



Txoj Qauv Cai Tsis Pub Haus Luam Yeeb

Daim Ntawv Ntxiv Xauj Tsev

Lub Hom Phiaj thiab Ntawv Thov

Txoj cai tus qauv tsis pub haus luam yeeb muab ib cov lus ua qauv uas yuav siv tau los mus tsim ib cov kev cai tsis pub haus luam yeeb rau cov tswj tuam tsev luam, cov tsev siv ntawv Housing Choice Voucher, cov tsev Section 8, cov tsev koom haum tuav uas pheej yig, thiab cov tsev sib txuas nyob ua ke. Daim ntawv no piav qhia hais tias cov lus uas nyob nrog ntawm no yuav siv li cas rau txhua qhov chaw. Cov lus nyob rau ntawm tus qauv txoj cai tsis yog ib yam uas yuav tsum muaj tiamsis yeej paub meej lawm tias yog ib qho zoo heev los mus pib siv thiab tswj cov kev cai tsis pub haus luam yeeb. (Xav paub txog cov kev ceeb toom thiab lub sijhawm uas yuav pib siv cov kev hloov ntawm daim ntawv xauj tsev uas yuav tsum muaj ua ntej, saib: *Kev Sib Piv Tej Yam Ntawm Txoj Cai Tsis Pub Haus Luam Yeeb Hauv Vaj Tse; Tus Nqi Ntsuam Xyuas Ntawm Kev Lag Luam los sib tw nrog rau Cov Tsev Nom Tswv Pab Nyiaj Txo Qhi* muab nyob rau ntawm <http://bit.ly/rGAIll>).

Cov Neeg Tswj Saib Tsev Luam

Ib Daim Ntawv Ceeb Toom ntawm Department of Housing and Urban Development's Office of Public and Indian Housing ntawm xyoo 2012 (saib qhov vas sab nyob hauv **Cov kev pab cuam**) pab txhawb kom tas nrho cov neeg tswj saib tsev luam los mus muab cov kev cai tsis pub haus luam yeeb coj los siv rau tas nrhov lawv tej tuam tsev. Daim ntawv ceeb toom no kuj qhia meej ntxiv tias cov kev cai tsis pub haus luam yeeb muaj feem muab ntxiv tau rau ib daim ntawv xauj tsev lossis muab ntxiv rau ib daim ntawv ntxiv xauj tsev.

Cov Tsev Uas Yog Section 8

Ib Daim Ntawv Ceeb Toom tuaj ntawm HUD tuaj xyoo 2010 pab txhawb kom cov tsev uas yog Section 8 los mus muab cov kev cai tsis pub haus luam yeeb coj los siv. Daim ntawv ceeb toom ntawd qhia meej tias rau cov tsev uas yog Section 8, thiab lwm cov tsev xauj uas tau raug nom tswv pab txo nqi uas tau muab teev npe nyob rau hauv Daim Ntawv Ceeb Toom, (saib Daim Ntawv Ceeb Toom 2010; qhov vas sab nyob hauv **Cov kev pab cuam**) qhov kev ntxiv txoj cai tsis pub haus luam yeeb yuav tsum yog muab hloov rau cov cai tswj vaj tse lossi cov kev tswj thiab tej txheej txheem. Daim Ntawv Ceeb Toom ho kuj hais los ntawm cov lus ceeb toom uas yuav tsum tau muaj ua ntej cov kev cai tswj vaj tse yuav los muab siv thiab rau cov xeev uas ua tsis raws li txoj cai uas yog cov tsis muaj txoj cai tsis pub haus luam yeeb lossis thaum kawg txoj cai yuav kom muab nrho tawm mus. Daim ntawv ntxiv xauj tsev

Model No-Smoking Policy

Lease Addendum

Purpose and Application

The model no-smoking policy lease addendum provides sample language that can be used to establish no-smoking policies for public housing authority buildings, Housing Choice Voucher properties, Section 8 project-based properties, private non-profit affordable and market-rate housing, and condominiums. This sheet explains how the attached language can be used in each setting. The language in the model policy is not mandatory but has been found to be effective in implementing and enforcing no-smoking policies. (For HUD requirements on notice and timing of implementation of lease changes, see: *Comparison of Smoke-Free Housing Policy Factors; Private Market Rate versus Publicly Subsidized Multi-Unit Housing* available at <http://bit.ly/rGAIll>).

Public Housing Authorities

A Notice from the Department of Housing and Urban Development's Office of Public and Indian Housing in 2012 (see link in **Resources**) encouraged all public housing authorities to adopt smoke-free policies for some or all of their buildings. This notice also clarified that smoke-free policies can be added to an existing lease agreement or by including a lease addendum.

