

Enforcement of No-Smoking Policies

Sometimes having a rule and communicating about it is not enough.

First, take action to PREVENT problems:

- Include “No-Smoking” in advertisements and listings.
- Spell out the terms of your no-smoking rules in the lease agreement. Make it clear that it includes residents and guests. Include a clause making residents financially responsible for returning the unit back to condition if they violate the policy by smoking in their units.
- Communicate clearly. Post signs in the building and throughout the property.
- Visit the properties regularly and perform inspections. Look for signs of smoking (ash trays, burn marks, stains). Document where tobacco odors are present inside the building.
- Link smokers ready to quit with free counseling services. Oregon Tobacco Quitline is 1-800-QUIT-NOW (784-8669). Find useful tools at www.smokefreeoregon.com/quit.



ENFORCE it as you would any other rule:

- Respond promptly and document all violations - Send a written notice to the resident stating that you have been made aware of violations to the no-smoking policy. Spell out what the consequences will be.

Keep written track of the specifics of each occurrence (when, where, what).

- Follow the guidelines of your lease. Your lease may require at least three written warnings or simply a 30-day notice to terminate.
- Eviction should always be a last resort; it is expensive and time-consuming. Property managers have offered the following suggestions to build evidence to support a case:
 1. If the person who witnessed the violation is able to testify in the eviction hearing, that is very strong evidence. Having signed letters (not anonymous) can work well too.
 2. If tobacco smoke is present but no one has witnessed the violation, you will need to build a case by documenting whatever you can such as complainants' names and details of when and where they smelled tobacco smoke.
 3. If you do a "knock and talk" and the resident opens the door and you smell smoke, document this. It can be presented as evidence.
 4. Notify the tenant 24 hrs in advance and do an inspection. If the unit smells of smoke, if you see ashtrays or evidence of smoking, document this.

FIND OUT how property managers enforce their policies -- on BACK

For an enforcement toolkit, go to www.smokefreehousinginfo.com
(click on Landlord Tools)

How Some Property Managers are Enforcing their No-Smoking Rules:

“We use a progressive discipline policy that starts with a verbal warning, a polite written warning, a more serious written warning and then a termination notice. We also use a colored flyer so when inspectors or maintenance find a smoking violation, they leave the flyer in the unit or hand it to them if they are home. A progressive policy is best. We also provide cessation information provided by our county health partners.”

Gary Calvert, Housing Services Asset Supervisor, Washington County Dept of Housing Services

“Once I smelled smoke through the front door of one of my rentals. I gave the residents a verbal warning on the spot and then sent a letter stating that this was the only warning I was going to give them, that the next time I found evidence of smoking, they would be out. I told them the rule applies not only to the renters, but also to everyone who visits them. I have had no further problems.”

Herb Neelund, Past President, Southern Oregon Rental Owners Association

“Enforcement of our non smoking policy is one of the trickier jobs our on-site managers face. They are put into a role of investigators trying to figure out what is going on behind closed doors. Some of their responsibilities include keeping an eye on the designated smoking areas to see who and who is not using them, communicating with those suspected of smoking to make sure they understand the rules, walking hallways during off hours and being prompt with violation notices. If the residents see the staff is taking it seriously, they usually will fall in line and follow the policy.”

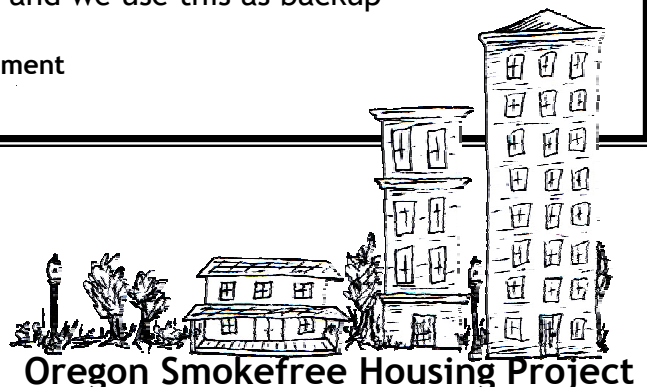
Joe Vennes, Portfolio Manager, REACH Community Development

“We implemented the non-smoking policy in phases, allowing the residents to quit gradually and giving them time to find the resources they need to stop smoking. Through this gradual process, we had 2 residents quit smoking within 2 months and several more who are currently working on gradually quitting altogether.

Todd Johnston - Executive Director, Northwest Oregon Housing Authority

“We have our painting or carpet cleaning company assess whether or not smoking has occurred. They are a qualified neutral third party and we use this as backup documentation.”

Amanda Clark, Portfolio Manager, Guardian Management



Oregon Smokefree Housing Project

Find more information and tools at www.smokefreehousinginfo.com

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