

How to Implement a Smoke-free Policy: A Protocol for Housing Co-operatives



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The steps that follow are guidelines only. Depending on the co-op, as well as on the applicable law, the route to a smoke-free policy may vary. Due to the democratic nature of co-ops, the process to establish a smoke-free bylaw may start with the members, a committee, the board, or the staff. Regardless of who starts the process a smoke-free bylaw is a win-win situation— reducing costs and improving the indoor air quality for the community.

Step 1: Do your homework

- Talk to the members in the building to find out who is experiencing second-hand smoke infiltration. Everyone will be able to make a much better decision if they know more about the problem.
- Get informed about the dangers of second-hand smoke. Did you know, for example, that second-hand tobacco smoke is so toxic there is no safe level? Or that both tobacco and cannabis smoke contain carcinogens and can trigger asthma attacks?
- Learn about the severe limitations of mechanical and repair ‘solutions’. The fact is smoke is extraordinarily hard to contain and the only effective means of preventing exposure is to have an entirely smoke-free building.
- Review your current bylaws and the appropriate legislation (e.g. the *Co-operative Corporations Act*). Get legal advice, if needed.
- Read about other co-ops who have gone smoke-free. Information can be found on www.smokefreehousingon.ca
- Contact your local Co-operative Housing Federation. They may be able to assist you with managing the process.

Step 2: Form a smoke-free policy committee or working group

- With the approval of the board of directors, form a smoke-free committee to study and work on the issue.
- Review the current situation, including complaints about second-hand smoke.
- Identify options, both in terms of the extent of a possible smoke-free bylaw as well as how to implement it.
- You may also wish to survey members. A survey will help to gauge support for a possible smoke-free bylaw, as well as to help identify the wishes of members. A survey could answer questions such as:
 - What is the extent of the problem of second-hand smoke infiltration?
 - How many members have health issues that are made worse by allowing smoking?
 - How many households already prohibit smoking inside?
 - What level of support could be expected for smoke-free bylaw options?
- Draft a policy. Consider input from all stakeholders (e.g. members, property management, board of directors, etc.) and decide on the policy:
 - Includes patios and balconies?

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- Includes buffer zones around doorways, operable windows and/or air intakes?
- Includes entire property?
- Provides designated smoking area(s) outside?
- Think about a start date:
 - Allow time for proper consultation and education. Focus messaging on the benefits of a smoke-free policy for all residents - safety and better indoor air quality.
 - Spring and summer start times sometimes work well because it allows residents to get used to smoking outside.

Step 3: Consider “grandfathering” issues

- Grandfathering, or exempting current residents from a new bylaw, is a complex issue. Although grandfathering can sometimes be extremely useful in getting enough votes to pass a smoke-free bylaw, permitting current members to smoke indefinitely can create ongoing problems with second-hand smoke and will be confusing for members.
- Grandfathering for a specified length of time, e.g. 6 months or one year, can sometimes be a useful compromise.
- Please note, there is no legal requirement in Ontario for co-ops to grandfather smoke-free bylaws.

Step 4: Develop a communications strategy

- Keep members and staff informed of what’s happening throughout the process.
- Check all relevant legislation and governing documents (e.g. bylaws). There will be specific steps that must be taken in order to create a bylaw. Failure to follow a specific protocol could jeopardize the whole process. Get legal advice, if needed.
- Once a start date has been chosen for the smoke-free bylaw, give members advance notice (e.g. 3 months).
- Consider a broad communication strategy to raise awareness of the problem of second-hand smoke infiltration and the benefits of a smoke-free policy.
- Use different vehicles to communicate with members:
 - Notices in elevators and laundry rooms
 - Use a newsletter or website
 - Send individual notices
 - Hold member forums
- Make the messaging positive and focus on the health benefits as well as the financial savings.
- Install signage (“Welcome to Our Smoke-free Building”) in the common areas.
- Consider purchasing and installing butt stops and perhaps a smokers’ garden gazebo or shelter. Note, to be consistent with the *Smoke-free Ontario Act*, shelters cannot have more than 2 walls and a roof.
- Consider additional communications 6 months – 1 year post-policy to remind members of the policy and to thank them for their support.

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- Until there is absolutely no smoking permitted in the building, be sure to let everyone know you are in a transition process. Otherwise, new members will be confused and dismayed that the building is not entirely smoke-free.

Step 5: Develop an enforcement plan

- Be consistent and clear. All members should feel that enforcement is being applied equitably.
- Carefully follow your bylaws and appropriate legislation and get legal advice, when needed.
- Keep excellent records of incidents, complaints, etc.
- The enforcement plan could include the following steps:
 - Send a friendly written reminder clarifying the smoke-free bylaw on the first reported breach of the policy.
 - Send a warning letter(s) for the second breach (and x additional breaches) of the policy.
 - Hold one or more meetings with the member violating the policy to discuss the problem and to explore possible solutions. Follow up with a letter clearly summarizing the content of the meeting.
 - If all parties are willing, try mediation.
 - If **all else** fails, take action at the Landlord and Tenant Board.