Section 8 Project-Based Properties

A Notice from HUD in 2010 encouraged Section 8 project-based properties to adopt smoke-free policies. That notice clarified that for Section 8, and other subsidized rental properties listed in the Notice, (see 2010 Notice; link in **Resources**) the addition of the smoke-free policy should be made through a change to the house rules or policies and procedures. The Notice also references the notice requirements before the house rules can be implemented and states that noncompliance with the no-smoking rule or policy could result in eviction. The no-smoking lease addendum language can be used to create a new house rule restricting or prohibiting smoking.



tsis pub haus luam yeeb muab siv tau los mus tsim ib txoj cai vaj tse los mus txwv lossis tsis pub haus luam yeeb.

Cov Tuam Tsev Siv Ntawv Xaiv Los Pab Them / Cov Vaj Tse Raws Li Kev Lag Luam / Cov Tsev Koom Haum Tuav Uas Pheej Yig

Daim ntawv qauv xauj tsev muab siv tau ua ib daim ntawv ntxiv rau daim ntawv xauj tsev uas twb yeej muaj lawm, lossis muab siv ncaj qha tau rau ib daim ntawv xauj tsev tshiab. Yog tias txoj cai tsis pub haus luam yeb nws yog nws ib daim ntawv, yuav tsum muab daim ntawv xauj tsev siv nrog cov kev tswj xyuas uas yog los ntawm daim ntawv ntxiv. Tas nrho cov neeg nyob hauv cov vaj tse Siv Ntawv Xaiv Los Pab Them, txawm tias yog muaj ntawv pab them los tsis muaj, yuav tsum raug siv tib cov lus xauj tsev tib yam, nrog rau txoj cai tsis pub haus luam yeeb.

Cov Zej Zos Uas Muaj Feem Zoo Ib Yam

Daim ntawv qauv xauj tsev uas tsis pub haus luam yeeb muab siv tau los mus tuav cov cai tsis pub haus luam yeeb rau cov tsev uas muaj tsw nyob uas yog hom muaj ntau chav nyob ua ke. Cov cai los kav kev txwv rau cov chav muaj tsw nyob coj tau los siv ntawm txoj kev hloov nyob rau cov ntawv tswj hais tawm hauv lub koom haum, lossis los ntawm txoj kev ntxiv ib txoj cai lossis kev tswj tshiab. Cov lus muaj nyob rau hauv daim ntawv qauv ntxiv no muab hloov lo taus kom haum rau tej yam kev tshwm sim ntawm ib lub koog tsev nyob ua ke, xws li cov lus uas yuav siv los mus daw txoj cai thiab cov txheej txheem los tswj xyuas.

Kev Qhia Meej Txog Cai Ntawm Daim Ntawv Xauj Tsev

Ob peb daim nplooj ntawv tom ntej no yuav qhia meej txog txhua txoj cai hais txog kev tsis pub haus luam yeeb ntawm daim ntawv xauj tsev nrog rau ib co lus qhia meej txog txhua lub hom phiaj. (Kas lub uas muaj tus lej yog ua khub nrog cov tshooj cai nyob rau hauv tus qauv cai.)

1. Thawj qhov cai teev peb yam tswv him los mus pab txhawb cov kev cai tsis pub haus luam yeeb. Qhov cai no yuav muab nthuav los tau yog tias muaj ib co kev txwv ntxiv uas yog tau muab tsub rau txoj kev siv tej yam khoom luam yeeb nyob rau ntawm lub vaj tse.
2. Cov ntsiab lus yog los txhais cov soj lus tseem ceeb uas tau muab siv los mus pab cov neeg nyob kom raug txoj cai thiab kev tswj saib thiab cov neeg ua haujlwm txoj kev tswj xyuas. Lub ntsiab lus hais txog kev haus luam yeeb muab hloov los tau kom mus ib seem nrog lub ntsiab lus "haus luam yeeb" uas nyob rau lub xeev txoj cai teev tseg,

Housing Choice Voucher Buildings / Private Market Rate Properties / Non-Profit Affordable Housing

The model lease addendum can be used as an addendum to an existing lease agreement, or it can be incorporated directly into a new lease. If the smoke-free policy is a separate document, the lease should incorporate the provisions by referencing the addendum. All residents in Housing Choice Voucher properties, whether voucher supported or not, should be subject to the same lease language, including the no-smoking policy.

Common Interest Communities

The model no-smoking lease addendum can be used to implement smoke-free policies for owner-occupied multi-unit properties. Policies imposing use restrictions on owner-occupied units can be implemented through a change in the association declaration or the by-laws, or by the addition of a new rule or regulation. The language provided in this model addendum can be modified to fit the particular circumstances of a condominium complex, such as language to address the extent of the policy and enforcement procedures.

Lease Addendum Provision Explanations

The next couple of pages clarify each provision of the no-smoking policy lease addendum with brief explanations of the purpose of each. (The paragraph number corresponds to the provision sections in the model policy.)

