

Presented by:

Comprehensive Health
Education Foundation
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Pacific Northwest Regional
Council of NAHRO

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Health

The Case for Uniform, Effective Enforcement of a No Smoking Policy

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Enforcement of a No Smoking Policy



These are difficult times for LHAs in terms of funding & staff capacity, however enforcement of adopted policies, especially a no smoking policy, is critical.

- Consistent vs. selective enforcement
 - Tenants may ignore policies or feel that it is being unequally applied?
- Don't create grounds for a complaint re: failing to exercise due diligence
 - A policy unenforced results in unfulfilled expectations
- Dangers of smoking in residential settings
 - A safe living environment is greatly enhanced by no smoking policies
- Health, safety, and sustainability
 - Landlord's fundamental obligation is a safe living environment

Enforcement of a No Smoking Policy



Won't enforcing a no smoking policy create a huge work burden for our limited staff coverage?

Initially there will be more work & some smokers will resist, but:

- Most agencies have not found it to be onerous or out of proportion to the benefits that begin to accrue
- Turnover of smokers is not necessarily greater (92% of landlords said no increase in smoker vacates)
- After initial implementation, tenants are generally compliant even though some do so grudgingly (75% of landlords said policy was “easy” or “very easy” to enforce)
- The majority of tenants are non-smokers and:
 - Will assist with compliance by their neighbors
 - Will readily report violations
 - Will quickly be pleased with the newly achieved absence of second-hand smoke

Enforcement of a No Smoking Policy



D.D., a Spokane area landlord with Section 8 tenant-based voucher renters said:

“...the benefits [of a no smoking policy] far outweigh the initial inconvenience. It saves a ton of money in rehab when people who smoke move out. You don’t have to paint, clean the curtains, tear up & replace the carpets because of the smell that accumulates over the years.”

Enforcement of a No Smoking Policy



J.L., a Tacoma area landlord with Section 8 tenant-based voucher renters adopted no smoking policies for all of his properties & said:

“ I am sure there are violations. People resent being told what to do, but I don’t recall a real set-to with someone over it (his no smoking policy).”

Presenter:



Bill Cook

- Director of Property Management, King County Housing Authority

Fundamentals of Enforcement



- Enforcement begins with consideration of a no smoking policy, and the steps taken to adopt it. How & what you do prior to adoption & implementation will set the context in which your staff must enforce the policy.
- Consistent, uniform enforcement will be affected by how staff and tenants were included in the process in the beginning, and if their input was valued.
- An inclusive process sends the message to staff and tenants that while a no smoking policy may personally inconvenience them, the landlord is concerned about their well-being and minimizing the impact of the changes.

Fundamentals of Enforcement



A comprehensive policy review/adoption should include at a minimum:

- Open, transparent communication
- Preliminary notices
- A survey/focus groups & tenant meetings where results are shared
- Clear notice of important dates (board review & consideration, effective date with more than required notice (90-120 days)
- Implementation on the effective date
- Amending house rules, requiring lease addendums, and/or new leases
- Staff who can (and will) explain/promote the policy including reasons, impact, consequences
- An effort to bring cessation services on-site if possible
- Mitigation of issues for tenants with special needs (“you must comply with the policy but let’s see what we can do to make it easier for you?”)

Fundamentals of Enforcement



If you have a thorough & transparent process, tenants are less likely to be “put-off” and more likely to comply with the policy even though they may be committed smokers.

Fundamentals of Enforcement



S.S., with a large Seattle non-profit housing organization, said:

“ Because of our year-long lead-up to the policy, residents had time to get used to the idea of going smoke-free and to avail themselves of the opportunity to quit. ...when the date arrived, implementation went smoothly. We have had relatively few issues with the policy since then. We have not evicted anybody for smoking violations and have issued only a few 10-day notices. The results have been worthwhile. We do not have the same risks of fire, cigarette burns to carpets & vinyl, expensive unit turns, and residents are happy to be living in housing with a no smoking policy.”

