

Municipal Housing Policies

Barrie

“That the members of the Board of Directors of BMNPHC move that effective July 1, 2012 all new leases signed with Barrie Municipal Non Profit Housing Corporation provide that all buildings and property be 100% smoke free and will restrict smoking outdoors to a distance of nine metres or more away from windows, entrances or exits of the building or unit.

The tenant and all other occupants of the leased premises, the tenant’s guests and business invitees shall not smoke or hold lit tobacco or similar product in the leased premises including the balcony, patio or other areas specifically included in the lease. Smoking is only permitted outdoors at a distance of not less than nine metres away from windows, entrances or exits to the residential complex.”

United Counties of Leeds and Hastings

DEFINITIONS

The term “*Smoking*” means inhaling, exhaling or carrying any lighted tobacco product in any manner or form.

REQUIREMENT

The Hastings Local Housing Corporation has a requirement to provide a safe, healthy and cost effective environment within its residences. Although not specifically mandated under this regulation, the Policy is in keeping with the *Smoke-Free Ontario Act*.

PRINCIPLES

1. All new Lease Agreements signed that are effective on January 1, 2016 or later will include a smoke-free addendum (Appendix “xx” – Smoke-Free Addendum).

“New leases signed” include current tenants that complete an internal transfer within the public housing portfolio that are effective on or after January 1, 2016.

2. Tenants who have signed a Lease Agreement that is effective on or prior to December 31, 2015 who remain in the same unit and add an adult household member to the Lease Agreement on or after January 1, 2016 will not be required to sign the Smoke-Free Lease Addendum.

3. The Hastings Local Housing Corporation does not guarantee a smoke-free environment. The adoption of a smoke-free policy does not make the Hastings Local Housing Corporation the guarantor of tenant’s health or of a smoke-free unit, building or complex. The Hastings Local Housing Corporation will rely on the adaptation and cooperation of its tenants to become a smoke-free environment. However, The

Hastings Local Housing Corporation will take reasonable steps to enforce the smoke-free terms of its Lease Agreements.

4. The Hastings County Local Housing Corporation Complaint Policy must be followed in the event of a complaint with respect to the violation of the Smoke-Free Policy or medical use of marijuana exemption.

5. Exemption to the Smoke-Free Policy:

The Medical Use of Marijuana The Hastings Local Housing Corporation's Smoke-Free Policy does not prohibit the smoking of marijuana for medicinal use by those who have a prescription. All tenants falling under this exemption must possess an Authorization to Possess, issued by Health Canada. A copy of the Authorization to Possess will be copied for the tenant file.

Traditional Use of Tobacco The Smoke-Free Policy does not prohibit an Aboriginal person from smoking or holding lit tobacco if the activity is carried out for traditional Aboriginal cultural or spiritual purposes, nor does it prohibit a non-Aboriginal person from smoking or holding lit tobacco if the activity is carried out with an Aboriginal person for traditional Aboriginal cultural or spiritual purposes. The sacred use of tobacco does not include the recreational use of tobacco.

6. All new tenants must abide by the Smoke-Free Policy that pertains to the five (5) metre smoke-free buffer zone around all windows, entrances and exits to all Hastings Local Housing Corporation single, duplex or townhouse dwellings and within nine (9) metres of any apartment building.

Grey County and Own Sound Housing Corp

"WHEREAS in 2012 there were three fires in units of the Grey County and Owen Sound Housing Corporation, two of which were caused by careless smoking and there was evidence of unsafe smoking practices in the third unit;

AND WHEREAS complaints from tenants about the impact of second hand smoking have increased and there is greater awareness of the health issues associated with smoking and exposure to second hand smoke;

AND WEHREAS smoking is already prohibited in common areas of the buildings such as hallways, entrances and common rooms by the provisions of the Smoke Free Ontario Act;

NOW THEREFORE BE IT RESOLVED THAT the public housing units of the Grey County and Owen Sound Housing Corporation be designated as smoke free units as of January 1, 2014;

AND THAT all new leases signed as of January 1, 2014 (new move-ins and transfers) in all buildings and properties be 100 percent smoke-free and restrict smoking outdoors to a distance of five meters or more away from any windows, entrances or exits, patios and balconies to the building/unit;

AND THAT existing tenants will be grandfathered (exempted) for the length of their tenancy in their current unit, unless they transfer or choose to sign a no smoking policy lease addendum.”

Ottawa Housing

The serious health hazards of smoking and second-hand smoke (SHS) are well-known. OCH receives complaints from tenants who inhale SHS in their homes, whose health is adversely affected by SHS and who want to move to, or live in, a smoke-free environment. In December 2011, the Board directed OCH to develop a No-Smoking policy and implementation plan. Throughout 2012-2013, OCH conducted a comprehensive consultation and awareness program with OCH tenants and staff. As part of this process, OCH surveyed tenants to determine the support for a No-Smoking policy. It also included extensive research, discussions with experts and best practice studies of No-Smoking policies in other social housing providers. In December 2013, the OCH Board of Directors approved a policy which:

- prohibits smoking on all OCH property effective May 31, 2014
- allows existing tenants who do not have a no-smoking clause in their lease to continue to smoke in their unit until they move
- requires every new OCH tenant and every OCH tenant who transfers to a new OCH unit to sign a lease that prohibits smoking in the unit and on any OCH property

While new tenants and tenants who transfer will be required to sign a No-Smoking lease, existing tenants will be encouraged to voluntarily ‘opt-in’ to the policy by signing an agreement. Through this process, the number of designated No-Smoking units and communities will grow, providing tenants and applicants who prefer smoke-free housing to have more options available to them. Tenants who are interested in signing an agreement to designate their unit No-Smoking can contact their nearest OCH office for more information.