1. The first provision lists the three key reasons for supporting no-smoking policies. This provision can be expanded if additional restrictions are placed on the use of any tobacco products on the property.
2. The definitions section defines key terms used in the policy to assist residents with compliance and management and staff with enforcement. The definition for smoking can be modified to align with a "smoking" definition in a state statute, but the definition can be more expansive than that in state law. This section also includes an



<p>tiamsis muab lub ntsiab lus nthuav kom dav tshaj qhov uas nyob rau lub xeev txoj cai. Tshooj ntawv no kuj muaj ib qho ntsiab lus ntxiv rau "cov npaws luam yeeb fais fab" yog tias tus neeg tswj saib vaj tse xav los mus txwv txoj kev siv lub ntsiab lus no.</p> <p>3. Qhov cai thib peb yog piav txog kev tsis pub haus luam yeeb ntawm cov koog tsev uas yog piav txog txoj kev cai yuav los kav raws li ob txoj ke : 1) nws piav qhia tias leej twg yog tus yuav raug txwv nyob rau hauv txoj cai tswj; thiab 2) nws piav txog cov thaj chaw ntawm lub vaj tse ntawd tias kev txwv tsis pub haus luam yeeb nyob rau qhov twg. Tshooj ntawv no yuav muab hloov raws yus nyiam los tau rau txhua lub vaj tse raws li cov neeg tswj saib lub tswv yim xav.</p> <p>4. Qhov cai plaub muab ib co kev feem xyuam los lav mus tuav cov vaj tse tsis pub haus luam yeeb rau cov neeg nyob vaj tse. Thaum xee npe rau daim ntawv ntxiv cov neeg nyob vaj tse pom zoo los mus ceeb toom cov neeg tswj xyuas txog cov kev yuam cai haus luam yeeb..</p> <p>5. Qhov cai no yuav tsum kom tus tswv tsev lossis tus tswj saib tiv daim paib rau ntawm lub vaj tse qhia txog tias kev txwv haus luam yeeb yog nyob qhov twg thiaj li pab tau kev tswj xyuas kom raug cai.</p> <p>6. Qhov cai thib rau tso rau cov neeg nyob vaj tse sawv tau los foob ncaj qha lwm tus neeg nyob vaj tse uas yuam txoj cai tswj. Tus neeg nyob vaj tse uas tsis haus luam yeeb muaj feej foob rau xam kom tus neeg haus luam yeeb nrhiav kev los mus txwv tsis haus luam yeeb thaum uas nws mus los ntawm cov chav nyob.</p> <p>7. Qhov cai no piav meej tias ib qho kev yuam cai ntawm txoj cai tsis pub haus luam yeeb yog ib qho kev yuam cai ntawm daim ntawv xauj tsev nyob thiab thaum kawg yuav rau muab nrho tawm vaj tse. Yog tias ib tug tswv vaj tse txiav txim siab los mus siv tus txheej txheem maj mam tswj xyuas zuj zus —piv txwv li ib khub niam txiv tau sau ntawm ceeb toom ua ntej tas ces ho raug nplua nyiaj ces ho raug nrho tawm vaj tse —qhov no yog qhov uas yuav tau muab sau tseg rau ntawv txog cov qib nte tswj xyuas.</p> <p>8. Qhov cai hais txog kev kam lees yog muab kev tiv thaiv rau cov neeg tswj xyuas lossis cov tswv tsev thaum lawv raug iab liam tias lawv tsis saib xyuas zoo kom txhob muaj kev haus luam yeeb. Qhov kev kam lees no ntau zaus yeej yuav muab siv rau tej lub sijhawm uas ib tug neeg nyob vaj tse tsis haus luam yeeb tau raug mob los ntawm txoj kev xauj tsev nyob rau hauv ib lub tuam tsev uas tau tshaj tawm tias yog ib lub chaw tsis pub haus luam yeeb, thiab cov neeg tswj xyuas vaj tse ho tsis paub txog qhov kev yuam cai ntawd.</p> <p>9. Qhov ai kawg yog ib co lus ntxiv uas muab siv los tau yog tias lub vaj tse tau raug hloov ntawm txoj kev pub haus luam yeeb mus rau</p>	<p>optional definition for “electronic cigarettes” if the property manager wants to restrict their use.</p> <p>3. The third provision describing the no-smoking complex describes the coverage of the policy in two ways: 1) it explains who is subject to the restrictions contained in the policy; and 2) it describes the areas of the property where smoking is prohibited or restricted. This section can be customized for each property according to management’s intentions.</p> <p>4. The fourth provision puts some of the responsibility for maintaining a smoke-free property on to the residents. By signing the addendum the residents agree to notify management of smoking violations.</p> <p>5. This provision requires the property owner or manager to post signage on the property indicating where smoking is prohibited to assist with enforcement.</p> <p>6. The sixth provision allows residents to bring a legal action directly against another resident who is violating the policy. The non-smoking resident can seek a court order requiring the smoker to take some action to stop the smoke from traveling between units.</p> <p>7. This provision clarifies that a violation of the no-smoking policy is a violation of the lease and could result in eviction. If a property owner decides to have a graduated enforcement procedure—for example a couple written warnings followed by fines and then eviction—this is where the enforcement steps should be documented.</p> <p>8. The disclaimer provision provides managers or landlords some protection from claims that they did not ensure a smoke-free environment. This disclaimer will generally be used in situations where a non-smoking resident is injured from exposure after renting in a building advertised as smoke-free, and management was not aware of the violation.</p> <p>9. The last provision is optional language that can be used if the proper-</p>
--	--



