

TIPS on ENFORCEMENT

FOR NEW BUILDINGS

- 1. Smoke-free residence policies are generally self-enforcing, as long as all residents are clearly informed of the policies. Recent surveys of smoke-free apartment complexes have found that smoke-free policies have not required management to spend any additional time on building management. However, if you receive a complaint, you should act promptly, as you would if one of your residents had requested maintenance. The smoke-free addendum assigns this as an obligation of the Property Manager or Owner. If you fail to address concerns, other residents might start violating the smoke-free policies as well.**
- 2. Address the concerns of your residents in a timely manner. Resolution of problems in a timely manner will stop others from arising. If you take the obligation to enforce your policies seriously, residents are less likely to test the policies.**
- 3. Try to resolve all disputes amicably. If the policy is violated, issue three written warnings before proceeding with eviction procedures. Have the resident sign these warnings and return them to you in order to create a written record of your attempts to resolve this issue.**
- 4. Uniformly and promptly enforce your policies. Some courts have held that an unwillingness to enforce a policy (such as a pet policy) may constitute a waiver of that policy and bar subsequent enforcement.**
- 5. Include a provision in your lease stating that waivers can only be made in writing. This will further support you in the event one of your residents argues that the smoke-free policy has been waived due to a lack of prior enforcement.**

FOR EXISTING BUILDINGS

- 1. Smoke-free residence policies are generally self-enforcing as long as all residents are clearly informed of the policies. Recent surveys of smoke-free apartment complexes have found that smoke-free policies have not required management to spend any additional time on building management. However, if you receive a complaint, you should act promptly, as you would if one of your residents had requested maintenance. The smoke-free addendum assigns this as an obligation of the Property Manager or Owner. If you fail to address concerns, other residents might start violating the smoke-free policies as well.**
- 2. If a problem arises involving a resident whose lease does not yet contain the smoke-free clause, kindly ask the resident to smoke outside or ventilate the residence while smoking indoors. You can also take measures to insulate the smoking and nonsmoking residents' units in order to restrict transfer of secondhand smoke from one unit to another.**
- 3. If necessary, attempt to relocate residents who smoke in their unit to a separate part of the building in order to prevent secondhand smoke transfer. You may have to offer incentives in order to get agreement to move. You can also let residents who are concerned about secondhand smoke know that you're working on a smoke-free policy that will help address their concerns.**
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- 6. Uniformly and promptly enforce your policies. Some courts have held that an unwillingness to enforce a policy (such as a pet policy) may constitute a waiver of that policy and bar subsequent enforcement.**
- 7. Include a provision in your lease stating that waivers can only be made in writing. This will further support you in the event one of your residents argues that the smoke-free policy has been waived due to a lack of prior enforcement.**