

EXHIBIT 8-1: TOBACCO-FREE POLICY

In accordance with HUD regulations, the Brevard Housing Authority (BHA) has adopted this tobacco-free policy. This policy is effective on and after January 1, 2018.

Due to the increased risk of fire, increased maintenance costs, and the known health effects of second- and third-hand smoke to children, elders, and other people, smoking is prohibited in all living units and interior areas, including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures.

Based on discretion allowed in the HUD regulation, BHA has determined that the prohibitions under this policy will extend to electronic nicotine delivery systems (ENDS) and to the use of all other tobacco products regardless of how they are ingested.

BHA has also exercised its discretion to extend these prohibitions campus-wide to all exterior grounds of every BHA-owned property. For the health and well-being of all residents, there will be no designated smoking or tobacco-use areas and no allowance based on distance from a building.

This policy applies to all employees, residents, household members, guests, and service persons. Residents are responsible for ensuring that household members and guests comply with these rules.

Definitions:

- “Smoking” means any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other prohibited tobacco product in any manner or any form. Prohibited tobacco products include water pipes or hookahs.
- “Electronic nicotine delivery systems (ENDS)” include, without limitation, e-cigarettes, nicotine inhalers, and vaping devices.
- “Other tobacco products” include, without limitation, snuff, chewing tobacco and any other product containing tobacco.

Enforcement:

Violation of this tobacco-free policy constitutes a violation of the lease. Consequences of lease violation include termination of tenancy, but BHA will not evict a resident for a single violation of this policy, and will implement a graduated enforcement framework that includes escalating warnings, as follows:

- For the first reported violation, BHA staff will give the resident another copy of this policy and a referral to tobacco cessation services in the community, and make a note in the resident’s file.
- For the second reported violation, BHA staff will issue the resident a written warning and another referral to tobacco cessation services in the community.
- For the third reported violation, BHA staff will give the resident a final written warning and referral to tobacco cessation services.

- At any point in the process prior to the fourth violation, a resident may authorize BHA staff to conduct frequent and unscheduled inspections over the course of three months to confirm no further smoking or tobacco use.
- For the fourth reported violation, so long as this fourth report is documented in writing by at least two independent witnesses, or is confirmed by BHA staff observations (including seeing tobacco products or smelling tobacco or smoke in the unit), the resident's lease will be terminated for cause and BHA will proceed with eviction.

Note: Smoking or other use of marijuana, or any other controlled substance, is prohibited by other applicable laws, policies, and lease terms. Violations (including the smell of marijuana smoke) can result in expedited termination of the lease for illegal drug-related activity.