qhov uas tsis pub haus luam yeeb, tiamsis tus neeg nyob vaj tse daim ntawv xauj tsev yuav tas sijhawm rau lwm lub caij nyoog lawm. Qhov cai no tso cai kom pub sijhawm ib ntus rau cov neeg xauj tsev nyob uas haus luam yeeb "ua ntej lawm" txog txij tus neeg nyob vaj tse nyaib tawm lossis muab news daim ntawv xauj tsev tauj ntixiv tshiab dua. Yog tas nrog cov neeg nyob vaj tse, cov neeg haus luam yeeb thiab cov tsis haus, pom zoo rau cov lus tshiab los mus xauj tsev txwv tsis pub haus luam yeeb, ces qhov uas "ua ntej lawm" tsis tas yuav tsum kom muaj.

ty is transitioning from smoking permitted to no-smoking, but resident leases will expire at different times. This provision allows for temporary "grandfathering" until the smoking resident moves or renews the lease. If all residents, smokers and nonsmokers, agree to the new no-smoking lease language, then "grandfathering" is not required.

Cov Kev Pab Cuam:

Office of Public and Indian Housing, 2012 Ntawv ceeb toom txog cov kev cai tsis pub haus luam yeeb rau tsev luam:

<http://portal.hud.gov/huddoc/pih2012-25.pdf>

Department of Housing and Urban Development 2010 Ntawv ceeb toom txog cov kev cai tsis pub haus luam yeeb rau tsev Section 8 thiab lwm cov vaj tse nom tswv pab txo nqi:

<http://portal.hud.gov/hudportal/documents/huddoc?id=10-21hsgn.pdf>

Kev Sib Piv Tej Yam Ntawm Txoj Cai Tsis Pub Haus Luam Yeeb Hauv Vaj Tse; Tus Nqi Ntsuam Xyuas ntawm Kev Lag Luam los sib tw nrog rau Cov Tsev Nom Tswv Pab Nyiaj Txo Qhi:

<http://bit.ly/rGAIll>

Resources:

Office of Public and Indian Housing, 2012 Notice on smoke-free policies for public housing:

<http://portal.hud.gov/huddoc/pih2012-25.pdf>

Department of Housing and Urban Development 2010 Notice on smoke-free policies for Section 8 and other subsidized properties:

<http://portal.hud.gov/hudportal/documents/huddoc?id=10-21hsgn.pdf>

Comparison of Smoke-Free Housing Policy Factors; Private Market Rate versus Publicly Subsidized Multi-Unit Housing:

<http://bit.ly/rGAIll>



Txoj Qauv Cai Tsis Pub Haus Luam Yeeb

Daim Ntawv Ntxiv Xauj Tsev

[Cov lus qhia yog cov uas muab teev kom qaij.]

Tus Neeg Xauj thiab tas nrho cov neeg ntawm Tus Neeg Xauj tsev neeg lossis lub cuab lub yig yog cov muaj feem rau daim ntawv xauj tsev nrog rau Tus Tswv Tsev. Daim Ntawv Ntxiv Xauj Tsev teev cov sob lus nram qab no, cov kev tswj thiab kev cai uas yuav muab zwm tseg los siv nyob rau hauv daim ntawv xauj tsev. Kev cuam tshuam daim ntawv ntxiv xauj tsev no yuav muab tas nrho cov cai nyob rau hauv no rau txhua tus uas muaj feem, thiab cov cai uas nyob rau hauv Daim Ntawv Xauj Tsev.

1. Lub Hom Phiaj ntawm Txoj Cai Tsis Pub Haus Luam Yeeb. Cov muaj feem xav los mus daws kev cov nyom (i) txog kev meem txom thiab tej yam kev mob nkeeg los ntawm kev nqus pa luam yeeb; (ii) kev yuav tau kho ntxiv, tu ntxiv, thiab siv nyiaj ntxiv los eeb tsev uas yog los ntawm kev haus luam yeeb; thiab (iii) muaj feem yuav raug hluav taws kub nyiab ntxiv los ntawm kev haus luam yeeb.

