



ADDENDUM TO HOUSE RULES  
Na Lei Hulu Kupuna Rental Agreement

The following Smoke-Free Policy is incorporated in full to the House Rules for Na Lei Hulu Kupuna

**SMOKE-FREE POLICY**  
**Na Lei Hulu Kupuna Senior Housing**  
July 1, 2015

APARTMENT NO. \_\_\_\_\_

Background

According to the American Lung Association, cigarette smoking is the number one cause of preventable disease in the United States. The elderly and young populations, as well as people with chronic illnesses, are especially vulnerable to the adverse effects of smoking and secondhand smoke. The EPA has identified secondhand smoke as a Class A carcinogen. A Class A carcinogen is a cancer causing agent. Allowing smoking within residential units exposes all residents and site staff to these known carcinogens.

Smoking is a leading cause of residential fires and the number one cause of fire deaths in the U.S. Some insurance companies offer discounts on property casualty insurance for multi-unit owners with a 100% smoke-free policy.

Residential unit turnover costs can be two to seven times greater when smoking is allowed. National housing surveys report that the majority of residents would like:

- Smoking banned in all units,
- Some type of outside smoking area.

Reason for Policy

1. To promote and maintain a healthy and safe environment for residents, visitors and staff while respecting individual choices. Research findings show that smoking and the breathing of secondhand smoke constitutes a significant health hazard. Consistent with these concerns and with the State of Hawaii ACT 295 and HRS328 regarding smoking, the following policy has been established to provide smoke-free areas and procedures for accommodating the preferences of both smokers and non-smokers.
2. Minimize the maintenance, cleaning, and redecorating costs associated with smoking.
3. Decrease the risk of smoking-related fires to property and personal safety.
4. To allow all staff the opportunity to perform their job duties in an environment that is smoke-free.

## Definition

For the purpose of this document we will use the following definitions:

- *"Smoke"* or *"smoking"* means inhaling or exhaling the fumes of tobacco or any other plant material, or burning or carrying any lighted smoking equipment for tobacco or any other plant material including the burning of incense, sage and similar products.
- *"Smoke-Free"* buildings are classified as buildings where smoking had been allowed in the past but, at the time of policy implementation, smoking will not be allowed. Smoking will be allowed in designated areas outside the building.

## Policy

It is the policy to provide smoke-free areas for residents, visitors and staff. Smoking will not be permitted in individual residential units or the common spaces of a property or facility unless otherwise specified. Where the desire of smokers to smoke conflicts with the desire of non-smokers to breathe smoke free air, the desire to have smoke-free air will have priority.

## Smoke-Free Areas

Smoking is not permitted in the following areas:

- All buildings and residential units are designated Smoke-Free.
- Individual residential units are defined as the interior and exterior spaces tied to a particular unit. This includes, but is not limited to, bedrooms, hallways, kitchens, bathroom, patios, balconies and unit entryway areas.
- Common spaces are defined as areas that are open to the public, including but not limited to community rooms, community bathrooms, community kitchens, community gardens, lobbies, reception areas, hallways, laundry rooms, stairways, offices and elevator, recreation areas, and within 20 feet outside of building(s) including entry ways, windows, porches, balconies and patios.
- Designated smoking areas will be indicated on each property's map if applicable.

## Designated Smoking Areas

- Smoking is permitted in areas specifically designated and posted as smoking areas. Management is responsible for designating and posting signs in smoking areas.
- Lit smoking products must be extinguished, and smoking residue must be placed in an appropriate ash can or other waste receptacle located at smoking areas.

This policy applies to everyone (residents, guests, visitors, service personnel and Management) who visits, lives and works at the property.

## Resident Responsibility

1. It shall be the resident's responsibility to inform his/her household members, and guests of this Smoke-Free Policy.
2. The resident shall prohibit smoking by his/her household members or guests while on the premises that would violate this policy.



3. Failure to comply or upon repeated violations to this policy may be cause for lease enforcement action up to and including termination of resident tenancy.

### Management Responsibility

It will be the responsibility of Management to inform residents, guests, visitors, and service personnel of the Smoke-Free Policy and to enforce the policy.

The Smoke-Free Policy does not mean that residents/employees will have to quit smoking in order to live and/or work at affected properties. The policy will only limit smoking to designated areas.

### No-Smoking Signage

Properties shall post “No Smoking” signs at designated locations.

### Enforcement for Residents

If a resident or employee complains about being bothered by smoke or knows of another resident who has violated the policy, the following steps will be taken:

- 1st Violation - Site staff will visit the resident and document whether or not (s)he smelled or witnessed evidence of smoke inside the unit. Staff will follow-up the visit with a letter acknowledging the conversation and the outcome. (“Friendly Warning Letter”) \*\*
- 2nd Violation - If the problem repeats, send a 10 Day compliance notice and information regarding cessation assistance. After the 10 days are up, post a 48 Hour Notice for inspection.
- 3rd Violation – Another repeat violation will result in a 10 Day compliance notice and a warning letter. (“Violation Warning Letter”) After the 10 days are up, post a 48 Hour Notice for inspection.
- 4th Violation – If the violation persists, a 10 day notice to comply and/or possible eviction proceedings will be initiated if necessary.

Evictions due to violations of the Smoke-Free policy must be approved Management.

### Enforcement for Employees

See Employee Handbook.

### Compliance

Cooperation and consideration between smokers and non-smokers are necessary to ensure the successful implementation of this policy. All residents and staff are responsible for observing the provisions of this policy. Persons in designated smoking areas (as specified above) should honor the wishes of non-smoking visitors to that particular area.

Effective implementation of this policy depends upon the courtesy, respect, and cooperation of all residents and staff.



Questions or concerns regarding the implementation of this policy should be referred to Management. Complaints about smoking in non-smoking areas should be directed to Management.

Effective Date: January 1, 2016

Changes

Landlord shall have the right to make changes and additions to the Smoke-Free Policy in writing and distributed to all tenants of the project.

CAUTION: Tenant's signature indicates that he/she has read and understood its contents and agrees to abide by its conditions.

**TENANT SIGNATURES:**

\_\_\_\_\_  
Name (print): Head of Household

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Name (print): Co-head of Household

\_\_\_\_\_  
Signature:

\_\_\_\_\_  
Date:

