

# Smoke Free Housing: A Toolkit for Lincoln County Landlords 2016



*“As a landlord, you not only have the legal right to adopt a smoke-free policy, but the law gives you the ability to enforce this policy as you would any other lease clause.”*

*G. Steven Rowe, Former Maine Attorney General*

## **Tips for:**

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## **Smoke Free Housing Overview:**

Video Introduction for Property Managers

<https://www.youtube.com/watch?v=iZ6Uyw3xOL4&feature=youtu.be>

Online Resources

<http://www.smokefreeforme.org/>

<http://portal.hud.gov/hudportal/documents/huddoc?id=SMOKEFREEACTIONGUIDE.PDF>

<http://portal.hud.gov/hudportal/HUD?src=/smokefreetoolkits1>

<http://www.slideshare.net/breatheeasy/sample-lease-with-smokefree-house-rules>

<http://www.slideshare.net/breatheeasy/sample-letter-to-tenant-and-lease-provision-language-for-smokefree-property>

<http://www.slideshare.net/breatheeasy/model-smoke-free-policy-for-ph-as>

<http://breatheeasymaine.org/>

## Policy Change Tips

New Buildings: Establishing a smoke-free policy should be relatively easy in a new building, as your tenants will have no pre-existing expectations:

- Advertise your units as smoke-free, consider [MaineHousingSearch.org](http://MaineHousingSearch.org) and their free registry with a smoke-free icon and search option.
- Include smoke-free provisions in your lease/rental agreements.
- Post “Smoke-free Area” or “No Smoking” signage in designated areas.
- Educate employees on how to field questions regarding the building’s smoke-free policy.

### Existing Buildings: Phase-In

With an existing building, you may find it easier to “phase in” the changes.

After you have decided to go smoke-free:

- Install “Smoke-Free Area” or “No Smoking” signage in designated areas.
- Remove ashtrays and place receptacles for smoking materials a reasonable distance (or whatever your policy entails, such as “25 feet from all buildings”) from facility entrances together with applicable signs.
- Discuss your decision with tenants and look to get their support.
- Announce the change to all tenants in the form of a letter. Require tenants to sign a copy stating their intent to comply with the new policy. For existing tenants, their understanding and acceptance of the policy will begin upon renewal of their individual leases, which are updated with the new smoke-free lease language.
- Educate employees on how to field questions regarding the building’s smoke-free policy.
- Provide your maintenance staff with proper equipment such as door sweeps and caulking materials to temporarily deal with migrating smoke until the phase-in of the policy is complete or if only a portion of the building is going smoke-free.
- Promote your smoke-free status, consider [MaineHousingSearch.org](http://MaineHousingSearch.org) and their free registry with a smoke-free icon and search option.

For more information contact Healthy Lincoln County at 563-1330.

## **Policy/Lease Language**

To help ease your transition to smoke-free apartment buildings and condominiums, model lease language is available for you to discuss with your legal counsel for possible inclusion in your new or renewal leases.

This language can be used in the following ways:

- It can be used to help write a smoke-free building policy.
- The language can be added to the lease.
- For condominiums, the language can be added to the Conditions, Covenants, and Restrictions (CC&Rs) and implemented immediately or at a specified future date. Adopting a Lease Provision or Lease Addendum Depending on the language and standards of your lease, you can adopt a smoke-free policy in as little as 30 days. If you have a standard lease where changes can only be made at the time of renewal, you must follow this contract stipulation. If you have included in your lease a provision allowing you to amend the lease with as little as 30 days' notice you may. Remember, smoke-free policies are like any other policy change and should be treated the same as if you were amending requirements around such policies as trash disposal, pets or rent payment. If you have a month-to-month lease (or rental agreement) you must give at least 30 days of the new lease (i.e. the original lease with the new smoke-free policy included). If you do not have a written lease or rental agreement ('tenancy at will') you may change the tenancy with 30 days' notice, thus creating a new tenancy. If you are in public housing or government-subsidized housing you made adopt a smoke-free policy at the time the lease is renewed, with at least 30 days' notice.

