

Amendment to House Rules and/or Tenant Handbook

Re: Smoke-Free Housing Policy

Due to the increased risk of fire, and known health effects of secondhand smoke, the owner/agent has established a new smoking policy for all residents effective September 15, 2016.

As of September 15, 2016, smoking is prohibited in any area of the property, private, public and common, whether enclosed or outdoors. This policy applies to all owners, property staff, contractors/vendors, applicants, residents, guests, and service providers.

“Smoking” shall include the inhaling, exhaling, or carrying of any lighted cigarette, e-cigarette, personal vaporizer, cigar, pipe, other tobacco product, marijuana including medical marijuana, herbal smoking products, “legal weed” or products known as “bath salts” or other legal or illegal substance.

A. Regulations of Smoking Indoors

- I. Smoking shall be prohibited in all indoor areas of properties owned and/or managed by Delphia Management Corporation. This includes, but is not limited to, the community room, all common areas, individual apartments, hallways, stairs, elevators, restrooms, and any other enclosed areas such as balconies.

B. Regulations of Smoking Outdoors

- I. Notwithstanding the above prohibition on smoking in enclosed areas, the owner/agent shall also prohibit smoking in all outdoor areas, including, but not limited to parking lots, outdoor doorways, individual apartment decks, balconies and patios. Exclusions: May smoke outside, away from all entrances and open windows.
- II. Residents, guests, contractors and service providers are required to dispose of cigarette butts, matches and garbage in the appropriate dispensers, if one exists, and off the property if none exists.
- III. Residents, guests, contractors and service providers are allowed to use the outdoor designated smoking area listed above at any time, but must not infringe on any resident’s rights to the quiet enjoyment of their apartment.

C. Communication of Smoke-Free Housing Policy

- I. The Smoke-Free Housing Policy shall be communicated by the owner/agent and the property staff to all current employees, residents and applicants at least 60 days prior to its effective date.
- II. The policy will be communicated to new staff at the time of employment and to new residents at application or prior to admission and/or prior to signing of a lease.
- III. Vendors will be notified at the beginning of any engagement.
- IV. It is the responsibility of the resident to notify any guest, service provider hired by the resident or a resident’s representative, of the Smoke-Free Housing Policy.

D. Enforcement of the Smoke-Free Housing Policy

- I. All residents understand that enforcement of the Smoke-Free Housing Policy and all other policies is the responsibility of the owner/agent and the property staff. Residents will not “self-police” the property. Under no circumstances will a resident approach another resident, a resident’s guest or a service provider to inquire about smoking or attempt to stop smoking on the property.

- II. If a resident witnesses or suspects that a non-exempt resident is smoking, the proper action is to advise the property staff during normal business hours.
- III. If a resident witnesses or suspects that another resident's guest, service provider or representative is smoking, the proper action is to advise the property staff during normal business hours.
- IV. Approaching a resident to enforce the lease or house rules is considered "tenant on tenant" harassment and is strictly prohibited. This action is grounds for termination of tenancy (eviction).
- V. The owner/agent and/or property staff is not required to take steps in response to unauthorized smoking unless the owner/agent and/or property staff knows of said smoking or has been given written notice of said smoking. The owner/agent and/or property staff will accept such notice in equally effective format, as a reasonable accommodation, if there is the presence of a disability.

E. Landlord Not a Guarantor of Smoke-Free Environment

- I. Each resident acknowledges that the owner/agent adoption of a smoke-free living environment, and the efforts to designate the rental complex as smoke-free, do not make the Landlord or any of its managing agents the guarantor of the resident's health or of the smoke-free condition of the resident's unit and the common areas.
- II. The owner/agent and/or property staff shall take reasonable steps to enforce the smoke-free terms of its leases/house rules and to make the complex smoke-free.

Failure to comply with the Smoke-Free Housing Policy will be considered a material lease violation.

Government laws: Nothing in the rules above shall be construed to restrict the power of any State, county or municipality to adopt and enforce additional local laws, ordinances, or regulations that comply with at least the minimum applicable standards to establish smoke-free public places.

Damages: Smoke related damage to the property will be charged to the resident.

Adopted by the owner/agent: June 28, 2016