2. Cov ntsiab lus:

Kev Haus Luam Yeeb. Lo lus "haus luam yeeb" txhais tau tias yog kev siv lossis muaj ib tug npaws luam yeeb hlawv lawm, ib tug pauj yeeb nkab hlawv lawm, lossis lwm yam luam yeeb uas tau raug muab hlawv lawm. *[Pub xaiv qhov twg los tau] Kev haus luam yeeb yog hais txog kev haus npaws luam yeeb uas yog siv fais fab huvsu thiab.*

[Pub xaiv qhov twg los tau] Npaws Luam Yeeb Siv Fais Fab. Lo lus "npaws luam yeeb siv fais fab" txhais tau tias yog tej yam khoom siv fais fab uas tso tau pa dej luam yeeb thiab/lossis lwm yam tshuaj uas ua rau tus neeg siv ntawm haus xws li haus luam yeeb. Lo lus yog hais tas nrho tej khoom zoo li ntawd txawm yog yam khoom tsim los lossis muab tis npe hu ua e-cigarettes, e-cigars, e-pipes lossis nyob rau tej npe khoom ntawd.

3. Koog Tsev Tsis Pub Haus Luam Yeeb. Tus Neeg Xauj Tsev pom zoo thiab lees paub tias cov thaj chaw uas Tus Neeg Xauj Tsev nyob thaib cov neeg haus Tus Neeg Xauj tsev tau muab teev tseg hais tias yog ib lub chaw nyob tsis pub haus luam yeeb. Tus Neeg Xauj Tsev thiab cov neeg ntawm Tus Neeg Xauj Tsev lub cuab lub yig yuav tsis pub haus luam yeeb ib qho chaw twg li hauv lib chav uas Tus Neeg Xauj Tsev nyob, lossis ntawm lub tuam tsev uas Tus Neeg Xauj Tsev nyob lossis tej thaj chaw sawvdaws siv lossis tej qhov chaw xws cov tuam tsev lossis lawm qhov chaw xauj tsev hauv zej zos, lossis tsis pub Tus Neeg Xauj Tsev tso cai rau ib tug qhua lossis cov neeg tuaj saib uas Tus Neeg Xauj Tsev tswj

Model No-Smoking Policy

Lease Addendum

[Comments are indicated with italics.]

Tenant and all members of Tenant's family or household are parties to a written lease with Landlord. This lease addendum states the following terms, conditions and rules which are hereby incorporated into the lease. A breach of this lease addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

1. Purpose of No-Smoking Policy. The parties desire to mitigate (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; and (iii) the increased risk of fire from smoking.

2. Definitions:

Smoking. The term "smoking" means the use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product. *[Optional] Smoking also includes use of an electronic cigarette.*

[Optional] Electronic Cigarette. The term "electronic cigarette" means any electronic device that provides a vapor of liquid nicotine and/or other substances to the user as she or he simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes or under any product name.

3. No-Smoking Complex. Tenant agrees and acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a no-smoking living environment. Tenant and members of Tenant's household shall not smoke anywhere in the unit rented by Tenant, or the building where the Tenant's dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental community, nor shall Tenant permit any guests or visitors under the control of Tenant to do so. *[This section can be modified to indicate those areas in the complex where smoking is prohibited. If designated smoking areas are provided, they should be described here.]*



tau kom lawv ua li ntawd. *[Tshooj ntawv no muab hloov tau los mus qhia txog tej qhov chaw nyob rau koog tsev uas txwv tsis pub haus luam yeeb. Yog tias muaj qhov chaw teev tseg rau haus luam yeeb, lawv yuav tsum piav qhia rau ntawm no.]*

4. Tus Neeg Xauj Tsev los mus Txhawb Siab Txoj Cai Tsis Pub Haus Luam Yeeb thiab los mus Ceeb Toom rau Tswv Tsev txog Kev Yuam Cai. Tus Neeg Xauj Tsev yuav tsum tau qhia rau Tus Neeg Xauj Tsev cov qhua txog txoj cai tsis puab haus luam yeeb. Ntxiv mus, Tus Neeg Xauj Tsev yuav tsum muab rau Tus Tswv Tsev ib cov lus sau rau daim ntawv txog tej yam teeb meem uas muaj cov pa luam yeeb nkag mus rau Tus Neeg Xauj lub tsev uas yog los sab nraud Tus Neeg Xauj Tsev lub chav tsev nyob.

