

RESOLUTION 18-15

TO ADOPT FINAL REGULATIONS FOR SMOKE FREE PUBLIC HOUSING

WHEREAS, District of Columbia Housing Authority ("DCHA") is required to prohibit smoking on public housing properties;

WHEREAS, DCHA seeks to comply with the Department of Housing and Urban Development's mandate to prohibit smoking and to improve the health and safety of public housing residents;

WHEREAS, on May 18, 2018, DCHA published Proposed Smoke Free Public Housing regulations in the District of Columbia Register to solicit public comment; and

WHEREAS, DCHA amended the proposed regulation to allow smoking 25 feet outside of public housing buildings.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of District of Columbia Housing Authority hereby authorizes the Executive Director to adopt the proposed Smoke Free Public Housing regulations.


ADOPTED, by the Board of Commissioners and signed in open session in authentication of this passage on this 11th day of July 2018.

ATTEST:



Tyrone Garrett
Executive Director/Secretary

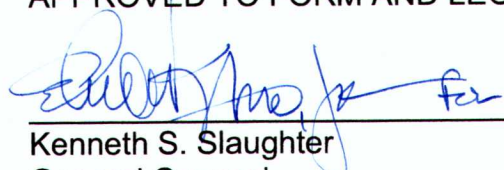
APPROVED:



Neil Albert
Vice Chairman

William Slover

APPROVED TO FORM AND LEGAL SUFFICIENCY:



Kenneth S. Slaughter
General Counsel

14 DCMR § 6127 PUBLIC HOUSING: SMOKE-FREE POLICY

§ 6127.01 Purpose. In accordance with the Department of Housing and Urban Development's mandate contained in 24 C.F.R. § 965.651 *et seq.*, the purpose of this section is to minimize the risk of fire, reduce maintenance costs, and eliminate the adverse health effects associated with second and thirdhand smoke.

§ 6127.02 Applicability.

- (a) This section applies to public housing assisted units as defined in D.C. Code § 6-201(41), except for dwelling units in redeveloped properties as defined in § 6113.1.
- (b) This section applies to all residents, guests, visitors, service personnel and employees.

§ 6127.03 Definitions.

- (a) The term "smoking" means inhaling, exhaling, breathing, carrying, or possessing any lighted cigar, cigarette, pipe, or other tobacco product or similar lighted product in any manner or in any form.
- (b) For purposes of this section "public housing" means low-income housing, and all necessary appurtenances (*e.g.*, community facilities, public housing offices, day care centers, and laundry rooms) thereto, assisted under U.S. Housing Act of 1937 (the 1937 Act), other than assistance under section 8 of the 1937 Act.

§ 6127.04 Smoke-Free Public Housing. Smoking is prohibited within:

- (a) All interior common areas, including but not limited to community rooms, community bathrooms, lobbies, hallways, laundry rooms, stairways, offices, and elevators;
- (b) All living units; and
- (c) 25 feet of Public Housing and administrative office buildings in which public housing is located.

§ 6127.05 Designated Smoking Areas. The DCHA may designate Smoking Areas on public housing grounds provided that the Smoking Area is not within 25 feet of public housing or administrative office buildings in which public housing is located.

§ 6127.06 The DCHA is not a guarantor of a smoke-free environment. The DCHA is not required to take steps in response to smoking unless it has actual knowledge of the smoking and the identity of the responsible resident.

§ 6127.07 Lease Violation. Residents are responsible for the actions of their household, their guests, and visitors. Repeated failures to adhere to conditions in section 6127.04 will constitute both a material non-compliance with the lease agreement and a serious violation of the Lease Agreement. In addition, resident will be responsible for all costs to remove smoke odor or residue upon any violation of this section.

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