

How to implement a smoke-free rule in your building

Property managers and owners who have implemented smoke-free rules report that they are easy to implement and easy to enforce. Follow these steps:

STEP 1 Develop the Smoke-Free Rule

Deciding what the policy will include and when it will take effect, and then writing or obtaining lease language that reflects these decisions. Your rule can apply to the entire property, including indoor common areas, individual units, private outdoor areas and outdoor common areas. [Sample lease addendums](#) can be found on the BreatheND.com website.

A rule that covers the whole property will have the biggest impact on reducing cleaning and repair costs, reducing fire risk and making the building healthier for residents. It is also the easiest rule to enforce because there are no exceptions. A comprehensive rule should also specify that it pertains to residents' guests, security and maintenance workers, and other visitors to the property. If you cannot go smoke-free on the entire property, an alternative includes a smoke-free rule for all units and indoor areas.

Involve residents in the rule-developing process. Some landlords conduct a survey of their residents to find out how many would prefer to live in a nonsmoking building, how many already prohibit smoking within their own units, how many are affected by a neighbor's smoke entering their unit and also to learn more about residents' special health conditions and concerns. See sample survey [here](#).

STEP 2 Educate Your Residents

Once you have developed the smoke-free rule, take time to educate residents. More than anything else, getting residents to understand why you are going smoke-free will help with compliance. Let residents know that your concern about smoking in the building led to the development of this rule. Point out the many benefits of going smoke-free, highlighted in this guide. One way to inform residents of the smoke-free rule is to send out a letter or notice that includes:

- What the rule covers
- Reasons for the rule (reducing fire risk, improving health, protecting property units, etc.)
- Effective date
- Resources for quitting smoking
- Once the letter has circulated, you may want to present this information at a resident meeting where you can address questions and concerns in person. Consider inviting both smoking and nonsmoking residents to help you develop an implementation strategy and set a date for going smoke-free.

STEP 3 Implement the Rule

How you implement a smoke-free rule will depend on the type of leases you have in your building.

New leases:

For residents who move in on or after the effective date of implementation, include the smoke-free rule in all new leases.

Current leases:

Many landlords add the smoke-free rule when a lease expires, during lease renewal. The no smoking clause can be added sooner if a resident voluntarily agrees to a lease change before his or her lease expires. For rent-stabilized units, residents renewing their leases must voluntarily agree to the no-smoking rule.

A smoke-free rule can be easily implemented when opening a new building or when re-leasing a unit that has just been renovated.

Talking to Tenants: A Few Points

- The indoor air quality will be better and protect everyone—residents, staff and pets—from exposure to secondhand smoke and the illnesses caused by exposure.
- Nonsmokers will be better protected and those who want to quit will have an easier time.
- The air will be more pleasant to breathe indoors.
- The safety of residents and families will be enhanced due to a lower risk of a fire.
- People who smoke are welcome, but will have to comply with the building's no-smoking rule.
- This is a no-smoking rule not a no-smoker rule.
- Lower maintenance costs may help management keep rental costs and common charges stable.

Is a Smoke-Free Rule Legal?

It is legal to prohibit smoking at your properties, inside and outside of the building. It is your property and you have the right to set reasonable rules to protect it and the health of your residents. It is not discrimination to prohibit smoking. Smoking is not a disability and smokers are not a protected class. Keep in mind a “no- smoking” rule is not a “no-smoker” rule; residents who smoke can smoke at locations off the property.

STEP 4 Enforce the Rule

A smoke-free rule is just like any other rule you enforce.

Here are some tips to help residents comply:

- Advertise the units as smoke-free to attract residents who want a smoke-free home environment. Talk to prospective residents about the rule when showing the property.
- Post signs in the building and on the property, indicating it is smoke-free.
- Remove all ashtrays and clean up any tobacco litter.
- Respond quickly and consistently to violations.
- Use the same warning/enforcement methods for smoking rule violations as you use for any other violation.
- Inform residents that if they smoke in places where smoking is prohibited, they will be in violation of their leases and will be subject to the consequences agreed upon.
- Provide smokers who are interested in quitting with information on how to quit smoking.