



Adopting, Implementing and Enforcing Smoke-Free Policies Tips for Landlords/Property Owners

Any policy that applies broadly to multi-unit housing facilities, especially living spaces, can face implementation and enforcement hurdles, and smoke-free policies are no different. Yet the experiences of hundreds of landlords and property owners indicate that smoke-free policies are relatively straightforward to implement and generally self-enforcing. This fact sheet provides suggestions that will make a transition to smoke-free easier for any multi-unit housing facility.

Prepare Everyone for Adoption of the Policy

Key to the successful adoption of a smoke-free policy is ensuring that all parties are prepared for the change. Some ideas that can assist in preparing persons include:

- *Presentations to residents, employees and managers.* Share with residents and on-site employees information about the severity of exposure to secondhand smoke. Explain the benefits of adopting a smoke-free policy, including a healthier environment, reduction in fire risk, and reduction in complaints between residents.
- *Surveys.* Resident surveys can help property management determine if the residents are ready for a smoke-free policy. Surveys can help managers gauge the level of support for the type of policy, e.g., all common areas, all units, outdoor spaces, parking areas, or the entire grounds, and also identify potential implementation or enforcement hurdles. In addition, surveys can help prepare residents for enactment of the policy.

Reinforce the Policy Through Documentation

Documenting a smoke-free policy and procedures will help in the implementation and enforcement process. For example:

- *Lease / rental agreements.* Written leases may not be required in all situations, but to ensure the enforceability of smoke-free policies, use a written lease addendum documenting where smoking is prohibited and the consequences of violating the smoke-free policy.
- *Record Violations.* If policy violations occur, the property manager or landlord should document each infraction. Forms can be used to report the violation to the offending resident, and to allow residents to report violations to management.

If a resident denies violating the policy, building a record supported by documentation will help the landlord. Written documentation will be especially helpful if eviction becomes necessary.

Enforce Every Violation of the Policy

If a violation of the smoke-free policy occurs, the landlord should follow the enforcement steps documented in the lease.

- *Enforce Consistently.* Enforce the policy regardless of the location of the violation—whether in a living space, common area, or outdoors. Enforce the policy whenever the violation occurs, not just seasonally. If the policy is not enforced consistently, tenants – especially new tenants – will assume the policy is no longer in effect as written.
- *Enforce Uniformly.* Enforce the violation against every resident who violates the policy, or allows a violation to occur in his or her unit. Enforce the policy against all tenants equally; do not play favorites. Do not enforce the policy only against individuals that generate a lot of complaints, or only against new residents. Also, ensure that employees of property management abide by the policy. If the policy is not being uniformly enforced, the court may find that the right to enforce the policy has been waived, or forfeited, by the property owner or manager.
- *Enforce the Policy in a Timely Manner.* Landlords should promptly take action against violators of the policy. A landlord's acceptance of rent after an un-enforced violation occurs can be viewed as a waiver of the landlord's right to enforce the lease for that type of infraction. As soon as an infraction occurs, take the enforcement steps documented in the lease. Be sure to follow the timeline specified in the policy and agreed to at the signing of the lease.

Resources:

Nevada Landlord Tenant Statutes: <http://www.leg.state.nv.us/nrs/nrs-118a.html>

Washoe County Legal Services; Commonly Asked Landlord Tenant Questions Revised August 2009: <http://www.washoelegalservices.org/>

NevadaLawHelp.org, Housing Topics: <http://tinyurl.com/3mdqcw6>