

# NEEDHAM HOUSING AUTHORITY

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## Needham Housing Authority (NHA) “Smoke-Free Buildings Policy”

### 1. Smoke-Free Buildings Policy Statement

The NHA “**Smoke-Free Buildings Policy**” is designed to ensure air quality and protect the health and safety of all residents and NHA staff. This policy is intended to comply with federal and state laws. Smoke-free housing means no one is permitted to smoke anywhere inside individual apartments, the apartment building, and its common spaces, or within 25 feet of the buildings. The Smoke-Free Buildings Policy applies to every member of the household, as well as all visitors. This policy does not mean that residents who smoke cannot reside in the housing properties – they cannot smoke in prohibited areas of NHA buildings and properties. Violating the policy by smoking in restricted areas is a lease violation and could result in eviction.

**Smoking is prohibited in all apartments and common areas of the building, including but not limited to laundry rooms, hallways, stairways, foyers, community rooms, facilities, fire escapes, decks, patios, exterior landings, front steps, entranceways, basements, storage areas, and other building facilities. Anyone smoking inside NHA buildings, standing beside the building, leaning out a window, or sliding glass doors to smoke will be deemed in violation of this policy.**

### 2. Smoking Defined

Smoking means the inhaling, exhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, vaping device, electronic nicotine delivery system, or other product containing any amount of tobacco, marijuana, or other similar lighted product.

### 3. Effective Date of Policy

On May 19, 2016, the NHA Board of Commissioners approved implementing the No Smoking Policy for all NHA developments effective October 1, 2016. The NHA Board of Commissioners has revised this policy. It shall be effective immediately upon revisions made by the NHA Board of Commissioners on

**January 18, 2024**, at all NHA properties for all residents, their guests, and all employees, contractors, and business invitees who provide services to any NHA properties.

**4. Signs**

The NHA will post signs that read “No Smoking” inside all NHA buildings. Residents will be responsible for informing their guests and visitors that their apartment is smoke-free and that their tenancy may be affected by violators.

**5. Designated Smoking Areas**

In his/her sole and absolute discretion, the Executive Director has the right to permit smoking in a specified outside area on a property-by-property basis, including the right to change or remove designated smoking areas altogether. Where an outdoor area on a site has been established, smoking outside is only allowed in that area. Under no circumstances shall smoking outside be permitted on NHA property within 25 feet of any entrance, window, or building. NHA will post a site map in each building that indicates the specific locations, and designated smoking areas shall be posted. Where an area has been established for outside smoking, NHA shall provide cigarette disposal receptacles and outdoor smoking shelters.

**6. How to Report a Smoking Violation**

Residents who observe violations of the Smoke-Free Building Policy must report them to the NHA in order for the NHA to ensure compliance with the Smoke-Free Buildings Policy. Complaints about prohibited smoking and smoke migrating into a residential unit or common area should be made promptly to the property manager. Complaints should be made in writing and with as much specificity as possible, including the date, approximate time, location, and the suspected source of migrating smoke. Complaints may be made anonymously.

When staff smells or observes smoking, NHA will seek out the specific source of smoke and take lease enforcement measures, as appropriate. Reports can be made by emailing [office@needhamhousing.org](mailto:office@needhamhousing.org) or completing the “Incident Notification Form.” Whether a report comes in by email or the smoking Incident Notification Form, it will be entered into our database and shared with the relevant managers for follow-up.

**7. Policy Distribution**

Upon adoption of this revised policy, all current residents of NHA properties will be given a copy of the Smoke-Free Buildings Policy, and new residents will be given a copy upon lease execution.

**8. Lease Enforcement**

The NHA shall take reasonable measures to ensure a smoke-free environment and will take action when it discovers or is notified of a smoking violation. The NHA may find smoking violations while inspecting apartments, working in the building, and following up on complaints. Evidence of a violation may include but is not limited to seeing or smelling smoke, ashtrays, and discarded smoking materials.

Residents of state properties may be entitled to a grievance panel hearing in accordance with EOHLC regulations.

### **9. Lease Addendum**

The smoke-free designation is incorporated into the lease as an addendum. All adult household members are required to sign the addendum. Residents refusing to sign the addendum may not be eligible for continued occupancy and will be subject to lease enforcement for failure to comply with the lease.

### **10. NHA Not a Guarantor of Smoke-Free Housing Environment**

The NHA's adoption of a non-smoking living environment does not make the NHA or any of its managing agents the guarantor of the Resident's health or of the non-smoking condition of the Resident's unit and the common areas. However, NHA shall take reasonable steps to enforce the non-smoking terms of its leases and make the Non-Smoking Area as smoke-free as possible. NHA needs only to take lease enforcement steps in response to smoking, including initiation of eviction proceedings, if the NHA determines, at their sole discretion, that further proceedings are warranted under the circumstances and that NHA is likely to succeed.