



Smoke-Free Policy Compliance and Enforcement FAQ

A Guide for Minnesota's Public Housing Providers

Thoughtful planning and preparation before and during the implementation of a smoke-free policy will improve compliance and reduce the need for enforcement. This FAQ is a supplement to *Live Smoke Free's* "Promoting Smoke-Free Policy Compliance" handout and is intended for public housing agencies (PHAs) implementing a smoke-free policy in compliance with the United States Department of Housing and Urban Development's (HUD) smoke-free housing rule.

Q: Can a PHA use smoking monitors to detect if a resident is smoking inside his/her unit?

A: There are several passive nicotine monitors available that may help PHAs identify when smoking has occurred. However, Live Smoke Free cannot attest to their efficacy or recommend a particular brand. Keep in mind that other in-unit factors can impact the efficacy of passive nicotine monitors. There are also less intrusive ways to promote compliance and successfully enforce your policy. If a PHA chooses to use passive nicotine monitors, compliance with Fair Housing laws must be taken into consideration. For example, placing monitors in every unit rather than just some may be a better practice. For more information, visit: <http://mysmokefreehousing.org/word/DevicestoDetectSmoking.htm> or <http://repace.com/>.

Q: Have there been any eviction cases in Minnesota due to smoke-free policy violations?

A: In rare instances, public housing residents in Minnesota have faced eviction due to failure to comply with a smoke-free policy. In many such cases, the resident was evicted for a variety of lease violations, not limited to smoking violations. In some cases, leases have been terminated due to smoking violations before reaching eviction stages. PHAs should use a graduated enforcement approach and work with residents to comply before terminating a lease or evicting for smoking violations. HUD states in its rule that "[t]ermination of assistance for a single incident of smoking, in violation of a smoke-free policy, is not grounds for eviction."

Q: Does enforcement of this rule put residents at greater risk of homelessness?

A: HUD's goal is to provide "safe, decent, and sanitary housing for vulnerable populations nationwide". A graduated approach to enforcement of the smoke-free rule is recommended so that each resident has adequate support and opportunity to comply with the rule. Eviction, while a possibility, will ideally only occur in rare instances.

Q: If a PHA posts signs, are they required to be posted in multiple languages?

A: It is recommended that PHAs use translators and translated materials whenever possible and appropriate. According to HUD, signs must be accessible to all residents and visitors, and must be posted in multiple languages if appropriate for residents of the PHA, in accordance with HUD's current guidance on limited English proficiency.

Q: Can a PHA ask prospective residents if they smoke?

A: HUD has issued guidance stating that PHAs may **not** ask prospective residents if they smoke or keep separate waiting lists for smokers. However, PHAs must inform prospective residents of the building’s smoke-free policy. PHAs may also wish to promote their smoke-free status as an amenity on advertisements and promotional materials to inform prospective residents.

Q: How can a PHA enforce this policy in a positive manner without being seen by residents as the “smoking police”?

A: It is important to consistently use positive messaging when discussing and enforcing a smoke-free policy. Emphasize that the policy makes the community healthier, cleaner, and safer. Focus messages on the smoke, not the smoker. Regularly thank residents for compliance with a written or verbal “thank-you” to help frame your enforcement approach in a positive way.

Q: What are some strategies to help individual residents comply with a smoke-free policy?

A: Some residents may find it easier to comply with the rule if:

- Management provides additional reminders or signage inside the unit.
- The resident has easy access to free nicotine replacement therapy (e.g. patches, gum, lozenges, etc.) to help them get through cravings when they can’t or don’t want to go outside. Free resources are available from QUITPLAN® Services at www.quitplan.com or 1-888-354-7526.
- The resident is allowed to move to a unit that is closer to building entrances.
- Management agrees to paint or clean the unit. This encourages the resident to smoke outside in order to keep their unit fresh and clean.
- Management assists the resident in developing a buddy system for a resident who can’t or doesn’t want to go outside alone. A buddy system can also benefit a resident who is at home alone with a child and needs a friend to babysit.
- See *Live Smoke Free’s* “Promoting Smoke-Free Policy Compliance” for additional tips.

Q: Who can I contact to request additional assistance?

A: Contact Live Smoke Free at info@mnsSmokeFreeHousing.org or 651-656-3005 for additional assistance. Depending on your geographic location, we may connect you with a partner who can provide local assistance.

More information available at:

www.sfpublichousingmn.org

https://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/smokefree.

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