



Smoke-Free Housing Policy

Housing Authority of The City of McAllen

Smoke Free Public Housing Final Rule

Summary:

This rule requires each public housing agency (PHA) administering public housing to implement a smoke-free policy. Specifically, no later than 18 months from the effective date of the rule (02-03-17), each PHA must implement a “smoke-free” policy banning the use of prohibited tobacco products in all public housing living units, indoor common areas in public housing, and in PHA administrative office buildings. The smoke-free policy must also extend to all outdoor areas up to 25 feet from the public housing and administrative office buildings. This rule improves indoor air quality in the housing; benefits the health of public housing residents, visitors, and PHA staff; reduces the risk of catastrophic fires; and lowers overall maintenance costs.

Purpose:

The purpose of the rule is to require PHAs to establish a policy disallowing the use of prohibited tobacco products, as such term is defined in § 965.653(c), inside all indoor areas of public housing, including but not limited to living units, indoor common areas, electrical closets, storage units, and PHA administrative office buildings, and in all outdoor areas within 25 feet of the housing and administrative office buildings (collectively, “restricted areas”). Such a policy is expected to improve indoor air quality in public housing; benefit the health of public housing residents, visitors, and PHA staff; reduce the risk of catastrophic fires; and lower overall maintenance costs.

To insure quality of air and the safety of all public housing residents, pursuant to 24 CFR § 965.653(c) and in accordance with the Smoke Free Public Housing Final Rule, the Housing Authority of The City of McAllen herein after known as “MHA” has declared this Smoke Free Policy as follows:

1.0 Effective Date

This Smoke Free Policy will be effective on Monday July 30, 2018 beginning at 12:00 AM

1.1 Application of Smoke Free Policy

1.2 This smoke free policy is applicable to all of the following:

- Current Residents
- Future Residents
- Relatives
- Guests
- Contractors
- Subcontractors

1.3 This smoke free policy is applicable in all of the following building types and outdoor areas:

- All dwelling rental units at Vine Terrace as listed in Appendix A.
- All utility buildings at each Vine Terrace unit as listed in Appendix A.
- All non-dwelling community buildings and MHA administrative offices as listed in Appendix B
- All outdoor areas within 25 feet of every building listed in Appendix A & B.

2.0 Prohibited Tobacco Products

2.1 The following tobacco products are prohibited:

- Cigarettes
- Cigars
- E-Cigarettes (Electronic Nicotine Delivery Systems)
- Tobacco Pipes
- Water Pipes
- Any other device that involves the ignition and burning of tobacco leaves.

3.0 Resident Violations

3.1 Violations of this smoke free policy may consist of any of the following:

- Resident complaints (MHA will review all resident complaints to ensure all information is factual before issuing a violation)
- MHA Staff observation
- Tobacco odor inside the unit

- Evidence of tobacco paraphernalia observed during unit maintenance visits and Public Housing inspections.

MHA may use a smoke detector device to confirm the presence of tobacco smoke inside any dwelling unit. Confirmed tests will result in a violation.

3.2 Reporting of violations.

All residents requesting to report a violation/s of this smoke free policy must submit a statement in writing (via Mail or hand-delivery) detailing the violation to the attention of:

McAllen Housing Authority
Attn: Vickey Abrego-Garcia – Public Housing Specialist
2301 Jasmine Avenue
McAllen, TX 78501

3.3 Enforcement of violations.

MHA will use a graduated enforcement approach to this smoke free policy as follows:

- 1st Violation will result in a verbal warning to resident/s.
- 2nd Violation will result in a written warning to resident/s along with a free courtesy referral to a smoke cessation agency based on availability.
- 3rd Violation will result in a final written warning to resident/s
- 4th Violation will result in eviction proceedings from the Public Housing Program.

3.4 Grievance Procedure

The grievance procedure under the Public Housing Admissions and Continued Occupancy Plan (ACOP) will control all grievances related to this policy.

4. “No Smoking” signs or stickers will be posted on each unit and offices listed in Appendix A & B.
5. All current and new residents living in Vine Terrace shall sign the Smoke-Free Policy Certification for placement in the resident’s or employee’s file and a copy will be provided to him/her.
6. Where possible and feasible, the housing authority will consider reasonable accommodations for disabled residents who smoke.

Resident Certification

Apartment Address

Unit No.

I certify that I have read the Smoke-Free Housing Policy and agree to fully abide by its provisions. I understand that residents are responsible for the actions of their household members, their guests and visitors. I understand that failure to adhere to any conditions of this policy will constitute a violation of the Dwelling Lease Agreement.

Head of Household (*signature*)

Date

Spouse/Co-Head/Other Adult (*Signature*)

Date

Spouse/Co-Head/Other Adult (*Signature*)

Date

Spouse/Co-Head/Other Adult (*Signature*)

Date

Spouse/Co-Head/Other Adult (*Signature*)

Date

Appendix A – Vine Terrace Unit Listing

Address	Unit #
2708 Vine	153
2704 Vine	154
2700 Vine	155
2616 Vine	156
2612 Vine	157
2608 Vine	158
2604 Vine	159
2600 Vine	160
2605 Walnut	161
2224 N. 27th St	162
2228 N. 27th St.	163
2232 N. 27th St.	164
2300 N. 26th St.	165
2304 N. 26th St.	166
2308 N. 26th St.	167
2312 N. 26th St.	168
2601 La Vista	169
2605 La Vista	170
2609 La Vista	171
2701 La Vista	172
2705 La Vista	173
2709 La Vista	174
2600 Walnut	175
2604 Walnut	176
2608 Walnut	177
2612 Walnut	178
2700 Walnut	179
2704 Walnut	180
2708 Walnut	181
2229 N. 27th Lane	182
2225 N. 27th Lane	183
2221 N. 27th Lane	184
2217 N. 27th Lane	185
2213 N. 27th Lane	186
2209 N. 27th Lane	187
2205 N. 27th Lane	188
2201 N. 27th Lane	189
2204 N. 27th St.	190
2208 N. 27th St.	191
2212 N. 27th St.	192
2216 N. 27th St.	193
2225 N. 27th St.	194
2221 N. 27th St.	195
2217 N. 27th St.	196
2213 N. 27th St.	197
2209 N. 27th St.	198
2214 N. 27th Lane	199
2218 N. 27th Lane	200
2222 N. 27th Lane	201

Appendix B – McAllen Housing Authority Administration Building Listing

Address	Description
2301 Jasmine Ave.	Administration Office
2501 Maple Ave.	Family Development Center
2220 N. 27th St.	Vine Terrace Building – Community Center
1200 N. 25th St.	Cesar Chavez Building – Community Center