

THE REGIONAL MUNICIPALITY OF YORK

Housing York Inc.
June 12, 2014
Report of the
General Manager

SMOKE-FREE POLICY FOR HOUSING YORK INC.

1. RECOMMENDATION

It is recommended that:

1. The Board of Directors approve the proposed Smoke-Free Policy (see *Attachment 1*).

2. PURPOSE

This report recommends the approval of a smoke-free policy and a transition plan for Housing York Inc. buildings as per *Attachment 1*, effective November 1, 2014. The goal of the proposed policy is to achieve smoke-free buildings, supporting the *Housing York Strategic Plan, 2012-2016* objective of sustaining healthy communities.

3. BACKGROUND

Smoking and second-hand smoke are recognized health hazards

According to Public Health, tobacco use is the leading cause of preventable death in Ontario, killing 13,000 Ontarians each year. The Ontario Tobacco Research Unit has reported that as many as 7,800 non-smokers lose their lives to second-hand smoke inhalation in Ontario each year. Second-hand smoke contains over 4,000 chemicals, many of them cancer-causing.

An increasing number of housing providers are implementing no-smoking policies

Over time, as the awareness of smoking-related health risks has grown, more and more public and private spaces are being designated as smoke-free. The Region is currently exploring a smoke-free environment for all Regional facilities.

The smoke-free trend is also extending into multi-residential buildings. A 2011 poll by Ipsos Reid conducted on behalf of the Canadian Cancer Society found that 80% of Ontarians would prefer to live in a smoke-free building. Housing York Inc. (Housing York) sometimes receives transfer requests and other complaints about second-hand

smoke. While Housing York implements measures to mitigate smoke transfer between units, smoke cannot be completely contained. Requests to transfer to a new unit because of second-hand smoke are typically not approved as Housing York cannot ensure a neighbouring unit will be smoke-free.

Some small private landlords and condominium developers have implemented smoke-free policies in their buildings. Nearly 90 social housing providers across Ontario have already adopted some form of a smoke-free policy. Some housing providers have prohibited smoking entirely inside their buildings and on the grounds of their property, while others have taken more incremental approaches, designating individual buildings within their portfolio as smoke-free.

Housing York could realize future cost savings by transitioning to smoke-free buildings, as research shows that the cost of turning over a unit previously occupied by a tenant who smokes is two to three times higher than the cost of turning over a unit previously occupied by a non-smoker.

Table 1
Large Social Housing Providers in Ontario with Smoke-Free Policies

Provider	# of units	Effective Date	Policy Summary
Ottawa Community Housing Corporation (OCH)	15,000	May 2014	<ul style="list-style-type: none"> • Prohibits new tenants from smoking in their units • Prohibits all tenants from smoking anywhere on OCH property
Waterloo Region Housing	2,723	April 2010	<ul style="list-style-type: none"> • Prohibits new tenants from smoking in units • Prohibits all tenants from smoking outdoors within 5 metres of building entrances/exits and windows
Barrie Municipal Non-Profit Housing Corporation	953	July 2012	<ul style="list-style-type: none"> • Prohibits new tenants from smoking in their units • Prohibits all tenants from smoking outdoors other than at designated areas

Staff have discussed policy implementation and enforcement experiences with other large housing providers who have introduced similar smoke-free building policies. Those providers have attributed success of their policies to robust and continuous communication with tenants, collaboration with public health to identify smoking cessation programs and supports, clear procedures to respond to tenant complaints about second-hand smoke, and staff training.

Housing York tenants support smoke-free communities

All tenants were mailed a survey in January 2014 to determine their opinions on a smoke-free policy. The response rate was high with about 49% of tenants completing the survey, with strong participation from communities in all nine local municipalities. Response rates were high in both the seniors' portfolio, with 58% of tenants completing the survey, and the family portfolio, with 33% of tenants completing the survey.

Overall, 77% of survey respondents would choose to live in a smoke-free building. The survey also found that while 24% of respondents smoke, nearly 40% do not smoke inside their units.

Staff also met with the Housing York Tenant Reference Group to review the results of the survey and assess implementation options. The group's feedback helped to inform the development of this policy.

4. ANALYSIS AND OPTIONS

Transitioning to smoke-free buildings will take time as existing tenants must be grandfathered under the proposed policy

The *Smoke-Free Ontario Act, 2006* (the Act) already prohibits smoking in the common spaces of Housing York buildings. While the *Residential Tenancies Act, 2006* permits Housing York to adopt a smoke-free policy, it would affect new tenants only. Landlords may not add new provisions, such as a no-smoking clause, to an existing lease without the tenant's consent. Under the proposed smoke-free policy, existing tenants would be grandfathered and could continue to smoke in their rental space, which includes balconies and patios.