## **Model Signage**

Once you have decided to go smoke-free, tell the world! These signs are an easy way to present your smoke-free property and units in a professional way.

They catch the attention of renters seeking smoke-free living, and help remind existing tenants of the new smoke-free policy and designated areas.

Landlords may send an email to [BreatheEasy@portlandmaine.gov](mailto:BreatheEasy@portlandmaine.gov) to request the above items.

For more information contact Healthy Lincoln County at 563-1330.

Items are free to landlords, property managers, and other housing professionals with buildings maintaining a written, 100% smoke-free policy.

Item availability is limited to one static cling decal per common entrance, one magnet and/or key chain per unit.

### *Printable Signs*

Below is 8 1/2 x 11 signs available for landlords and property managers to print and post on their smoke-free buildings and properties. Some versions available in aluminum by request, in 18 x 22 and 9 x 12 formats. There is a maximum of one sign per 10 units and a maximum of four signs per building. They are available while they last.

To order FREE “This is a Smoke-Free Area” signs from a Partnership For A Tobacco-Free Maine, [click here](#).

### **Talking To Tenants**

As you’re implementing a smoke-free policy, it is best to have a clearly organized communication plan for talking with your tenants. Here are some helpful ideas: -Host information sessions about the upcoming change. You can use the PowerPoint presentation provided to help tenants understand the new smoke-free policy.

- Let your tenants know when and where smoking will be allowed (if at all). Plan to post “Smoke-Free” or “No Smoking” signs accordingly.
- Explain the new smoke-free lease language. Highlight and discuss the reasons why this new policy is going into effect. Give your tenants an opportunity to ask questions.
- Tell your tenants when the policy will go into effect. Remind them that the most important reason for the policy is to prevent exposure to secondhand smoke. Use our [sample letter to tenants \(Word document version\)](#) to send them a formal reminder.
- Check back in with your tenants just before the policy goes into effect and afterward. There may be an occasional conflict between tenants that needs to be resolved. You will assure that people will follow the policy if you address any infractions early.

For more information contact Healthy Lincoln County at 563-1330.

## **Tips for Enforcement**

You aren't telling people to quit smoking. The purpose of the policy is to protect your property from damage and fire danger. When implementing a policy, remind tenants that this policy has been adopted to help protect all tenants, including people who smoke, from secondhand smoke exposure.

Include smoke-free policies as part of your lease or house rules. New tenants should initial each paragraph of the lease, including that which prohibits smoking on your property. Make sure that your tenants are aware of the consequences for violating the lease or house rules and that smoking by guests is also prohibited.

Ensure that you have adequate smoke-free signage. Make sure you have the tools to remind your tenants, and their guests, of your smoke-free policy. If your building is 100% smoke-free, the Smoke-Free Housing Coalition of Maine can provide you with window decals, signs, key chains and magnets at no-cost.

Smoke-free policies are self-enforcing. Your tenants are your greatest allies. If a tenant complains about smoking in your units, try to resolve the issue amicably and in a timely fashion.

Smoking can be costly to tenants, too. Let tenants know that violating the building's smoke-free policy may result in loss of their security deposit. Cleaning and maintain a unit where tenants smoke is very costly. Make your tenants aware that they will be held financial responsible for violating the policy.

Treat smoking like any other lease violation. Smoking violations are just like any other. How would you respond to a noise complaint? Pet complaint? Inappropriate disposal of garbage? A smoke-free policy needs to be addressed, enforced, and respected the same as other house rules and lease provisions.

Be prompt, uniform and consistent. Lack of enforcement with one tenant may hamper enforcement with future tenants. Prompt, consistent action will send a clear message to everyone in your building that smoking is not allowed.

Smoking is seldom the only violation. A tenant who breaks one lease condition is likely breaking others. If you come to a point where you need to evict, be sure to include all lease violations in your eviction notice, including all instances of recorded smoking violations.