

Enforcement Tips

New Buildings

1. Smoke-free residence polices usually take care of themselves, as long as all residents know about them. Because residents expect and tend to prefer a smoke-free environment, they will abide by the policy. If you get a complaint, you should act right away, just as you would if one of your residents had a maintenance problem. Enforcing the smoke-free policy is the job of the Property Manager or Owner. If you don't act on the problems quickly, other residents might start violating the policy too.
2. Act on resident's' concerns quickly. The sooner you act, the less likely it will be that more will come up. If you enforce your policy seriously, residents are less likely to test the policy.
3. Try to work out all problems in a friendly manner. In Utah, if your resident violates your no-smoking policy, you would give him/her a three day comply or vacate notice. If the resident continues to violate your no-smoking policy, you can evict him/her.
4. Enforce all your policies in the same way. Some courts say that an unwillingness to enforce a policy (such as a pet policy) may constitute a waiver of that policy and keep you from enforcing the policy in the future.
5. Include a provision in your lease that says waivers can only be made in writing. This will further support you in case one of your residents argues that the smoke-free policy has been waived due to a lack of prior enforcement.

Additional Tips for Existing Buildings

1. If a problem comes up that involves a resident whose lease doesn't yet contain the smoke-free clause, kindly ask the resident to smoke outside or ventilate the residence while smoking indoors. You can also take measure to insulate smoking and non-smoking residents' units in to reduce the transfer of secondhand smoke from one unit to another.
2. If necessary, try to move residents who smoke in their unit to a separate part of the building in order to prevent secondhand smoke transfer. You may have to offer incentives in order to get those residents to agree to move. You can also let residents who are concerned about secondhand smoke know that you're working on a smoke-free policy that will help address their concerns. In the meantime, you can refer residents to the Utah Smoke Free Housing website at <https://tobaccofreeutah.org/smokefree-housing-worksites/#residents> for tips on how to keep secondhand smoke from entering their apartments.