

RESOLUTION NO. 2061

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF RICHMOND ADOPTING A SMOKE-FREE PUBLIC HOUSING POLICY; REVISING CHAPTER 13 OF THE ADMISSIONS AND CONTINUED OCCUPANCY POLICY AND ADOPTING THE 2018-19 ANNUAL PLAN TO INCORPORATE THE SMOKE-FREE PUBLIC HOUSING POLICY

WHEREAS, the Richmond Housing Authority (RHA) administers a Low Income Public Housing Program; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD), in PIH Notice 2017-3 required all public housing developments to become “smoke-free; and

WHEREAS, RHA’s public housing units have been “smoke-free” since 2011, under the City of Richmond’s “Smoke Free Housing” Ordinance; and

WHEREAS, the proposed “Smoke-Free Public Housing” policy goes a step further in prohibiting smoking of any tobacco or marijuana product; and

WHEREAS, the proposed “Smoke-Free Public Housing” policy includes progressive sanctions for violations, up to and including termination of assistance and eviction; and

WHEREAS, the Admissions and Continued Occupancy Policy requires a revision to incorporate the Smoke-Free Public Housing policy as a serious lease violation; and

WHEREAS, the 2018-19 Annual Plan requires revision to reflect adoption of the Smoke-Free Public Housing Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF RICHMOND, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA THAT the Smoke-Free Public Housing Policy attached hereto as Exhibit A is adopted, effective July 1, 2018.

BE IT FURTHER RESOLVED THAT Chapter 13 of the Admissions and Continued Occupancy Policy is revised to incorporate the Smoke-Free Public Housing Policy.

BE IT FURTHER RESOLVED THAT the Richmond City Manager, acting on behalf of the Richmond Housing Authority Executive Director is authorized to revise the 2018-19 Annual Plan to reflect the Smoke-Free Public Housing Policy.

I certify that the foregoing resolution was passed and adopted by the Richmond Housing Authority Board of Commissioners at a special meeting held on June 19, 2018, by the following vote:

AYES: Commissioners Beckles, Choi, Martinez, Myrick, Recinos, Vice Chair Willis, Chair Butt, and Housing Authority Tenant Commissioners Scott and Smith.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

TOM BUTT
Chairperson

[SEAL]

ATTEST:

PAMELA CHRISTIAN
Secretary

Approved as to form:

BRUCE GOODMILLER
Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 2061**, finally passed and adopted at a special Housing Authority Meeting held on June 19, 2018.

CLERK OF THE HOUSING AUTHORITY

Certified as a True Copy

**PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND, CALIFORNIA**

BY *Debra K. Lundy*
ASSISTANT

EXHIBIT A

RHA may terminate the lease if RHA determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

RHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the use of illegal drugs or the abuse of alcohol, and any records or other documentation (or lack of records or documentation) supporting claims of rehabilitation of illegal drug users or alcohol abusers.

In making its decision to terminate the lease, RHA will consider alternatives as described in Section 13-III.D and other factors as described in Sections 13-III.E and 13-III.F. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate the lease.

Other Serious or Repeated Violations of Material Terms of the Lease – Mandatory Lease Provisions [24 CFR 966.4(l)(2)(i) and 24 CFR 966.4(f)]

HUD regulations require certain tenant obligations to be incorporated into the lease. Violations of such regulatory obligations are considered to be serious or repeated violations of the lease and grounds for termination. Incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking [24 CFR 5.2005(c)(1)].

RHA Policy

RHA will terminate the lease for the following violations of tenant obligations under the lease:

Failure to make payments due under the lease, including nonpayment of rent (see Chapter 8 for details pertaining to lease requirements for payments due);

Repeated late payment of rent or other charges. Four late payments within a 12 month period shall constitute a repeated late payment.

* Three violations of the Smoke-Free Public Housing Policy

Failure to fulfill the following household obligations:

Not to assign the lease or to sublease the dwelling unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

Not to provide accommodations for boarders or lodgers.

Not to allow anyone not listed on the lease as a family member to use the address or receive mail at the address.

To use the dwelling unit solely as a private dwelling for the tenant and the tenant's household as identified in the lease, and not to use or permit its use for any other purpose.