There will be a transition period where some tenants can continue to smoke in their unit, while new tenants will not be permitted to do so. Buildings will transition to 100% smoke-free as existing tenants move out.

Existing tenants who wish to sign a no-smoking amendment to their lease will have the opportunity to do so. As 76% of tenant survey respondents indicated they would sign a no-smoking amendment to their lease, Housing York anticipates a high voluntary participation rate.

The smoke-free policy will prohibit new tenants from smoking in their units

Leases entered into on or after November 1, 2014 will include clauses prohibiting smoking in rental units, including balconies and patios in apartment units, and front yards and back yards in townhouse units. The policy would apply to all household occupants and their guests.

Tenants with leases signed before November 1, 2014 will continue to be bound by the terms of their existing leases, which do not prohibit smoking in the rented premises.

The smoke-free policy will permit smoking in outdoor common areas five metres or more from any windows, doors or vents

Staff investigated the possibility of applying York Region's standard nine metre perimeter around buildings, however, at most Housing York sites such a policy would effectively ban smoking at those sites, potentially pushing smokers onto neighbouring properties.

Instead, the proposed smoke-free policy recommends a five metre perimeter within which smoking is prohibited. This is consistent with the policy adopted by Waterloo Region Housing. Research demonstrates that harmful particles generated from smoking have been shown to dissipate to lower levels at distances of five metres or more. Irritation from exposure to second-hand smoke for healthy non-smokers is also reduced at five metres.

Both new and existing tenants would be permitted to smoke in outdoor common areas, so long as they are positioned five metres or more from any windows, doors or vents.

The smoke-free policy contains exemptions for medical marijuana and traditional use of tobacco by Aboriginal persons

In accordance with the *Smoke Free Ontario Act*, 2006, tenants with an "Authorization to Possess" certificate issued by Health Canada will be permitted to smoke medically-prescribed marijuana in their units. The Act also requires traditional use of tobacco, when used for spiritual purposes by Aboriginal tenants, to be exempt from the policy.

Tenants being transferred for eligibility or other legislative reasons will be grandfathered in their new unit

In order to achieve smoke-free buildings over time, Housing York has established November 1, 2014 as the date all new leases will include a smoke-free clause.

Tenants who have leases signed prior to November 1, 2014 and who are transferred to another unit for eligibility and/or other legislative reasons will continue to maintain their grandfathered status in their new unit until the end of their tenancy.

To assist existing tenants with the transition, Housing York will accommodate internal transfer requests up until November 1, 2014. Tenants who have applied for an internal transfer prior to November 1, 2014 will maintain their grandfathered status. To facilitate implementation of the policy, any request made after November 1, 2014 will require the tenant to sign a new lease with a smoke-free clause.

A phased implementation of the policy will begin July 2014

Implementation of the smoke-free policy will begin July 2014 pending Board approval and will take place in three phases.

Housing York will work with tenants to implement the policy. Tenant meetings, newsletters and posters will be used to inform tenants about the policy and how it affects them.

Applicants on the York Region social housing wait list that have selected Housing York communities will be issued letters along with their application renewal package to inform them of Housing York's transition to smoke-free buildings.

Beginning November 2014, new tenants will sign leases that include a no-smoking clause. Existing tenants will have the opportunity to sign no-smoking lease amendments.

Housing York will connect tenants to available supports

York Region Public Health has identified a number of programs and supports that may assist tenants wanting to quit smoking or coping supports for those who continue to smoke. Programs range from smokers' help lines that provide coaching support seven days a week to nicotine replacement therapy options for tenants interested in quitting smoking. There are a number of programs offered free of charge.

Property managers will respond to formal complaints received in writing from tenants, and a complaint procedure will be followed.

Eviction for non-compliance will only be considered as a last resort, and would only be approved by the Landlord and Tenant Board if supported by *Residential Tenancies Act* grounds of "damage to property" and/or "interfering with reasonable enjoyment." Staff and social workers will work with tenants to assist them in understanding and complying with the smoke-free policy, and connecting them to supports where available.

Link to key Council-approved plans

The proposed policy supports the objectives of the *Housing York Strategic Plan, 2012-2016*, including "sustaining healthy communities" by reducing exposure of tenants to second-hand smoke, and "managing our properties effectively" and "managing our finances proactively" as the policy will mitigate damage caused to units by smoke.

5. FINANCIAL IMPLICATIONS

Implementation of the smoke-free policy will be managed within Housing York's existing budget

The costs of implementing the smoke-free policy include updating communication and marketing materials, developing tenant and staff education resources, and installing appropriate signage at properties. The costs associated with these activities will be managed within Housing York's existing budget.

