

# 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 [BreatheEasyMaine.org](https://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 a journal or record. Often 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 smoke-free 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.



**Smoke-free area policies change the social norm and promote smoke-free living.**

**BREATHE EASY**

REDUCING SMOKE EXPOSURE IN MAINE

[BreatheEasyMaine.org/Housing-Toolkit](https://www.breatheeasymaine.org/Housing-Toolkit)



**MAINE  
PREVENTION  
SERVICES**

Maine Center for Disease Control & Prevention  
Department of Health and Human Services

# 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

- Smoking coming into rental unit
- Smoking observed in indoor common area
- Smoking observed in outdoor area (if prohibited)
- Smoking observed in other rental units
- 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
- A visitor or guest of your apartment

**Description of Incident:**

- Destruction of property
- Disturbing or harassing other residents
- Excessive noise from your unit
- Drunk and disorderly
- Illegal activities on the premises
- Failure to maintain unit in clean and sanitary condition
- Smoking in unit/building (interior)
- Smoking in unauthorized outdoor areas
- Leaving garbage, trash or other obstruction in public areas
- Allowing unauthorized persons to live in the unit
- Failure to allow landlord or their agent to enter the unit
- Alteration or addition to property not authorized by landlord or their agent in writing
- Installation of appliance without written consent of management
- Breach of building security
- 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