



Group To Alleviate Smoking Pollution



## Obtaining Compliance for Smoke-Free Policies in Multifamily Housing

### Best Compliance Practices

- 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. Summertime increases exposure from outdoor sources when windows are open, 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. 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.
- Any designated smoking areas should to be at least 25 feet away from all buildings, doors, or window openings.

*Note: A 2014 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 should consider a 100% smoke-free policy for the entire property, as these policies are easier to understand and enforce.*

### Talking Points for Residents

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

your neighbor's health and safety.

### 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 work to resolve the matter. Treat violations 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 direct meeting with the resident who is not complying with the policy. This is an opportunity to have a friendly talk about the policy and to provide information about cessation resources. Document your actions and the residents' response. Follow-up the visit with a letter acknowledging the conversation and the outcome – see Sample Friendly Warning Letter.
2. If the problem repeats, send a First Written Violation letter to the resident – see Sample Violation Warning Letter. Also provide information on cessation resources.
3. With a third complaint, send a written copy of a notice requiring the resident to meet with management to discuss plans to avoid future complaints.
4. If the problem persists meet with the resident, offer mediation and cessation resources, and explain the consequences of noncompliance. If necessary, issue a first termination warning letter.
5. If the problem continues and every effort has been made to resolve the problem and avoid eviction, a final termination process may be necessary.

*\*These suggestions should not be considered legal advice and seeking legal counsel is highly recommended.*

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

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 always refrain from smoking in your unit or on the property. Failure to comply with your lease could result in eviction proceedings. If you need help to stop smoking, we can provide you with some great resources.

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)

Dear Resident,

Please be advised that you are not in compliance with 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 smoking is continuing in your unit. (Provide further specifics of times, dates, complaints, etc.).

You, your family members, roommates and/or visitors must always refrain from smoking in your unit or on the property. 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. If you need help to stop smoking, we can provide you with some great resources. 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

*May be reprinted or copied with appropriate attribution to the Group to Alleviate Smoking Pollution (GASP of Colorado).*

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Information on secondhand marijuana smoke