

RESOLUTION 2016-01
Approve Smoke-Free Homes Policy

WHEREAS, the Colville Indian Housing Authority is the duly constituted Housing Authority for the Confederated Tribes of the Colville Reservation, established by the Colville Business Council pursuant to the authority of the Constitution of the Colville Confederated Tribes, and in particular Article V, Section 1(a); and,

WHEREAS, the authorities and responsibilities of the Colville Indian Housing Authority are set out in the Colville Tribal Housing Authority Ordinance, adopted by Resolution 1977-59 of the Business Council; and,

WHEREAS, the purposes for which the Colville Indian Housing Authority was established include: (1) remedying unsafe and unsanitary housing conditions that are injurious to the public health, safety, and morals; (2) alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income; and (3) providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low income dwellings; and,

WHEREAS, the Colville Indian Housing Authority has been designated as the Tribally Designated Housing Entity@ for the Confederated Tribes of the Colville Reservation, as that term is defined at Section 4(21) of the Native American Housing Assistance and Self-Determination Act of 1996, P.L. 104-330 (25 U.S.C. 4101-4212), as amended (NAHASDA); and,

WHEREAS, the Business Council has appointed a Board of Commissioners to manage the Colville Indian Housing Authority, which Board operates pursuant to a Constitution and By-Laws enacted by the Board on August 10, 2004 (as amended); and,

WHEREAS, the Mission Statement of the Colville Indian Housing Authority includes providing safe, sanitary and decent housing to our families; and

WHEREAS, it has been well-established that tobacco smoking and second-hand tobacco smoke itself pose significant health risks,

WHEREAS, it has been documented that air-filtration and ventilation systems do not prevent smoke from moving between areas in a building; and

WHEREAS, in addition to the negative health effects, smoking in housing significantly increases fire hazard and increases cleaning and maintenance costs; and

WHEREAS, as a result the Board of Commissioners has determined that restricting the smoking of tobacco products is necessary to the Colville Indian Housing Authority's mission of providing safe and sanitary housing; and

WHEREAS, the Board of Commissioners has decided it is necessary to amend its policies to provide for smoke-free housing for our families, which shall include interior living areas, and enclosed garage spaces; and

WHEREAS, the Smoke-Free housing language to be incorporated into Colville Indian Housing Authority policies prohibits smoking in the above-mentioned restricted areas, and further provides that smoking in these restricted areas, by a tenant, homebuyer, or any member of their household, guest, or other person under their control (including service persons), is a violation of the Rental Lease or homebuyer agreement and grounds for an additional cleaning deposit and/or the cost of washing walls, repainting walls and any additional rehabilitation costs associated with the removal of the effects of the smoke.

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners approves the proposed Smoke-Free Housing Policy language to read as follows:

The smoking of any and all tobacco products is prohibited in all interiors of premises owned, leased, managed, or maintained by the Colville Indian Housing Authority, including all dwelling units, all living areas, and garages.

Smoking is also prohibited within 25 feet of all Colville Indian Housing Authority Administrative Offices and Community Centers, including entrances, exits, ventilation intakes, and windows that open.

This restriction on smoking applies to any means or method of smoking tobacco or any similar product, including but not limited to cigarettes, cigars, pipes, e-cigarettes and vaping. The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, or other tobacco product or similar lighted product in any manner or in any form.

Smoking in any of the above-mentioned restricted areas by a tenant, homebuyer, or any member of his or her household, guest, or other person under his or her control (including service persons), is a violation of the Rental Lease or homebuyer agreement and may be grounds for an additional cleaning deposit of \$300 and/or the cost of washing walls, repainting walls and any additional rehabilitation costs associated with the removal of the effects of the smoke. .

Colville Indian Housing Authority will take all reasonable steps to enforce this Smoke-Free Housing Policy language. However, Colville Indian Housing Authority's adoption of this Smoke-Free Housing Policy language, and its efforts to designate the above-mentioned restricted areas as smoke-free, do not make the Colville Indian Housing Authority or any of its managing agents the guarantor of any person's health or of the smoke-free condition of Colville Indian Housing Authority premises and property.

; and

BE IT FURTHER RESOLVED, that this Smoke-Free Housing Policy shall become effective within 30 days of adoption of this Resolution, including units constructed under the Low Income Housing Tax Credit funding; and

BE IT FINALLY RESOLVED, the Board of Commissioners directs management to provide notice of this Smoke Free Housing Policy language to all Colville Indian Housing Authority tenants and homebuyers, and to revise all policies that need to include this language, including the Admissions and Occupancy Policy and others that relate to the tenants and homebuyers and the units under Colville Indian Housing Authority management.

CERTIFICATION

This is to certify that the foregoing was duly enacted, pursuant to Article V of the Colville Tribal Ordinance, ratified on January 27, 1977, at a Special Telephonic Meeting of the Colville Indian Housing Authority Board of Commissioners, held on October 22, 2015, a quorum being present, with a vote of 3 FOR; 0 AGAINST, and 0 ABSTAINED.

BY: Nancy Michel for
Keith D. Redthunder, Chair
Board of Commissioners

ATTEST:

BY: Melanie Green
Melanie Green, Secretary/Treasurer
Board of Commissioners