



Enforcement Recommendations for Addressing Smoke-Free Housing Policy Infractions

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 policy.

Visit www.BreatheEasyMaine.org for additional information.

- **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 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 notifies tenants 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; amicable mediation should be attempted before any notice to evict is presented.

The information contained in this document and provided by Breathe Easy and the MaineHealth Center for Tobacco Independence is for informational purposes only and is not offered, or intended to be, and should not be construed to be legal advice nor to be a substitute for obtaining legal advice from a licensed attorney.

Sample Notice of Smoking Incident

Property/Address: _____

Date: _____

Resident/Leasee: _____

Unit # _____

Incident # _____

This notice is to inform management of _____ (address/development) of the following smoking-related incident:

Description of Incident

1. Smoking coming into rental unit
2. Smoking observed in indoor common area
3. Smoking observed in outdoor area (if prohibited)
4. Smoking observed in other rental units
5. Other: _____

Remarks/Detailed Description:

Please submit this form to the rental office/landlord.

Tenant Signature

Date

Landlord/Management Signature

Date

Staff Use Only

Date of Review: _____

Reviewer(s): _____

Follow-Up: _____

Sample Notice of Infraction

Property/Address: _____

Date: _____

Resident/Leasee: _____

Unit # _____

Please be advised that we have recorded one of the following incidents in your tenant record:

1. Infraction of property regulations described in the Rules & Regulations
2. Violation of term(s) of your lease

One of the above was committed on _____ (date) by:

____ You, _____ Your child/children, or _____ a visitor or guest of your apartment.

Description of Incident:

1. Destruction of property
2. Disturbing or harassing other residents
3. Excessive noise from your unit
4. Drunk and disorderly
5. Illegal activities on the premises
6. Failure to maintain unit in clean and sanitary condition
7. Smoking in unit/building (interior)
8. Smoking in unauthorized outdoor areas
9. Leaving garbage, trash or other obstruction in public areas
10. Allowing unauthorized persons to live in the unit
11. Failure to allow landlord or their agent to enter the unit
12. Alteration or addition to property not authorized by landlord or their agent in writing
13. Installation of appliance without written consent of management
14. Breach of building security
15. Other: _____

Remarks:

**Failure to comply with your lease terms or with the Rules and Regulations may
be cause for termination of your lease.**

If you have any questions regarding this matter, please call or stop by the rental office.

Tenant Signature

Date

Landlord/Management Signature

Date