

Smokefree Housing Enforcement Toolkit

It's Easier Than You Think

This toolkit was developed with generous contributions from Guardian Management LLC who led the way in adopting no-smoking policies.

Background: No-smoking policies are not targeting smokers. Their purpose is to protect the property from damage and fire danger, as well as to help protect all residents from secondhand smoke exposure. The overall goal is to provide a safe, clean, socially responsible living environment for all residents.

Steps to Communicate and Enforce the No-smoking Policy:

1. **Market** the no-smoking rule to prospective residents as an amenity. Make sure that “smokefree” or “no-smoking” is included in all advertising. Remember 70% of Oregon renters want a smokefree unit.
2. **Put the rule in writing** - Incorporate the no-smoking policy into the written lease through a No-Smoking Addendum or House Rules. Make sure all new and current residents are aware:
 - where smoking is allowed and where it is not
 - that the no-smoking policy applies to their guests too
3. **Post adequate signage** identifying the property/buildings as smokefree:
 - Obtain signage to print out yourself at smokefreehousinginfo.com (see examples on page 3.)
4. **Enforcement** - Most smokefree 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 violating the no-smoking policy like any other lease violation.

Lack of enforcement with one resident may hamper enforcement with future residents. Prompt, consistent action will send a clear message to everyone in your property that smoking is not allowed.





Common steps landlords can take to enforce the policy:

- a. 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.
- b. Follow-up the visit with a letter acknowledging the conversation and the outcome - see **Sample Friendly Warning Letter**.
- c. If the problem repeats, send a First Written Violation letter to the resident - see **Sample Violation Warning Letter**.
- d. Depending on the circumstances, another repeat violation may result in a final written violation letter.
- e. If the violation persists, issue a 30/14 Termination Notice (in Oregon).
- f. If the situation is remedied by the resident to avoid eviction but the smoking problem begins again within six months of the 30/14 termination process, an immediate termination can be issued.

Signage

Graphic files of these images to make your own signs are available at <http://www.smokefreehousinginfo.com/pages/Signs-smokefree%20property.html>



Sample Friendly Warning Letter

Apartment Name
Street Address
City, State, Zip
Pleasantville, OR 97008
Phone Fax

Date

Resident Name
Street 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 #48, 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. Failure to comply with your lease could result in eviction proceedings.

If you have questions or concerns, please contact me at 503-222-2222 or stop by the office.

Thank you for your cooperation in this matter.

Property Manager's Name
Title
Property Name
Management Company

Sample Violation Warning Letter

Apartment Name
Street Address
City, State, Zip
Pleasantville, OR 97008
Phone Fax

Date

Resident Name
Street 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. 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 503-222-2222 or stop by the office.

Thank you for your cooperation in this matter.

Property Manager's Name
Title
Property Name
Management Company