

## Enforcement Tips for Property Owners and Managers

It is helpful to plan for enforcement of a smokefree policy when your building first starts considering the policy change. The goal is to work with residents to achieve compliance and set an expectation of responsibility and respect for having a healthier and safer smokefree living environment for all residents. The focus should be on supporting, rather than punishing, residents.

Most people will follow your policy if they understand the reasons for adopting the policy, know what is expected of them and their guests, are able to provide feedback, and see clear signage and reminders.

Below are enforcement recommendations for smokefree policies, which are based on steps that property managers have found to be useful for helping to achieve compliance in their buildings.



- **Send a letter to residents** about the policy before it goes into effect. Explain where smoking and vaping is and is not allowed, that all residents, guests, and staff must follow the rule, how to report a violation, what the process is for addressing violations, and the consequences for not following the policy.
- Remind residents that the **smokefree policy does not mean** that people who smoke or vape must quit or move out. It simply means that they need to go outside to smoke or vape. Promote cessation resources that residents can contact for support with quitting or cutting back on smoking or vaping.
- **Post smokefree signs** at all entrances and in common areas as a visual reminder of the policy.
- **Decide on a plan to address complaints and violations.** Building managers and maintenance staff should meet with the entity that adopted the policy (building owner, management company, public housing agency, HOA, etc.) to decide on the plan.
  - ➡ Put the plan in place for responding to complaints, documenting reported violations and evidence, setting progressive enforcement steps, and notify residents about the plan.
- **A smokefree policy is like other building policies.** It can be enforced using similar procedures you have for addressing other lease violations about noise, pets, trash, etc. However, it is preferable to have additional progressive enforcement steps that focus on education and support.
- **Document each complaint** and evidence of the violation. Decide what will serve as evidence that a person is violating the policy. Seeing a person smoke or vape where it is not allowed is solid evidence, but it does not have to be the only evidence that smoking or vaping is occurring.
  - ➡ **Evidence may include:** seeing cigarette butts or other tobacco waste, an ashtray, new burn marks or smoke damage, maintenance staff observations during a visit, and reports from neighbors about seeing or smelling drifting smoke on specific dates and times.
- **Encourage community-supported compliance.** Let residents know how to anonymously report a suspected violation. Most residents want to live in a building where they don't have to breathe secondhand smoke, and are willing to speak up if they are being exposed—especially when they know a policy is in place and they feel safe reporting a complaint.



- **Keep a log.** Encourage residents and staff who are exposed to drifting smoke to keep a written log of dates, times, and locations when they smell the smoke and/or see evidence of smoking activity. This is helpful information that can demonstrate a pattern.
- **Follow through promptly with all complaints.** If residents continually smell or see smoking or vaping in prohibited locations, it is difficult to enforce the policy because people will be receiving the cue that it is allowed there. A prompt response can enhance compliance if residents know management takes the policy seriously, and are consistent and responsive to reported violations.
- **Maintenance staff can observe** for signs of smoking—cigarette butts, ashtrays, smell of smoke, new burns or smoke damage—when they work in the building and on the grounds, including visiting a unit in the course of their usual business, such as making a repair, and then they can report those signs of smoking to building management.
- **Do a “knock and talk”:** Knock on the door of a person who is suspected of violating the policy to have a chat at the doorway to let them know that you’re hearing about smoke coming from the unit. You do not have to enter the unit, but note if you smell smoke or observe an ashtray or tobacco waste from the doorway. If there is evidence of smoking, see the following bullet points for next steps.
- **Inspect the unit:** Consider notifying the resident suspected of violating the policy 24 hours in advance (or according to other local requirements) and do an inspection of the unit. Document if the unit smells of smoke, ashtrays are present, or if there is other evidence of smoking.
- **Send a letter** to the resident acknowledging your “knock and talk conversation” and/or unit inspection, and that you expect that the person will start complying with the policy. Remind the person about where smoking and vaping is allowed and highlight the next steps and consequences if they choose to not adhere to the policy.
- **Document each violation:** Send a copy of the violations to the resident with written notice, and keep a copy for your records. A resident who violates the smokefree policy may also be violating other lease provisions and house rules.
- **Meet with resident** and social/resident services, if available. Discuss what would help the person be able to comply and develop an action plan, which might include smoking cessation support.
- **Follow your procedures** when following through with any lease violations. Typically, a written educational letter to the resident is the first step, followed by a written warning letter. List all reported violations in the letters. All letters should include smoking cessation resources. Depending on your building’s continuum of procedures, subsequent violations may include a written letter of lease violation, a meeting with resident services, signing a contract to remedy the situation, and notice of lease termination.
- While **lease termination** is an enforcement action available to management, the goal of a smokefree policy is to have enforcement actions that help residents follow the policy to achieve improved compliance, with eviction only being the very last resort after all other steps have been taken. Evictions for smoking violations are rare. Following a continuum of enforcement steps can connect residents with services to help them before the need arises for termination. Working to improve compliance can help ensure a healthy environment and housing security for residents.



**More information is available from ANRF at [no-smoke.org/at-risk-places/homes/](https://no-smoke.org/at-risk-places/homes/)**