5. Tus Tswv Tsev los mus Txhawb Siab Txoj Cai Tsis Pub Haus Luam Yeeb. Tus Tswv Tsev yuav tsum tsa ib cov paib txog kev tsis pub haus luam yeeb rau ntawm cov qhov rooj nkag los thiab qhov rooj tawm mus, tej cov chaw sawvdaws siv, tej kev taug hauv tsev, thiab tej chaw nyob rau ntawm koog tsev uas muaj ntau chav nyob. *[Qhov chaw uas tsa paib rau yuav nyob ntawm txoj cai tsis pub haus luam yeeb ho siv txog them twg.]*

6. Lwm Tus Neeg Xauj Tsev thiab Cov Neeg Muaj Feem Sab Nraud ntawm Tus Neeg Xauj Tsev Daim Ntawv Cog Lus. Tus Neeg Xauj Tsev pom zoo tias lwm Tus Neeg Xauj Tsev ntawm koog tsev yog cov neeg muaj feem sab nraud ntawm Tus Neeg Xauj Tsev uas yuav tau txais daim ntawv ntxiv rau Tus Tswv Tsev txog daim ntawm xauj tsev tsis pub haus luam yeeb. *(Hais lo lus kom yooj yim, qhov no txhais tau tias Tus neeg Xauj Tsev txoj kev lav feem xyuam nyob rau daim ntawv ntxiv uas yog xauj tsev nyob yog ua rau lwm Tus Neeg Xauj Tsev thiab rau Tus Tswv Tsev.)* Tus Neeg Xauj Tsev sawv foob lwm Tus Neeg Xauj Tsev uas muaj kev txuam nrog rau daim ntawv ntxiv txog tsis pub haus luam yeeb, tiamsis Tus Neeg Xauj Tsev tsis muaj txoj cai los mus muab lwm Tus Neeg Xauj Tsev nrho tawm. Tej txoj kev foob ntawm Cov Neeg Xauj Tsev uas yog txuam rau daim ntawv ntxiv xauj tsev no uas tsis pub haus luam yeeb yuav tsum tsis pub muaj kev tsis ntseeg siab tias Tus Tswv Tsev tau ua yuam cai ntawm daim ntawv ntxiv xauj tsev uas tsis pub haus luam yeeb.

7. Kev Yuam Cai Tshwm Sim Li Cas thiab Txoj Cai los mus Txiaiv Kev Xauj Tsev. Ib qho kev yuam cai ntawm daim ntawv ntxiv xauj tsev ntawm no yuav muab tau tas nrho cov cai uas nyob nrog rau hauv no thiab cov cai uas nyob rau hauv Daim Ntawv Xauj Tsev rau txhua tus uas muaj feem nrog. Ib qho kev yuam cai muaj pov thawj ntawm daim

4. Tenant to Promote No-Smoking Policy and to Alert Landlord of Violations. Tenant shall inform Tenant's guests of the no-smoking policy. Further, Tenant shall promptly give Landlord a written statement of any incident where tobacco smoke is migrating into the Tenant's unit from sources outside the Tenant's apartment unit.

5. Landlord to Promote No-Smoking Policy. Landlord shall post no-smoking signs at entrances and exits, common areas, hallways, and in conspicuous places on the grounds of the apartment complex. *[Where signs are posted will depend on extent of no-smoking policy.]*

6. Other Tenants are Third-Party Beneficiaries of Tenant's Agreement. Tenant agrees that the other Tenants at the complex are third-party beneficiaries of Tenant's no-smoking lease addendum with Landlord. *(In layman's terms, this means that Tenant's commitments in this lease addendum are made to the other Tenants as well as to Landlord.)* A Tenant may bring legal action against another Tenant related to the no-smoking lease addendum, but a Tenant does not have the right to evict another Tenant. Any legal action between Tenants related to this no-smoking lease addendum shall not create a presumption that the Landlord breached this no-smoking lease addendum.

7. Effect of Breach and Right to Terminate Lease. A breach of this lease addendum shall give each party all the rights contained herein, as well as the rights in the Lease. A material breach of this lease addendum shall be considered a material breach of the lease and grounds for enforcement actions, including eviction, by the Landlord. A waiver of the lease requirement of no-smoking can only be made in writing.



ntawv ntxiv xauj tsev no yuav tsum tau muab xam tias yog ib qho yuam cai muaj pov thawj ntawm daim ntawv xauj tsev ces Tus Tswv Tsev siv tau cov kev los tswj xyuas kom ua raws li, nrog rau kev muab nrho tawm huvs. Yog yuav thov la tawm ntawm qho uas yuav tsum tsis pub haus luam yeeb ces yog sau ntawv thov xwb thiaj tau.

[Cov qib ke uas yuav los tswj xyuas yuav tsum muab hais kom meej rau tshooj ntawv no. Cov qib ke yog pib ntawm kev hais lus ceeb toom los tau, tom qab ntawd yog sau ntawv ceeb tom thiab/lossis nplua nyiaj, ces los mus rau kev nrho tawm yog tias ua tsis raw li txoj cai.]

