

CATEGORY		Administration	DATE APPROVED:
SECTION		Governance	UPDATED ON:
POLICY		SMOKE-FREE LIVING POLICY	EXTERNAL POLICY

1.0 POLICY STATEMENT AND PURPOSE

There are recent legislative changes at the federal and provincial government levels, in particular the legalization of cannabis use by individuals and the prohibition of smoking in public places and work places that affect current environment. In addition to the changes, evidence shows there is no safe level of second-hand smoke.

CityHousing Hamilton (CHH) and Hamilton Public Health are committed to promoting a healthy community and providing smoke-free environments in any new builds, retrofitted buildings, and tenants with new leases beginning January 1, 2020 in multi-unit buildings owned by CHH for tenants, visitors and workers.

This policy lays out restrictions on smoking lit tobacco, cannabis or shisha, and will be introduced into all new builds, retrofitted buildings and leases beginning January 1, 2020 in multi-unit buildings owned by CHH.

2.0 SCOPE

The policy will apply to all workers, visitors and new tenants in all CityHousing Hamilton multi-unit buildings by requirements in their leases including Occupants and Visitors invited by the residents. This policy also applies to all CHH staff and to any Business Invitees at any designated smoke free building.

Exemptions

1. **Medical Use of Cannabis:** This policy does not prohibit the medical use of cannabis by a tenant who:
 - a. Maintains a valid Authorization to Possess Marijuana from Health Canada and provides such authorization to CHH; and
 - b. Provides medical documentation (e.g. physician note) stating that the tenant must smoke cannabis and is medically advised against leaving their unit to smoke elsewhere or cannot use alternative forms of cannabis.
2. **Traditional Use of Tobacco by Indigenous Peoples:** This policy does not prohibit an Indigenous person from smoking tobacco in the residential unit if the activity is carried out for traditional or spiritual purposes. This policy does not prohibit a non-indigenous person from smoking tobacco, if the activity is carried out with an Indigenous person and is for traditional or spiritual purposes.

3.0 POLICY

In accordance with CityHousing Hamilton’s (CHH) commitment to providing smoke-free living for tenants, workers and visitors, it shall be a requirement under the new lease of each unit and for all persons who work on or are invited onto the leased premises that smoking is prohibited in the leased premises of all designated no-smoking units within multi-unit housing buildings owned by CHH.

Designated no-smoking units within multi-unit housing buildings include all new builds, retrofitted buildings and units with new leases beginning January 1, 2020 for multi-unit buildings owned by CHH.

Cigarette receptacles are permitted on CHH properties if they are placed at a minimum distance of 9 meters from entrances and exits. Receptacles are not permitted on balconies or patios. All receptacles should be closed and locked.

4.0 PROCEDURES

This smoke-free living policy will be implemented January 1, 2020. CHH’s complaint procedure will be followed

5.0 LEGAL REQUIREMENTS

- Ontario Human Rights Code
- *Accessibility for Ontarians with Disabilities Act, 2005*
- *Residential Tenancies Act, 2006*
- *The Cannabis Act*
- *Smoke-Free Ontario Act, 2017*

6.0 RESPONSIBILITY

- It is the responsibility of the
1. Chief Executive Officer to ensure that all staff are trained on the policy.
 2. Manager, Partnership Development and Support Services to ensure that all tenants are educated on the policy.
 3. Manager, Tenancy Administration to ensure smoke-free living policy requirements are highlighted at lease signing for new or retrofitted buildings and for new leases beginning January 1, 2020 in multi-unit buildings with Property Managers enforcing policy.

6.1 RESPONSIBILITIES OF CHH PROPERTY MANAGEMENT

- CHH Property Management staff shall
- a. Ensure new tenants and business invitees are aware of and comply with this policy by implementing wording in unit leases and contracts for services and posting signs in prominent places on CHH sites
 - b. Receive reports on non-compliance with this policy from any person
 - c. Ensure that this policy is consistently enforced using all steps available including eviction according to applicable legislation and other CHH policies
 - d. Address complaints of non-compliance using the Complaints Policy and Procedure in a timely manner.

6.2 RESPONSIBILITIES OF CHH TENANTS

- There shall be no smoking by any tenant, occupant, visitor, CHH staff or business invitee within any designated no-smoking units or buildings. No-smoking units/buildings include new builds, retrofitted buildings or new leases beginning January 1, 2020 in multi-unit buildings
- Tenants in no-smoking units and/or buildings are responsible to ensure that their occupants and visitors are not smoking within any CHH designated no-smoking area.

7.0 DEFINITIONS

Business Invitees include community organizations, contractors, vendors or other providers of goods and services to residents or CityHousing Hamilton (CHH).

Cannabis includes both lit non-medical and lit medical marijuana.

Current tenants are defined as tenants who signed a lease agreement with CHH prior to the effective date of this policy and include their occupants and visitors.

New tenants are defined as residents who signed a lease agreement with CHH on or after January 1, 2020. If a current tenant transfers to another unit, the current tenant must sign a new lease and comply with this Smoke-Free Living policy as a new tenant.

Leased Premises is defined as:

1. Inside residential unit
2. Balconies
3. Patios
4. Other areas specifically included in the lease of tenants

Occupants are persons who live in a unit with a tenant, but are not leaseholders.

Smoking includes the smoking or holding of lit tobacco, lit herbal material (e.g. shisha) or lit cannabis.

Visitors are persons who are invited to a leased residential unit by a tenant, but who do not live there.

8.0 REFERENCES AND RELATED POLICIES

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9.0 ATTACHMENTS

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10.0 RATIONALE FOR CHANGE

Smoke-Free Ontario Act
Legalization of non-medicinal cannabis October 17, 2018 under the Cannabis Act