



SMOKE-FREE LIVING

Allen County Smoke-Free Housing Project

Enforcement Recommendations for Policy Violations

If you have a smoke-free policy in your multi-unit building, you are probably aware that these policies are generally self-enforcing and the stipulations are respected and followed by most of your tenants and guests. But what happens when a resident disobeys the smoke-free policy? Follow our recommendations for prompt, standardized enforcement of your smoke-free policy.

When a violation occurs (whether directly witnessed by staff or reported by others):

- *Gather evidence.* Look for signs of smoking, including stains on the walls, ash trays inside the unit and burn marks. Also, document where tobacco smoke odors are present inside the building.
- *Document the violation.* Anytime you, or another witness, report the presence of someone violating the smoke-free policy be sure to document the violation in a journal or record. In addition, note that if someone is violating one stipulation of the lease they are likely disobeying others. It is important to note any and all lease violations and enforce them promptly and consistently with each and every tenant.
- *Follow the guidelines of your lease.* If your lease requires at least three written warnings before contract termination, or simply a 30 day notice to terminate, be sure to follow the restrictions and provisions of your lease when following through with any lease violations.

Notice of Incident and Notice of Infraction Guidelines (see attached):

- *Notify tenants of violation.* With each infraction, send a Notice of Smoking Incident to the violator; a written notice that lets tenants know that you have been made aware that they have been noncompliant with your smoke-free policy.
- *Include all violations in your notice.* As mentioned, it is rare that a tenant violating the non-smoking policy is responsible for a single infraction. Fill out a Notice of Infraction documenting all lease violations of the tenant and submit a copy to them with written notice, keeping a copy for your records.
- *Move forward with an eviction.* Choosing to evict should always be a last resort option for landlords, regardless of violation. If you choose to move forward with the eviction process provide documentation of all infractions, not just smoking violations, made by the tenant(s) involved. Remember, evictions are both expensive and time consuming; friendly mediation should be attempted before any notice to evict is presented.

Source: Smoke-Free Housing Coalition of Maine



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