8. Tus Tswv Tsev Cov Lus Uas Tsis Lees. Tus Neeg Xauj Tsev lees paub tias Tus Tswv Tsev txoj kev los mus muab txoj cai tsis pub haus luam yeeb coj los siv thiab cov kev los mus teev cov koog tsev xauj tias kom tsis pub haus luam yeeb qhov no yuav tsis hloov cov txheej txheej los mus tu tsev uas Tus Tswv Tsev thiab cov neeg tswj haujlwm muab rau Tus Neeg Xauj Tsev ua kom cov tuam tsev thiab ib cheev tsam uas muab txwv tsis pub haus luam yeeb kom muaj kev nyab xeeb dua, xis nyob dua, lossis zoo dua tuaj yog hais txog tej pa kom zoo dua li lwm thaj chaw xauj tsev. Tus Tswv Tsev yuav tsis lees ntxawg ntxawg txog tej yam kev lav uas muaj nyob hauv ntawv lossis tau hais tawm tias lub tuam tsev, tej chaw sawvdaws siv, lossis Tus Neeg Xauj Tsev tej chaw nyob yuav muaj pa zoo dua li lwm lub tuam tsev xauj. Tus Tswv Tsev yuav lav tsis tau thiab yuav tsis lav lossis cog lus lav tias cov chaw xauj tsev lossis tej chaw uas sawvdaws siv yuav tsis muaj pa luam yeeb hlo li. Tus Neeg Xauj Tsev lees paub tias Tus Tswv Tsev txoj kev los mus tswj xyuas, saib xyuas, lossis tswj cov kev cog lus ntawm daim ntawv xauj tsev yog ib qho uas nyob ntawm Tus Neeg Xauj Tsev thiab Tus Neeg Xauj Tsev cov qhua txoj kev yeem ua raws li txoj cai. Tus Tswv Tsev yuav tsum tau muab cov qib ke uas tsim nyog los mus tswj txoj cai tsis pub haus luam yeeb. Tus Tswv Tsev yuav tsis tau tho qib ke los mus teb txog kev haus luam yeeb yog tias Tus Tswv Tsev paub txog qhov haus luam yeeb ntawd lawm lossis muaj ntawv ceeb toom hais txog kev haus luam yeeb ua ntej lawm. Cov Neet Xauj Tsev uas muaj mob ua tsis taus pa, muak kev txhaum fab, lossis tej yam mob rau cev nqaij daim tawv lossis rau lub hlwb uas yog txuam rau kev haus luam yeeb yuav raug ceeb toom tias Tus Tswv Tsev yuav tsis tau los lees cov haujlwm los mus tswj daim ntawv xauj tsev no tshaj li lwm txoj kev lees haujlwm uas nyob rau Daim Ntawv Xauj Tsev.

TUS TSWV TSEV

TUS NEEG XAUJ TSEV

DATE

DATE

[The enforcement steps should be specified in this section. The steps could start with a verbal warning, followed by written warning(s) and/or fines, leading to eviction for continued noncompliance.]

8. Disclaimer by Landlord. Tenant acknowledges that Landlord's adoption of a no-smoking policy and the efforts to designate the rental complex as a no-smoking do not in any way change the standard of care that the Landlord or managing agent would have to a Tenant household to render buildings and premises designated as no-smoking any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant's premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Tenant acknowledges that Landlord's ability to police, monitor, or enforce the agreements of this lease addendum is dependent in significant part on voluntary compliance by Tenant and Tenant's guests. Landlord shall take reasonable steps to enforce the no-smoking policy. Landlord is not required to take steps in response to smoking unless Landlord knows of said smoking or has been given written notice of said smoking. Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this lease addendum than any other landlord obligation under the Lease.

LANDLORD

TENANT

DATE

DATE



[*Xaiv Sob Lus los pub sijhawm ib ntus rau cov neeg xauj tsev nyob uas haus luam yeeb "ua ntej lawm."*]

9. Kev Tshwm Sim Li Cas rau Cov Neeg Xauj Tsev Tamsim No. Tus Neeg Xauj Tsev lees paub tias cov neeg xauj tsev tamsim no uas nyob rau cov koog tsev uas yog siv daim ntawv xauj tsev qub yuav tsis raug Txoj Cai tsis pub haus luam yeeb tamsim ntawd kiag. Yog thaum cov neeg xauj tsev tamsim no tawm mus lawm, lossis ua ntawv xauj tshiab, txoj cai tsis pub haus luam yeeb li mam siv tau rau lawv cov chav tsev lossis nyob hauv qab daim ntawv xauj tshiab.

