

Techniques for Obtaining Compliance with Smoke-Free Policies in Multiunit Housing

Best Practices to Help With Compliance

- Communicate the policy to prospective residents, employees, and visitors. Be clear that guests and staff need to follow the policy. Use posters and newsletters as well as advertisements. Make the smoke-free policy part of your branding for your stationary, newsletters, business cards, and building signs. Communications about the policy should be ongoing and reminders made when the weather changes. Wintertime increases the likelihood of exposure to secondhand smoke from indoor sources and summertime increases exposure from outdoor sources when windows are opened and people are more likely to smoke outside.
- Visit the property frequently to observe compliance, look for signs of policy violations, and establish a protocol for dealing with violations.
- Document and investigate complaints promptly and take action to ensure compliance.
- Offer residents a safe and anonymous way to report violations and remind them of their responsibility to report violations.
- No-smoking signs should be placed throughout the property at all building entrances, in hallways, and any common rooms such as laundries, gymnasiums, card rooms, etc. Consider having no-smoking signs on every unit door. Include signs in different languages as necessary.
- Smoking-cessation resources and information should be provided.
- Thank your staff, managers, and residents for their cooperation and help to assure compliance.
- Any designated smoking areas should be at least 25 feet away from all buildings, doors, or window openings.

Note: A recent study by the American Lung Association in Colorado found that having designated areas outdoors can lead to exposure to tobacco smoke as it drifts into units, resident confusion about the policy, and continued resident complaints and health problems. Housing providers and managers might consider a 100% smoke-free policy for the entire property, as these policies may be easier to understand and enforce.

Talking Points to use with Residents

- The indoor air quality will be healthier and protects everyone from secondhand smoke exposure.
- Fire risks from unattended smoking materials is reduced thus improving everyone's safety.
- People who smoke are welcome but will have to go outside to smoke.
- Less building damage and maintenance may help management keep rental rates stable.
- Tobacco smoke has no boundaries. The no-smoking policy helps show respect for your neighbors.

Collecting Evidence of Smoking

- A staff member witnesses and reports seeing a resident, guest, family member, service provider or other person violating the policy by smoking inside their unit, the common areas, or in other areas not permitted by the policy.
- A staff member or maintenance person witnesses and reports a lighted smoking product in an ashtray or other receptacle inside an apartment.
- Damages to the interior of the unit are found that are the result of burns caused by smoking products.
- Odors of tobacco or marijuana smoke, smoke clogged ventilation systems or ventilation filters, film or yellow coloring on the walls or window coverings caused by tobacco smoke, burned countertops or furnishings, ashes on any surfaces.

Tools for Obtaining Compliance

Most smoke-free policies are self-enforcing. Residents can be your greatest allies. If a resident complains about being bothered by smoke or knows of another resident who has violated the policy, document the facts and resolve the matter. Treat violations of the no-smoking policy like any other lease violation. Lack of enforcement with one resident may hamper enforcement with other residents. Prompt, consistent action will send a clear message to everyone in your property that smoking is not allowed.

Compliance Steps

1. Start with a verbal meeting with the resident who is violating the policy. A resident complaint may prompt a "knock and talk". The resident does not have to answer the door, nor do they have to let you in, but if the

- door opens, it is an opportunity to have a friendly talk about the no-smoking policy. Document the visit and whether or not you smelled smoke inside the unit.
2. Follow-up the visit with a letter acknowledging the conversation and the outcome – see Sample Friendly Warning Letter.
 3. If the problem repeats, send a First Written Violation letter to the resident – see Sample Violation Warning Letter.
 4. Depending on the circumstances, a repeat violation may result in a final written violation letter.
 5. If the violation persists, issue a termination notice.
 6. If the resident remedies the situation initially but then smoking problem begins again within six months of the termination process, an immediate termination can be issued.

Sample Friendly Warning Letter (for properties that are 100% smoke-free)

Apartment Name, Street Address, City, State, Zip, Phone/Fax

Date

Resident Name, Address and apartment #, City, State, Zip

Dear Resident,

On (give date) you submitted a maintenance request for _____. When entering your unit, I noticed a very strong odor of cigarettes. I asked if you had been smoking, you said that you were trying to stop. I reminded you that you are not allowed to smoke in your unit. Per your lease/house rules # ___, smoking is prohibited in any area of the property. I have attached a copy of the house rules for you to review. Please refrain from smoking in your unit or on the property at all times. Failure to comply with your lease could result in eviction proceedings.

If you have questions or concerns, please contact me at _____ or stop by the office.

Thank you for your cooperation in this matter.

Property Manager's Name and Title, Property Name, Management Company

Sample Violation Warning Letter (for properties that are 100% smoke-free)

Apartment Name, Street Address, City, State, Zip, Phone/Fax

Date

Resident Name, Address and apartment #, City, State, Zip

Dear Resident,

Pleased be advised that you are in violation of (Property Name's) community policies or local laws.

Per your lease/house rules # ___, smoking is prohibited in any area of the property. I have attached a copy of your lease with the applicable rules highlighted. We are aware that you are continuing to smoke (describe where).

You, your family members, roommates and/or visitors must refrain from smoking in your unit or on the property at all times. You are requested to correct this situation by _____.

Your immediate attention to this matter is greatly appreciated. Please contact the management office if you have questions. Failure to comply with your lease could result in eviction proceedings.

If you have questions or concerns, please contact me at _____ or stop by the office.

Thank you for your cooperation in this matter.

Property Manager's Name and Title, Property Name, Management Company