

The Regional Municipality of York

Housing York Inc.
March 3, 2016

Report of the
General Manager

Housing York Inc. Smoke-Free Policy Update

1. Recommendation

It is recommended that the Board receive this report for information.

2. Purpose

As requested by the Board, this report reviews the existing Housing York Inc. (Housing York) Smoke-Free Policy and the progress of its implementation

3. Background

The Smoke-Free Policy prohibits new tenants from smoking in their units

On June 12, 2014, the Housing York Inc. Board of Directors approved a Smoke-Free Policy (*Attachment 1*).

Effective November 1, 2014, all **NEW** tenants were prohibited from smoking in their rental units, balconies and patios, and in the front and back yards of townhouse units. The policy applies to all household occupants and their guests.

Transitioning to smoke-free buildings will take time as existing tenants have rights under the Residential Tenancies Act and must be grandfathered

The *Smoke-Free Ontario Act, 2006* 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 only applies to new tenants. Landlords may not add new provisions, such as a no-smoking clause, to an existing lease without the tenant's consent. Changes to the Act would be required in order for Housing York to prohibit all tenants from smoking in all

buildings. The Smoke-Free Policy, allowed existing tenants to be grandfathered and continue to smoke in their rental space, which includes balconies and patios.

Housing York continues to work through the transition period allowing some tenants to continue to smoke in their unit, while new tenants are not 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 are encouraged to do so.

New and existing tenants may smoke 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.

The Smoke-Free Policy sets a five metre perimeter within which smoking is prohibited. Both new and existing tenants are 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 allows exemptions for medical marijuana and traditional use of tobacco by Indigenous 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 Indigenous tenants, to be exempt from the policy

The Smoke-Free Policy is consistent with other large housing providers in Ontario

An increasing number of housing providers are implementing no-smoking policies. Table 1 highlights a few similar housing providers in Ontario that have adopted no-smoking policies that prohibit new tenants from smoking and grandfathers the rights of existing tenants, as required under the *Residential Tenancies Act, 2006*.

Table 1
Housing Providers in Ontario with Smoke-Free Policies

Provider	# of Units	Effective Date
Ottawa Community Housing Corporation	15,000	May 2014

Provider	# of Units	Effective Date
Waterloo Region Housing	2,723	April 2010
Barrie Municipal Non-Profit Housing Corporation	953	July 2012

A Smoke-Free Policy reduces the risk of fire and improves indoor air quality for tenants

According to the Ontario Office of the Fire Marshal and Emergency Management, during the 5 year period from 2009-2013, tobacco related products was the cause of 25% of residential fire related fatalities in Ontario. Creating smoke-free housing removes one of the leading fire hazards and provides healthier indoor air quality for tenants.

York Region Public Health states 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.

Transitioning to smoke-free buildings can also decrease maintenance costs. Research shows that the cost of turning over a unit previously occupied by a tenant who smokes is significantly higher than the cost of turning over a unit previously occupied by a non-smoker.

4. Analysis and Options

The Smoke-Free Policy was implemented on November 1, 2014

The development and implementation of the policy included a review of best practices and legal opinions, consultation with other housing providers, staff, Public Health and tenants.

Prior to seeking approval for the policy, all tenants were mailed a survey 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. Overall, 77% of survey respondents would choose to live in a smoke-free building.

Feedback received helped develop the roll-out of the smoke-free policy. Implementation highlights include:

- Comprehensive training for all Housing York staff

- A robust communication strategy to all existing tenants
- Communications to applicants and updates to online resources
- Program and supports for tenants on smoking cessation

Two new smoke-free buildings were added to the Housing York portfolio in 2016

The opening of the Richmond Hill Hub and Belinda's Place added two new 100% smoke-free buildings with 239 units to the Housing York portfolio. All residents of these buildings are prohibited from smoking in the building, including in their units.

In addition, since November 2014, over 300 existing units have been become smoke-free. Housing York signed 303 new leases with tenants prohibiting them from smoking in their unit.

Although, Housing York has no way of knowing how many tenants smoke in their units, the tenant survey conducted prior to developing the No-Smoking Policy, found 76% of tenants report they are non-smokers. Of the 24% that report being a smoker, only 15% report that they smoke inside their homes.

A series of training programs have been offered to tenants to better educate and support them in living smoke-free including:

- "Tobacco-Free Living Services" training provided to staff to support them in speaking with tenants about quitting smoking
- "Smoke Free" on-site tenant meetings in conjunction with Public Health
- Promotional materials displayed at all sites
- STOP on the road programs run by Public Health prior to and during implementation of the policy. Four additional sessions are scheduled for early 2016.

Housing York will explore opportunities to enhance the existing policy, procedures and awareness raising

As the policy has been in place for a little over a year, 2016 is an opportune time to review the existing policy. A review of the policy will include researching industry best practices and trends, and exploring options to strengthen the existing policy.

E-cigarettes have become a popular alternative to traditional tobacco use for many smokers. Provincial legislation around e-cigarettes continues to evolve. Staff will monitor and follow the direction of the legislation.

A review of procedures, including those related to oxygen use within units will also be conducted and updates made, as appropriate.

Further opportunities to raise awareness about safety issues related to smoking and initiatives related to smoking cessation will be explored.

5. Link to key Council-approved plans

The 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” by reducing damage to the units caused by smoke.

6. Financial Implications

Housing York will realize future cost savings through the transition to smoke-free buildings. Research shows that the cost of turning over a unit previously occupied by a tenant who smokes is significantly higher than the cost of turning over a unit previously occupied by a non-smoker

Smoke-free policies reduce the risk profile for the housing portfolio and over time should have a positive impact on insurance premiums.

Housing York has also implemented a Mandatory Tenant Insurance Policy that can help mitigate the financial impact if damage is caused by the tenant.

7. Local Municipal Impact

Municipal governments have the authority to ban or restrict smoking in public places within their municipal boundaries and create smoking by-laws that exceed Ontario’s smoke-free legislation.

In York Region, the local municipalities have taken a variety of approaches to passing smoke free polices. For example:

- Six local municipalities have restricted smoking in outdoor recreational space and children’s play areas

- Two local municipalities have taken their policies a step further and prohibited smoking on all municipal properties, except in designated areas

Housing York provides affordable housing in all nine local municipalities in York Region. The Smoke-Free Policy is well-supported by Housing York's tenants across all local municipalities and promotes healthy communities by reducing tenants' exposure to second-hand smoke.

8. Conclusion

Housing York's Smoke-Free Policy has been an effective tool in providing smoke-free housing options to the residents of York Region. With a full year of implementation complete, 2016 is an opportune time to review and evaluate the effectiveness of the policy.

For more information on this report, please contact Rick Farrell, General Manager, at ext. 72091.

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Rick Farrell
General Manager

Adelina Urbanski
President

February 18, 2016

Attachment (1)

#6573030

Accessible formats or communication supports are available upon request



Operational Policy & Practice

Number: 2014-01

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 per cent 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 many benefits including:

- 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 *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.

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.

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 nine metres away from the main building. Future builds will include designated smoking shelters located nine 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.