Kev Pab Cuam:

Ua Lub Neej Tsis Muaj Luam Yeeb; Koom Haum for Cov Tsis Haus Luam Yeeb - Minnesota:

<http://www.mnsmokefreehousing.org/>

Kev Li Choj Pab Ua Kom Txhia Chaw Tsis Muaj Luam Yeeb

<http://www.tcsg.org/sfelp/home.htm>

Public Health Law Center – Vaj Tse

<http://www.publichealthlawcenter.org/topics/tobacco-control/smoking-regulation/housing>

Daim Ntawv Ua Qauv "Siv Cov Cai Qub" Ib Ntus:

<http://bit.ly/uTo7Bw>

[*Optional Paragraph for temporarily "grandfathering" current residents who smoke.*]

9. Effect on Current Tenants. Tenant acknowledges that current tenants residing in the complex under a prior lease will not be immediately subject to the no-smoking Policy. As current tenants move out, or enter into new leases, the no-smoking policy will become effective for their unit or under the new lease.

Resources:

Live Smoke Free; Association for Nonsmokers – Minnesota:

<http://www.mnsmokefreehousing.org/>

Smoke Free Environments Law Project

<http://www.tcsg.org/sfelp/home.htm>

Public Health Law Center – Housing

<http://www.publichealthlawcenter.org/topics/tobacco-control/smoking-regulation/housing>

Sample Temporary "Grandfathering" Form:

<http://bit.ly/uTo7Bw>

Attorney Douglas J. Carney prepared the initial version of this Model Lease Addendum. He received ongoing advice, consultation, and recommendations from a legal advisory committee that included attorneys who regularly advise property owners and managers, who serve as tenant attorneys and advocates, or who advise public housing agencies. Representatives from Center for Energy and Environment and the Association for Nonsmokers-Minnesota were also on the committee. The development of the lease addendum was supported by a grant from ClearWay MinnesotaSM. The modification about where smoking is allowed (Section 3) was included by Initiative for Smoke-Free Apartments. The addition of language addressing electronic cigarettes was added by Warren Ortland of the Public Health Law Center.



DAIM NTAUV CAIS KEV HAUS LUAM YEEB TEJ LUB SIJHAWM

Tus Neeg Nyob Lub Npe: _____

Tus Lej Chav Tsev: _____

Qhov tias kuv yog ib tug neeg nyob rau [lub tsev npe hu li cas] thiab kuv yog ib tug neeg haus luam yeeb, kuv thov txoj kev cais tawm ntawm tej lub sijhawm ntawm [lub tsev npe hu li cas] txoj cai tsis puab haus luam yeeb uas tau muab coj los siv rau [hnuv tim uas coj los siv]. Kuv nkag siab tias kuv txoj kev cais tawm yuav raug rau kuv nkaus xwb tsis yog rau kuv tej qhua tuaj saib kuv. Kuv kuj xam pom tias kuv txoj kev cais tawm yuav tso cai rau kuv los mus haus luam yeeb nyob rau hauv kuv lub chav nyob nkaus xwb lossis rau thaj chaw uas teev tseg rau haus luam yeeb uas yog nyob sab nraum lub tuam tsev, yog tias muaj li ntawd.

Ntxiv mus, kuv nkag siab tias yog tias kiv nyaib mus rau lwm lub chav tsev nyob rau hauv lub tuam tsev ntawd, lossis yog kuv tawm mus ntawm [lub tsev npe hu li cas] uas yog kuv nyob thiat thaum kuv rov qab los nyob ua tus nyob tshiab ib lub sijhawm tom nqab ntawd, kuv txoj kev cais tawm yuav poob hlo mus li lawm.

Ntxiv mus, kuv nkag siab tias txoj kev cais tawm ntawm no yog ib qho uas siv ib ntus xwb es yuav los mus xaus rau hnuv tim ntawm kuv daim ntawv xauj tsev nyob tshiab, uas yog lub sijhawm uas kuv yuav tsum tau ua raws nkaus li txoj cai tsis pub haus luam yeeb tau muab coj los siv rau [hnuv tim uas coj los siv].

Tus Neeg Nyob Lub Npe Xee: _____

Hnuv Tim: _____

Tus Tswj Xyuas Tsev Lub Npe Xee: _____

Hnuv Tim: _____

TEMPORARY SMOKING EXEMPTION FORM

Resident Name: _____

Apartment Number: _____

As a current resident of [name of building] and a smoker, I am requesting a temporary exemption from the [name of building] smoke-free policy adopted on [date of adoption]. I understand that my exemption will only apply to me and not to my guests. I also realize that my exemption will only allow me to smoke in my own apartment or in designated smoking areas outside the building, if any.

Further, I understand that should I move to another apartment in the building, or should I leave [name of building] as a resident and then return as a new resident at a later time, my exemption will be permanently lost.

Further, I understand that this exemption is temporary and will expire on the date of my lease renewal, at which time I will be required to adhere to the smoke-free policy adopted on [date of adoption].

Resident Signature: _____

Date: _____

Housing Management Signature: _____

Date: _____