal or physical acts of aggression directed at another Residents or THE HOUSING AUTHORITY employee, or which cause another Residents or THE HOUSING AUTHORITY employee to fear for their safety, including but not limited to threatening, cursing, pushing, and/or hitting, are serious violations of this lease and will result in the immediate termination of the lease.
- ___ 4. **Criminal activity.** Criminal activity on or near THE HOUSING AUTHORITY property is prohibited and will result in the immediate termination of the lease. The THE HOUSING AUTHORITY Grievance Procedures do not apply in cases involving criminal activity. "One Strike and You're Out" states as follows:
"Any Residents, any member of the Residents household composition, guest, or any other person under the Residents control:
 - (a) Shall not engage in any criminal activity while the Residents is a Residents in public housing. Any such activity shall be cause for immediate termination of tenancy.
 - (b) Shall not engage in the illegal manufacture, sale, distribution, use of, possession of, intent to manufacture, sell, distribute, or use any controlled substance, while the



Residents continues tenancy with the THE HOUSING AUTHORITY. Any such activity shall be cause for immediate termination of tenancy.

- (c) Shall not engage in the abuse of any alcoholic substance in such a way as to interfere with the health, safety, or right to peaceful enjoyment of the premises by other Residents. Repeated activity of this nature shall be cause for termination of tenancy.
- (d) Shall not engage in any activity which creates or maintains a threat to the health, safety or right to peaceful enjoyment of the premises by other Residents, employees of THE HOUSING AUTHORITY or contract employees of THE HOUSING AUTHORITY.
- (e) Shall comply with all obligations imposed upon the Residents by applicable provisions of City, State and Federal Codes materially affecting health and safety.

___ 5. **Use or Display of Weapons.** Residents, household members and/or guests will not use or display, except in self-defense, a weapon or object, including but not limited to a firearm, knife, BB or pellet gun, club, chain, blackjack, night stick, etc., in the dwelling unit or on the development premises in a manner calculated to cause alarm, fear or damage to other persons. In addition a Resident will not intentionally, knowingly, or recklessly carry on or about his person a handgun, illegal knife, or club as defined by Oregon Penal Code. A Resident will not intentionally or knowingly possess, manufacture, transport, repair, or sell an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, knuckles, armor piercing ammunition, a chemical dispensing device, or a zip gun as defined by Oregon Penal Code.

___ 6. **Possessing or Carrying Weapons Outside the Dwelling Unit.** Residents, household members and/or guests will not possess or carry outside the dwelling unit any handgun, loaded rifle or shotgun, illegal knife, or club on the development premises, unless authorized by applicable laws and regulations.

___ 7. **Stolen Property.** Residents, household members and/or guests will not possess, store, sell or convey stolen property in a dwelling unit or on the development premises.

___ 8. **Law Enforcement Interference.** Residents, household members and/or guests will not interfere with any law enforcement personnel or activity or hinder the arrest of any person on the development premises.

___ 9. **Alcoholic Beverages Outside Dwelling Unit.** Residents, household members and/or guests will not consume alcoholic beverages outside the dwelling unit on complex grounds.

X ___ 10. **No-Smoking Policy.** THE HOUSING AUTHORITY prohibits Residents, guests, visitors and service personnel from smoking in any unit or common areas, including but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevator. Smokers, who smoke outside, must be at least 10' from neighbor's door.

Residents are responsible for the actions of their household, guests and visitors. Failure to adhere to this policy will constitute both a material non-compliance with the rental agreement and a serious violation of the Rental Agreement. In addition, Residents will be responsible for all costs for the clean-up associated with smoking upon any violation of this policy.

___ 11. **Glass Containers Outside Dwelling Unit.** Residents, household members and/or guests will not possess, carry or discard, except in designated trash receptacles, breakable glass containers outside the dwelling unit or in the common areas, which include the paths, walks, playgrounds, easements, yards, driveways, parking lots and other areas on the development premises.

Published: Friday, October 30, 2009 12:13 PM PDT

Serving the South Coast of Oregon

Coos Bay, Oregon

The World

[Print Page](#)

Agencies ban smoking

Friday, October 30, 2009 12:13 PM PDT

The North Bend City and Coos-Curry Housing Authorities have adopted a no-smoking policy for the apartments and buildings they own.

Also, the Woodland Apartments Preservation and Powers Housing Development adopted a no-smoking policy earlier this month.

The no-smoking policy will go into effect March 1.

Residents will be allowed to smoke outside their units 10 feet from their neighbors' doors. They will not be allowed to smoke inside the units or other buildings owned by the agencies.

The U.S. Department of Housing and Urban Development published a notice on July 17, 2009, strongly encouraging housing authorities adopt no-smoking policies. Coos-Curry and North Bend City Housing Authorities, as well as Woodland and Powers adopted the policy to protect staff from second-hand smoke while working in the units and to reduce costs of preparing vacant units for leasing.

