

# Non-Smokers' Rights Association Smoking and Health Action Foundation

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## How to Implement a No-Smoking Policy for a Multi-Unit Dwelling: A Protocol for Condominiums and Housing Co-operatives

The steps that follow are guidelines only. Depending on the size and nature of the condominium/co-operative, as well as on applicable provincial or territorial law, the route to a no-smoking policy will vary. In addition, there is typically more than one mechanism available. For example, in Ontario a prohibition on smoking in private condominium units could be achieved by amending the declaration or by instituting a no-smoking bylaw or rule. However, regardless of the type of corporation or the method by which it is achieved, a no-smoking policy is a win-win situation—reducing costs and improving the indoor air quality for the residents who live there.

### Step 1: Do your homework

- Talk to your neighbours and other residents in the building to find out who else is experiencing second-hand smoke infiltration. This is crucial. It is all too easy for a lone resident to be singled out and made into the problem simply for raising the issue of involuntary exposure to second-hand smoke. However, a board of directors or a property management company will have a much more difficult time dismissing a group of reasonable, concerned residents.
- Collect and document as much information as possible about the number of residents affected, where the smoke seems to be infiltrating units, and the impact on the health and well-being of people. Visit Smoke-Free Housing Ontario for a sample log sheet:  
[www.smokefreehousingon.ca/cms/file/sample\\_resident\\_log.pdf](http://www.smokefreehousingon.ca/cms/file/sample_resident_log.pdf)
- Inform yourself about the dangers of exposure to second-hand smoke and the benefits of a no-smoking policy. Visit Smoke-Free Housing Ontario for more information: [www.smokefreehousingon.ca/sfho/condominiums-exposure.html](http://www.smokefreehousingon.ca/sfho/condominiums-exposure.html)
- Read up on all relevant corporation paperwork (bylaws, rules, etc.) as well as the provincial or territorial legislation for condominiums or housing co-operatives. You'll need to know all the legal requirements and restrictions as you proceed.

## **Step 2: Approach the board of directors**

- As a group, talk to the board of directors to raise awareness and seek support. You could do this either in writing or by attending a board meeting.
- If the board is not supportive, you can try to requisition the board to call a meeting. Check your provincial or territorial legislation to find out if this is possible and how it can be done.

## **Step 3: Form a tobacco policy committee or working group**

- With the approval of the board of directors, form a tobacco policy committee to study and work on the issue.
- Seek consent (and ideally, support) from the board of directors first. Future progress could be seriously hampered without the board's stamp of approval. If support from the board is not possible, seek consent from owners/members via a meeting.
- Review the current situation, including complaints over smoking.
- Identify options, both in terms of the extent of a possible no-smoking policy as well as how it could be implemented (for example, by declaration amendment, bylaw or rule).
- Offer to assist the board develop a draft policy. Consider input from all stakeholders (i.e. residents, property management company, board of directors) and decide on extent of policy:
  - Includes patios and balconies?
  - Includes buffer zones around doorways, operable windows and/or air intakes?
  - Includes entire property?
  - Provides designated smoking area(s) outside?
- Decide on a start date—don't rush it!
  - Allow time for proper consultation and education. Focus messaging on the benefits of a no-smoking policy for all residents: safety, better indoor air quality and enhanced property values.
  - Spring and summer are the best start times to enable residents to get used to smoking outside
- Keep in mind that a no-smoking policy can be implemented in phases:
  - For example, the policy could start with a smoke-free buffer zone around entrances, with the full policy prohibiting smoking in private units coming into force a year later. Or, an outside designated smoking area could be established on the property for a year or two before the entire property is designated as non-smoking.

- A sample policy is available from Smoke-Free Housing Ontario: [www.smokefreehousingon.ca/cms/file/sample\\_condo\\_policy\\_final.pdf](http://www.smokefreehousingon.ca/cms/file/sample_condo_policy_final.pdf)
- You may also wish to survey residents. A survey will help to gauge support for a possible no-smoking policy, as well as to help identify the extent of prohibition that would be supported by a majority of residents. Remember: most smokers want to quit. Roughly half support smoking bans because they think it will help them cut down or even quit smoking—which is true. A survey could answer questions such as:
  - What is the extent of the problem of second-hand smoke infiltration?
  - How many households already prohibit smoking inside?
  - How many households have one or more smokers?
  - What level of support could be expected for various no-smoking policy options?
- Download a sample survey from Smoke-Free Housing Ontario: [www.smokefreehousingon.ca/cms/file/sample\\_resident\\_survey.pdf](http://www.smokefreehousingon.ca/cms/file/sample_resident_survey.pdf)

