

Enforcement Tips for Building Managers and Maintenance Staff

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.

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 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 complying.
- Remind residents that the **smokefree policy does not mean** that people who smoke must quit or move out. It simply means that they need to go outside to smoke. Promote programs that residents can contact for support with quitting or reducing smoking.
- **Post smokefree signs** at all entrances and in common areas as a visual reminder of the policy.
- **Decide on a plan to address smoking complaints and violations.** Building managers and maintenance staff should meet with the entity that adopted the policy (public housing agency, building owner, management company, etc.) to decide on the plan. Public housing building managers must also meet with Resident Councils to agree upon progressive enforcement steps.
 - ➔ Put the plan in place for responding to complaints, documenting reported violations and evidence, progressive enforcement steps—and notify residents about the plan.
- **A smokefree policy is like any other building policy.** Enforce it using similar procedures you have in place for addressing other lease violations about noise, pets, trash, etc.
- **Document each reported violation** and evidence of the violation. Decide what will serve as evidence that a person is violating the policy. Seeing a person smoke where smoking is not permitted is key evidence, but it does not have to be the only evidence that smoking is occurring.
 - ➔ **Evidence may include:** seeing cigarette butts, an ashtray on a counter, new burn marks or smoke damage, maintenance staff smelling smoke 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 they can anonymously report a suspected violation. Residents are one of the best enforcement tools. Most people want to live in a building where they don't have to breathe secondhand smoke, and they tend to speak up if they are being exposed—especially when they know a policy is in place and is being violated.
- **Keep a log.** Encourage residents and staff who report seeing or smelling 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 reports** of smoking violations. If residents continually smell or see smoking in prohibited locations, then it will be difficult to enforce the policy because people will be receiving the cue that smoking is allowed there. A prompt response can enhance compliance if residents know management takes the smokefree 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/butts 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 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. Discuss what would help the person be able to comply and develop an action plan, which might include smoking cessation support.
- **Follow existing procedures** when following through with any lease violations. Typically a written warning letter to the resident is the first formal step. List all reported violations in the letter. Depending on your building’s continuum of procedures, subsequent violations may include referral to smoking cessation services, 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 management achieve improved compliance, with eviction only being the very last resort. Following a continuum of enforcement steps can connect residents with services to help them comply before the need arises for termination. Working to improve compliance can help to ensure both a healthy environment and housing security for residents.



More information is available from ANRF at www.no-smoke.org/homes.html or by contacting us at 510-841-3032 or anr@no-smoke.org.