Fundamentals of Enforcement



Steps to minimize enforcement efforts

- Make certain all tenants had an opportunity to learn about the policy & that you reached as many as possible through meetings, notices, written explanations, etc.
- Revise all leases, addendums, occupancy policies to include the no smoking policy (make sure every tenant signs the current, correct versions)
- Respond promptly to complaints & take reasonable, progressively more serious steps as in any compliance action
- Inform all tenants that smoke/burn damage from non-compliance will be charged to them during tenancy or at vacate (smoke/burn damage is no longer fair wear & tear)

Fundamentals of Enforcement



Steps to minimize enforcement efforts

- Visit/inspect units on a regular basis to insure the no smoking rule is being observed and other obligations of tenancy as well.
- Advertise the property as NO SMOKING. This enhances expectations.
- Install permanent signage that is not easily removed (make it positive); if removed or defaced replace promptly.
- Provide a smoking shelter at least 25 feet away from the building where smokers may smoke safely (if the property layout and budget permits it).

Barriers to Enforcement



Housing authorities that have adopted no smoking policies have experienced some of the following barriers to compliance:

- Limited staff capacity; coverage of properties is minimal making enforcement necessarily sporadic.
- Smoking is addictive; it's difficult to quit even when someone wants to
- Hard to tie complaints to specific tenants
- False complaints about smoking
- Some tenants will defy the policy & continue to smoke
- Reasonable accommodations may be received but are not likely apply to smokers.

Barriers to Enforcement



So what can you do?

- **Capacity?** *Do the best you can and don't ignore violations.*
- **Addictive?** *Seek resources to help tenants quit.*
- **Violations hard to pin-point?** *Spend enough time to focus on the most problematic cases first. Evidence eventually proves the non-compliance.*
- **False complaints?** *A tough one, but address them just like other unfounded claims.*
- **Defiance?** *Enforce the policy fairly, uniformly, and with compassion, but ENFORCE it and make an example if needed.*
- **Reasonable accommodations?** *Address every request according to your policies using an interactive process. Smoking is not a protected behavior but be creative and look for alternative solutions?*

Presenter:



Sarah Van Cleve

- Housing Director, Bremerton Housing Authority

Enforcement – Dealing with Violations



Use normal lease enforcement procedures

- Follow procedures to the letter
- Be “crystal clear” about expectations of compliance
- Enforce no smoking policy just as all other rules; consistently & timely
- Document & respond promptly to all complaints
- System of warning notices customized to no smoking violations
- Try to “fix” violations early on rather than letting them drag out

Enforcement – Dealing with Violations



Hold tenants financially responsible for correcting smoke/odor/burn damage caused after the no smoking policy is adopted.

- An effective way to improve compliance is to impact the “pocketbooks” of smokers who violate the policy
- May need “baseline” inspections (with photos) of smokers’ units

Enforcement – Dealing with Violations



Exceptions

- Strict enforcement is required, but remember the characteristics of your tenants and the addictive nature of tobacco use
 - Find a way to be fair & compassionate and still achieve compliance
- If you make an exception for one, be prepared to do the same for everyone so make certain the variance is worth it!
- “DWYSYWD” (do what you said you would do) for all.

Enforcement – Dealing with Violations



Try to enlist non-smokers (*usually the majority of tenants*) in indirect compliance efforts

- Encourage credible tenants to report valid violations
- Get tenants to help make sure no smoking signage stays up
- Encourage tenants to talk about the benefits of a no-smoking buildings to peers & outsiders

Enforcement – Dealing with Violations



Consider a “re-training” program for staff; especially if it’s been a while since adoption

Discuss improvements

- Absence of second-hand smoke
- Fewer fires/less burn damage to units
- Better curb appeal
- Latest news on smoking & health issues
- Share success stories of those who quit

Enforcement – Dealing with Violations



Renew efforts to introduce quit smoking classes or self-help support groups to reduce the number of smokers

