

## **Steps for Effective Enforcement of Smoke-free Policies in Multi-Unit Housing**

Enforcing a smoke-free policy in a multi-unit housing complex can seem intimidating, but actual experience from property managers and owners across the country that have implemented policies prove that enforcement is often easier than expected. Education and communication about the new policy to residents, employees and other affected parties is crucial to successful implementation and enforcement of the policy.

While most people will follow the new policy from the start, there may be a few instances where additional enforcement is needed. Enforcing violations of the smoke-free policy in a consistent manner and in the same way as other lease violations is key. Below are some steps to take before and during implementation of the new smoke-free policy, tips on how to handle policy violations and additional things to keep in mind during policy implementation. There are also a variety of resources to assist you in this effort. Remember, it is completely legal to have a smoke-free policy in your multi-unit housing property; there is no legal or constitutional “right to smoke.”

### **Steps to Take Before the New Smoke-free Policy Takes Effect**

- **COMMUNICATE WITH RESIDENTS FREQUENTLY** about the policy change, why it is being done and when it will be taking effect. Use every opportunity available to communicate this information, for example: resident newsletters, notices/bulletin boards in the building, email, etc.
- **GIVE RESIDENTS SEVERAL MONTHS ADVANCE NOTICE** before the policy will go into effect. This will allow people to get used to the change and some residents who smoke may even use this time to quit.
- **HOLD INFORMATIONAL MEETINGS** with residents and staff to communicate about the new policy, answer questions and receive feedback. You may encounter opposition initially but allowing people to express their opinions and get their questions answered can increase support and potentially reduce enforcement problems later.
- **OFFER RESOURCES** to current smokers seeking to quit: - Provide information on state/local resources to help people quit. - If possible, offer counseling and/or nicotine replacement therapy to residents. - The American Lung Association has resources to help, <http://www.lung.org/stop-smoking/how-to-quit/>
- **INFORM NEW RESIDENTS** when they sign a lease about the new smoke-free policy and consider having them initial to indicate they understand the policy.
- **REMIND NEW RESIDENTS** when they move in about the new smoke-free policy.

### **Steps to Take During and After the New Smoke-free Policy is Implemented**

- **POST SIGNS** reminding residents, staff and guests of the new smoke-free policy. □ **PERFORM REGULAR INSPECTIONS** of the property to ensure the new policy is being followed.
- **CONTINUE TO INFORM NEW RESIDENTS** when they move in and sign their lease.

- REMIND RESIDENTS they will be held financially responsible for damage in the apartment, if caused by smoke. Tips for Handling Policy Violations

### **Tips for Handling Policy Violations**

- A smoking violation should be enforced like any other lease violation. - Follow the same procedures you would for any other lease violation. It may start with a verbal warning, then a written notice and can eventually lead to eviction if violations continue. - It should be noted that evictions for violating a smoke-free policy in multi-unit housing are quite rare nationwide.
- Document and respond to complaints regarding smoking violations in a consistent and timely manner.
- Make clear to residents that they are responsible for the behavior of their guests, and need to inform them of the smoke-free policy.

### **Additional Things to Remember when Implementing your Policy**

- Make sure all residents have signed a lease addendum or updated lease agreeing to the smoke-free policy.
- There is no legal or constitutional right to smoke.
- There is no Americans with Disabilities Act (ADA) exemption for smoking.
- A non-smoking policy should include all tobacco products that can be smoked, including cigarettes, cigars, pipes and e-cigarettes. It should also include marijuana smoke. This will make enforcement easier because a violation would not depend on the type of smoke and/or product a resident is using.
- Patios and balconies of individual units should be included in the smoke-free policy. Outdoor smoking areas should be at least 20 feet away from entrances/exits, windows and ventilation intakes to a building to avoid smoke drifting back into the building.



**Questions? Contact Us! 1-907-891-7443**