6. LOCAL MUNICIPAL IMPACT

Housing York provides affordable housing in all nine local municipalities in York Region. The proposed smoke-free policy is well-supported by Housing York's tenants across all local municipalities and will promote healthy communities by reducing tenants' exposure to second-hand smoke.

7. CONCLUSION

Housing York's tenants support smoke-free communities. About 75% of existing households do not smoke, and of the households that do smoke, almost 40% already do not smoke inside their units. The proposed smoke-free policy will reduce tenants' exposure to second-hand smoke, while respecting the rights of existing tenants who choose not to enter into a no-smoking unit lease.

Over time, Housing York's buildings will become 100% smoke-free and Housing York will be well-positioned to respond to renters' demand for smoke-free housing.

For more information on this report, please contact Sylvia Patterson, Assistant General Manager at Ext. 72091.

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Sylvia Patterson
Assistant General Manager

Adelina Urbanski
General Manager

May 28, 2014

Attachment (1)

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Report Wizard v.2013.09.25



Operational Policy & Practice

Number: 2014-xx

To: All Staff

Policy Approval

Date: June 12, 2014

Subject: Smoke-Free Policy for Housing York Inc.

Purpose: The goal of this policy is to achieve smoke-free buildings, supporting the *Housing York Strategic Plan, 2012-2016* objective of sustaining healthy communities.

Achieving a 100% smoke free building will occur over time as units turn over with new tenants signing leases with no-smoking clauses. Existing tenants will have the option of entering into no-smoking leases.

The effective date of the policy is November 1, 2014.

Tenants with leases signed before November 1, 2014 will continue to be bound by the terms of their existing leases, which do not prohibit smoking in the rented premises. These tenants are “grandfathered” and exempt from the policy until the end of their tenancies in their current unit unless they voluntarily enter into a new lease.

Background:

A Smoke-Free policy will achieve several benefits:

- Improved air quality and reduced exposure to second hand smoke
- Decreased unit turnover costs for non-smoking units
- Decreased fire risk

A smoke-free policy is consistent with the policy direction of the *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 smoke-free policy can be legally implemented through the inclusion of a no-smoking clause when a new lease is signed.

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 5 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 prohibit 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 5 metres (16 feet) or more away from windows, doors, and 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.

Contractors and Service Personnel

Staff will work with existing contractors to achieve policy compliance. New contracts will include no-smoking policy provisions.

Exemptions

To ensure compliance with the *Smoke-Free Ontario Act, 2006*, there are two exemptions to the no-smoking policy:

- Medical marijuana – tenants having a “Authorization to Possess” issued by Health Canada will be permitted to smoke medical marijuana in their units;
- Traditional use of tobacco by aboriginal tenants will be permitted when used for traditional/cultural or spiritual purposes.

Shelters

Shelters owned by Housing York have designated outdoor smoking areas as a client-safety and harm reduction measure. Where feasible, existing smoking shelters will be re-located to 9 meters away from the main building. Future builds will include designated smoking shelters located 9 metres from the main building, where possible. Smoking is not permitted anywhere within the building interior.

Enforcement

Property managers will respond to formal complaints received from tenants. A complaint procedure will be followed. Eviction is a means of last resort for non-compliance; staff and social workers will work with tenants to assist them in understanding and complying with the no smoking policy. Staff will direct tenants to smoking cessation supports and coping programs.

Implementation

Beginning July 2014, implementation will take place in three stages focusing on connecting tenants with smoking supports, communicating the policy to current tenants and applicants on the wait list, staff training, and connecting smoking tenants with supports. (See Table 1.)

Table 1
Smoke-Free Policy Implementation Plan

Phase 1 July to September 2014	Phase 2 November 2014	Phase 3 November 2014 to January 2015
<ul style="list-style-type: none"> • Policy will be communicated to existing tenants through newsletters, posters and at tenant meetings • Develop an on-going communication plan • Property management and staff will be trained on policy implementation and enforcement • Marketing materials and tenant handbook will be updated to include no-smoking policy • Housing Access will begin notifying Housing York applicants of no-smoking policy through annual application renewal package • Housing York will establish formal complaint logging process for smoking complaints 	<ul style="list-style-type: none"> • New tenants will sign leases that include a no-smoking clause • Tenants requesting an internal transfer after November 1 will not retain grandfathered status to smoke in their new unit • Housing York will revise contractor tenders to include no-smoking policy • Appropriate no-smoking signage to be placed on property 	<ul style="list-style-type: none"> • Existing tenants will be given the opportunity to sign no-smoking lease amendments • Communication with tenants ongoing

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