#### **Step 4: Consider “grandfathering” issues**

- Grandfathering, or exempting current residents from a new policy, is a complex issue. Although grandfathering is extremely useful with respect to expediency (getting a new no-smoking policy passed), permitting current residents to smoke indefinitely is counterproductive and undermines success. However, a grandfather provision could be for a specified length of time, i.e. 6 months or one year.
- Check provincial or territorial law to ascertain if there is a legal requirement to grandfather current condominium owners or co-operative members who are not supportive of a no-smoking policy.
- If there are very few owners/members in the building who smoke, there may not be much opposition to a complete prohibition without a grandfather clause. However, there may be unit owners/members who would be in favour of a no-smoking policy only if it included a grandfather provision. This in turn may make new smokers feel unfairly discriminated against, and the policy may not be taken as seriously as a complete ban.
- Depending on the interplay between condominium/co-operative and residential tenancy law in your province or territory, renters who have already signed leases may also have to be grandfathered from a no-smoking policy.

#### **Step 5: Develop a communications strategy**

- Keep stakeholders (owners/members, board members, property manager) informed of what’s happening throughout the process.

- Check the provincial/territorial law, as well as all relevant legal documentation (i.e. bylaws, rules, declaration). There will be specific steps that must be taken in order for a declaration amendment, new bylaw or rule to be properly communicated to unit owners/members. Failure to follow a specific protocol could jeopardize the whole process.
- Once a start date has been chosen for a no-smoking policy, give owners and residents lots of advanced notice (3-6 months is ideal). Again, as required by law, there may be specific timelines for any type of change to be communicated, as well as directions as to how people are to be notified.
- An existing rule or bylaw will also likely dictate how a new bylaw or rule is to be communicated to prospective buyers/members. In addition, it may also be prudent to communicate with local realtors about the new no-smoking policy.
- Over and above what is legally required, consider a broad communication strategy to raise awareness of the problem of second-hand smoke infiltration and the benefits of a no-smoking policy. Local public health and tobacco control organizations can assist with fact sheets, articles, etc.
- Use different vehicles to communicate with owners and tenants:
  - Use a newsletter or website (if applicable)
  - Send individual notices
  - Conduct face-to-face meetings
  - Post a “countdown to the policy” banner in front lobby
- Make the messaging positive and focus on the health benefits as well as the financial gains
- Install signage (“Welcome to Our Non-Smoking Building”) in the common areas and paint lines outdoors, if applicable (for example, if policy includes a buffer zone around entranceways).
- If applicable, purchase and install outdoor ashtrays, perhaps in a smokers’ garden gazebo or shelter
- Consider additional communications 6 months – 1 year post-policy to remind residents of the policy and to thank them for their support. Use survey results to emphasize positive messaging.
- Be careful with wording. A building is not “smoke-free” until the last grandfathered owner/member has moved out. Where necessary, manage residents’ expectations by ensuring that they understand the building is in transition and that there are grandfathered residents who are still permitted to smoke in their units.

## Step 8: Develop an enforcement plan

- Again, do your homework. By law there will be specific requirements regarding how the declaration, bylaws and/or rules are to be enforced.
- Keep excellent records of incidents, complaints, etc. This is especially important if a resident denies breaching the no-smoking policy. A sample log for documentation is available from Smoke-Free Housing Ontario: [www.smokefreehousingon.ca/cms/file/sample\\_resident\\_log.pdf](http://www.smokefreehousingon.ca/cms/file/sample_resident_log.pdf)
- The enforcement plan could/should include the following steps:
  - Send a friendly written reminder clarifying the no-smoking policy on first reported breach of the policy
  - Send a warning letter(s) for the second breach (and x additional breaches) of the policy. A sample is available from Smoke-Free Housing Ontario: [www.smokefreehousingon.ca/cms/file/sample\\_notice\\_of\\_violation\\_letter.pdf](http://www.smokefreehousingon.ca/cms/file/sample_notice_of_violation_letter.pdf)
  - Hold one or more meetings with the resident violating the policy to discuss the problem and to explore possible solutions. Follow up with a letter clearly summarizing the content of the meeting.
  - Discuss possible accommodations. For example, team up with a local public health or tobacco control organization to provide smoking cessation information and support. Consider offering free or subsidized nicotine replacement therapy or other stop-smoking medications.