Guelph

Guelph Non-Profit Housing Corporation (GNPHC) supports an environment that is free of smoke from cigarettes, non-medicinal marijuana, vaping and electronic cigarettes, and is committed to promoting a healthy community with safe living and working environments.

Effective January 1, 2017, all new leases (new tenants and transfers) signed with GPHC will provide that all buildings and properties be smoke free and will restrict smoking outdoors to a distance of five (5) metres or more of the windows, doors, and air intakes of any apartment building or townhouse dwelling.

The smoke free policy will apply to the following:

1. Inside the unit
2. Balconies
3. Patios
4. Private yards rented with the unit
5. Other areas specifically included in the lease

Additionally, effective, January 1, 2017, smoking is prohibited at all GNPHC owned outdoor children's playgrounds and all public areas within 5 meters of any point on the perimeter of the playground. A playground may include but without being limited to, slides, swings, climbing apparatuses, and sandboxes. The prohibition applies in all seasons.

The no-smoking provision to be included in all Leases reads as follows:

The Tenant, other occupants of the Leased Premises, persons who are permitted in the Residential Complex by the Tenant, business invitees which include but is not limited to any contractor, tradesperson, agent, household worker, or other person hired by the tenant or resident to provide a service or product shall not smoke in or about the Leased Premises which shall include all exclusive use areas including the balcony, patio or other areas specified in this Lease as being part of the Leased Premises and within five (5) metres of all entrances, exits, windows, doors and air intakes of the Residential Complex as well as at all outdoor children's playgrounds and all public areas within five (5) metres of any point on the perimeter of such playgrounds, a playground to include but is not limited to slides, swings, climbing apparatuses and sandboxes and further, shall comply with all No Smoking Policies of the Landlord.

The no-smoking policy will be adopted through attrition. This means that:

- a) Existing tenants will be grandfathered (exempted) for the length of their tenancy in their current unit, unless they transfer or choose to sign a no-smoking policy lease agreement: and
- b) New tenants will sign leases with the no smoking policy included.

Existing tenants will be given an opportunity to sign a new non-smoking policy lease agreement. Tenants are to promote the No Smoking Policy and alert GNPHC of violations to the policy. Tenants shall inform tenant's guests, business invitees, and visitors of the no-smoking policy. Tenants shall promptly give GNPHC a written statement of any incident where smoke is migrating into the tenant's unit from sources outside of the tenant's unit.

York Region

A smoke-free policy is consistent with the policy direction of *Smoke-Free Ontario Act, 2006*. The legislation prohibits smoking in common areas of multi-residential buildings including foyers, elevators, stairwells, laundry rooms, corridors etc.

Legal Authority: The *Residential Tenancies Act, 2006* (RTA) governs the relationship between landlords and tenants. A lease establishes the roles and responsibilities of the landlord and tenant consistent with the Act. A no-smoking clause within the lease can be legally implemented through the inclusion of a no-smoking policy when a new lease is signed. Smoke-Free Policy for Housing York Inc.

Procedure: Definition of Smoking

Inhaling, exhaling, breathing, burning or carrying a lit or burning cigarette, cigar, tobacco or other similar product whose use generates smoke.

Existing Tenants

Existing tenants who have signed leases prior to November 1, 2014, including occupants, guests, visitors, and business invitees will continue to comply with the terms of their existing lease, which permits smoking within their rental unit. This includes areas such as apartment patios and/or balconies. In townhouse units, this includes front yards and back yards.

In outdoor common areas, tenants are permitted to smoke a minimum of five metres (16 feet) or more away from windows, doors, and vents.

Existing tenants will have the option of signing new leases containing no smoking clauses.

New Tenants

Leases entered into on or after November 1, 2014, will not permit smoking in the rental unit. This means that smoking will not be permitted on apartment balconies and/or patios. For tenants in townhouse units, smoking is prohibited in front and back yards. The policy applies to all household occupants, guests, visitors, and business invitees.

In outdoor common areas, tenants are permitted to smoke a minimum of five metres (16 feet) or more away from windows, doors, or vents.

Transferred Tenants

Tenants with leases prior to November 1, 2014 and who are transferred to another unit for eligibility and/or other legislative reasons (e.g. overhoused), will continue to maintain their “grandfathered” status in their new unit until the end of their tenancy.

Any existing tenant requesting an internal transfer after November 1, 2014 will not retain their “grandfathered” status to smoke in their new unit.

Northumberland County

“Due to the known health risks of exposure to second and third hand smoke, increased risk of fire and additional maintenance costs, cleaning and redecorating costs; all forms of smoking is prohibited by tenants, members of the tenants household, visitors, guests, contractors, and business invitees inside of private units designated as smoke-free, on a balcony or patio, and within **5 metres** of the windows, doors, and air intakes of any single, duplex or townhouse dwelling and within **9 metres** of any apartment building. Smoking is also prohibited in all enclosed public spaces such as building common areas, as per the *Smoke-Free Ontario Act*.”