-- CLOSE WINDOW --

Published: Wednesday, November 4, 2009 12:43 PM PST

Serving the South Coast of Oregon
Coos Bay, Oregon

The World

Print Page

Housing authorities ban indoor smoking

By Jessica Musicar, Staff Writer
Wednesday, November 4, 2009 12:43 PM PST

NORTH BEND — Alan Pape doesn't like going into smokers' apartments. But as the maintenance mechanic for the North Bend City/Coos-Curry Housing Authorities, it's part of the job.

"When you have to stand in them for two or three hours at times and breathe in second-hand smoke — I know it's not good for me," Pape said.

By March, Pape won't have to worry about nicotine-stained walls or smelling like an ash tray at the end of the day.

The two boards of commissioners for the housing authorities adopted a no-indoor-smoking policy for the apartments and buildings they own. The Woodland Apartments Preservation Inc. and Powers Housing Development Inc. — apartments managed by the housing authorities — also passed the same policy. The agencies provide section 8 and low-income housing North Bend, Coos Bay, Myrtle Point, Coquille and Port Orford. Woodland and Powers have units in Empire and Powers. Ned Beman, the executive director of the Housing Authorities, said the policy will likely impact 475 residents. He estimated that about 21 percent smoke.

The policy bans smokers from lighting up inside units or other buildings owned by the agencies. Those who smoke will be allowed to — but outside at least 10 feet from a neighbor's door. It goes into effect on March 1.

Beman said the new policy is the right step for the agencies.

"I think it's a good thing for staff. I think it's a good thing for the agencies and I think it's a good thing for the children in the units because they aren't breathing in second-hand smoke," Beman said.

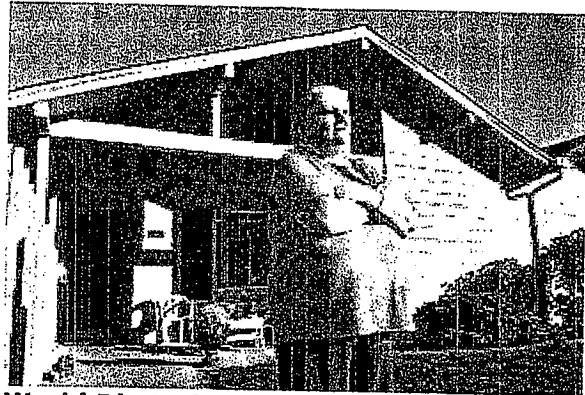
Debra Norton, a resident at the North Bend City Housing Authority's Airport Heights apartments, doesn't think the new policy makes sense. She said she and her daughter — who share the apartment with two grandchildren — smoke cigarettes only in their bedrooms.

"I think it sucks because we're not affecting anyone with it," Norton said on Tuesday. "I think going outside would affect people more who don't smoke than being in our own rooms."

The idea of smoking outside isn't a pleasant one for Norton, either.

"It gets cold in the winter," she said.

The housing authority boards have been mulling the possibility for a few years, but began seriously



World Photo by Lou Sennick

Debra Norton has lived in the Airport Heights Apartments in North Bend for about 12 years with her daughter. She smokes inside the apartment in her own room, and she is upset with a new ban on indoor smoking starting in March. "It's not against the law to smoke," she said.

discussing it in September, after receiving a notice from the U.S. Department of Housing and Urban Development that urged housing authorities to adopt such policies.

Beman said the boards unanimously passed the policy because they felt doing so would protect employees' health, reduce costs of preparing vacant units for rent and even the playing field for Section 8 residents who already abide by similar policies. The boards took public comment for 30 days. Those who wrote in convinced the boards to drop a proposed 25-foot smoking distance to 10 feet, but otherwise there were few complaints and some positive comments, the director said.

Cleaning up a smoker's apartment — depending on the extent of the smoke damage — can cost up to an extra \$1,000 in primer coating, paint and man hour, Beman said. And often, those units still don't smell good.

"Because no matter what you do, you can't get the smoke out," he explained.

It makes it hard to rent to someone who is sensitive to smoke, he said.

In most apartments, Pape said he typically has to just touch up the paint job, but in those rented by smokers, he usually can look forward to two days of work.

Beman noted that the cost of the cleanup gets passed back to the renter, which can be hard on someone who is already low income.

"They're hurting themselves by damaging the unit above wear and tear," Beman said.

Brandon Edlund sees the change in policy as a loss of rights. He said he and his wife smoke inside but near their doorway when their children are out.

"There's already enough hoops we have to jump through to live in these apartments," Edlund said, "so I just think it's a bit more of an invasion of privacy to take our smoking away from us."

Beman said the policy won't change until March because Coos County Mental Health representatives asked for time to involve mutual clients in non-smoking programs. It also gives the housing authorities time to have all residents agree and sign the new rules. The agencies are attempting to work with community partners to assist in smoking cessation training.

-- CLOSE WINDOW --