

Te Toi Mahana – Smokefree Policy

27/12/2023

Purpose

This policy recognises that tenants have the right to live in a smokefree environment.

All residents and tenants of designated housing complex or building and their guests, agents, employees, and invitees must abide by the following policy.

All new tenancies from 1 October 2016

Effective from 1 October 2016, all new tenancies are smokefree. Smoking is not permitted anywhere in the building or unit which a tenant occupies or resides in, nor in communal areas except in areas identified as smoking areas.

Communal areas

Smoking is not permitted in communal areas of Te Toi Mahana buildings and complexes. This includes but is not limited to entranceways, hallways, stairwells, lifts, communal restrooms, service and storage areas, laundry and drying rooms; all openings to any Te Toi Mahana property, including window and door openings or within eight metres of those windows or door openings; stairways, community gardens, playgrounds and recreational areas and car parks.

There are identified smoking areas in some complexes and where possible these are indicated by “smoking area” signage.

If there is no identified smoking area, persons smoking are to respect the rights of other tenants by not smoking near them or their belongings. Person’s smoking are asked to move away from anywhere that drifting smoke may affect others.

Upgraded properties

As from January 2014, smoking is not permitted anywhere inside the new or upgraded buildings or other properties that Te Toi Mahana deems appropriate to prohibit smoking to protect the occupants and the asset.

Definitions

- The term “smoking” means inhaling, exhaling, breathing, vaping, burning, carrying, or possessing any lighted cigar, cigarette, e-cigarettes, pipe or other tobacco products, or using similarly lighted smoking material in any manner.
- The term "tenant" or “resident” refers to any entity or person(s) that has signed a Tenancy Agreement and / or is residing in or paying to rent a housing unit from Te Toi Mahana.

Policy

Effective from 1 January 2014, all tenants of residential housing units in specifically designated complexes, their live-in residents, guests, invitees, agents, and employees, are prohibited from smoking anywhere in the building or unit which they occupy or reside in, or in communal areas, except in areas identified for smoking, specific to each complex and/or property.

Effective from 1 October 2016, all new tenancies of Te Toi Mahana are smokefree. This means smoking is prohibited anywhere in the building or unit which a tenant occupies or resides in, and in communal areas as described in 1.2.

Breaches of this smokefree policy by the tenant or by any of their guests, live-in residents, invitees, agents or employees may be treated as a material breach of the Tenancy Agreement and enforced in accordance with section 56 of the Residential Tenancies Act 1986.

Enforcement procedures may include formal notices of breaches of tenancy, tenant liability charges for damages as outlined in section 3.6 below, and/or notices of tenancy termination.

When using identified smoking areas or inside the unit for tenancies commencing prior to 1 October 2016, cigarette butts and smoking material must be disposed of in a neat and safe manner. No person may leave cigarette butts or other smoking material in a communal area.

Ash trays are not provided in identified smoking areas. Smokers must safely dispose of cigarette butts and smoking-related material in their own household rubbish.

Compliance by tenants and guests: Tenants are responsible for ensuring that all other live-in residents, guests, invitees and agents of the housing unit for which the tenant is responsible, are made aware of and comply with this policy.

Tenant liability

Failure to comply with this policy and any of the rules or regulations contained in this policy may be considered a breach of the Tenancy Agreement as set forth at paragraph 3.3 above and subject the tenant(s) to all remedies including, but not limited to, recovery of cost for damages. Damage caused by smoking is considered wilful and damages charged may include the cost to clean items or surfaces discoloured and/or which contain the odour of smoke, including, but not

limited to, carpets, drapes and walls; or the cost to repair burn marks and/or remove cigarette butts or residue.

Complaints

If tenant, Te Toi Mahana staff member or other person witnesses someone smoking or smells tobacco smoke in any place within the smokefree areas of a Te Toi Mahana unit, building (as set out in section 1 above) or site; or witnesses someone smoking in the grounds somewhere other than the identified smoking area; or witnesses someone leaving cigarette butts or smoking materials in a communal area, the person should report the breach or the odour or material to the Tenancy Advisor as soon as possible.

Investigations

On receiving a complaint or report of smoking activity in a prohibited area, as described in 3.7 above, Te Toi Mahana will instruct Tenancy Advisors to seek the specific source of the tobacco smoke/materials and take appropriate enforcement action, consistent with paragraph 3.6 above, as soon as possible.

Communication of Policy

All residing tenants were advised of the policy change in 2015. This policy relating to all of Te Toi Mahana and new tenancies from 1 October 2016 shall be communicated by Te Toi Mahana to all new applicants for housing prior to admission and/or prior to the signing of a Tenancy Agreement for any new tenant.

New tenants shall be given two (2) copies of this Smokefree Policy to sign. After review, the tenant must sign one copy and return the signed copy to the Tenancy Advisor prior to moving in. The Tenancy Advisor shall place the signed copy in the tenant's file.

In the event that any such person fails or refuses to sign this confirmation that they have read, understood and agree to comply with the provisions of the Te Toi Mahana Smokefree Policy, Te Toi Mahana will nevertheless be entitled to assume and understand that every such tenant has read, understood and agreed to comply with this Smokefree Policy when they sign a Tenancy Agreement and occupy their new property.

Policy Review

This policy can be reviewed at any time, at the Chief Executive's discretion but must be reviewed within two years of its adoption. discretion, and must be reviewed within two years of the policy's approval.