- Tobacco cessation increases dramatically in properties with no smoking policies
- Find ways to support those who can quit
- Health Department no smoking program cut-backs make this harder, but there are still resources
- WA State Quit Line is still operational (1-800-QUIT-NOW)
www.quitline.com

Enforcement – Dealing with Violations



Be innovative to encourage compliance

- Promote the “sub-culture” of a healthy building & living
 - Distribute/post flyers on dangers of smoking
 - Include short articles in tenant publications
 - Offer incentives that are meaningful yet stay within the budget
 - Renovate units that have been smoked in
 - Sponsor group activities; provide coffee, cookies, meals?
 - Encourage a “former smokers” support group

Enforcement – Dealing with Violations



There will be cumulative savings for buildings where smoking no longer occurs.
Try to calculate the savings and share a percentage with residents

- Ice cream social or other social event
- Equipment for a community room
- Catered meal and speaker
- Drawing for a unit renovation
- Other?

Seek out resources from the private sector to help underwrite your ideas?

Enforcement – Dealing with Violations



Shelters for designated smoking areas

- Shelters are simply not feasible at some sites
- Experience with shelters has been mixed
 - At some sites they have been a maintenance drain and have attracted problematic non-residents
 - In other instances they are appreciated and properly used which reduces the incidence of smoking violations in the building
- Bottom line? If you can afford a shelter & have a place to properly locate it, it may make compliance easier.

Presenter:



Teri Anania

- Executive Director, Island County Housing Authority

Experiences From Agencies Where No Smoking Policies Were Adopted



ISLAND COUNTY H.A.

Adopted a no smoking policy in 2005:

- Elderly tenant refused to comply
- H.A. did everything they could to achieve her compliance
- All efforts failed & an eviction notice was served
- Superior Court issued a Writ of Restitution
- Ex. Dir. reports almost no compliance issues since the eviction
- Small agency & perhaps the message was received by all smokers?

Experiences From Agencies Where No Smoking Policies Were Adopted



KING COUNTY H.A.

- Made repeated unsuccessful efforts to have a tenant comply with the no smoking policy
- An improperly extinguished cigarette resulted in a fire hospitalizing the tenant & \$15,000 in damages
- The tenant was evicted

BREMERTON H.A.

- An elderly tenant fell asleep in bed with a cigarette causing a mattress fire, setting off alarms & sprinkler
- Sprinkler put out the fire and saved tenant from serious injuries
- Sprinkler also minimize property damage
- The tenant was evicted

Experiences From Agencies Where No Smoking Policies Were Adopted



SPOKANE H.A.

- Had a 90-year old tenant who had smoked her entire life
- Tenant refused to quit; woke up in the night and needed a cigarette to go back to sleep
- Neither she nor the H.A. wanted her outside during the night smoking, but they did not want to make a policy exception
- Convinced her to use a nicotine patch before retiring which controlled her tobacco cravings
- Tenant has since almost quit smoking (3-4 per day)

...What About Marijuana?



This webinar would not be complete without comments on marijuana.

1. Yes, it is now legal in Washington. So is tobacco & landlords may impose rules against smoking tobacco in their rental premises!
2. Be sure your lease addendum, lease, rental agreement, rules of occupancy specifically **excludes smoking tobacco & marijuana**
3. But I need marijuana for medical purposes & I have a prescription/card?
 - a. In federally subsidized properties, it does not matter. You can prohibit it anyway
 - b. There are other ways to get it into your body including manufactured, synthetic versions
 - c. We don't care if you use marijuana for medical purposes or not, as long as you don't smoke it in our property.

Be clear that your concern is for the safety of other tenants and your property!!!

Enforcing a No Smoking Policy is one of the most important management functions



Your fundamental obligation as a landlord is to provide a safe living environment

- If one tenant smokes in your building, second-hand smoke makes that impossible

In the times of difficult funding, it is essential that every possible economy is employed

- Eliminating smoking introduces cumulative savings that will keep costs down

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Thank you for participating in this webinar.

Your written feedback about its value to
you and your agency may be sent to

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Questions?

**SMOKE-FREE
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