Smokefree Social Housing Toolkit

A guide for the design and implementation of smokefree policies in social housing

Community and Public Health 2016

Contact

Community and Public Health
Main Office
310 Manchester Street
Christchurch
New Zealand
PO Box 1475
Christchurch 8140
New Zealand
Phone: +64 3 364 1777
Fax: +64 3 379 6125
www.cph.co.nz

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Disclaimer

The information contained in this document is derived from a number of sources. The contents of the document should be considered in relation to the time of its publication, as new evidence may have become available since publication. This document also includes an interpretation of selected clauses from the Residential Tenancies Act 1986 and the Smoke-free Environments Act 1990. This summary does not reproduce these clauses verbatim nor does it necessarily summarise all relevant clauses and must not be taken or used as legal advice. It is recommended that organisations obtain independent legal advice relevant to their specific circumstances and intent. Although the Canterbury DHB has taken reasonable steps to ensure that the information is accurate, it accepts no liability or responsibility for any acts or omissions, done or omitted in reliance in whole or in part, on the information presented within this summary or elsewhere within this document. The Canterbury District Health Board accepts no responsibility for the manner in which this information is subsequently used.

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Smokefree Social Housing Toolkit: A guide for the design and implementation of smokefree policies in social housing

Background

This Toolkit has been developed as a resource to assist social housing providers to design and implement smokefree rules in social housing settings. The Toolkit draws on recent findings from the evaluation of the Christchurch City Council's smokefree social housing project[1] and from other studies conducted overseas.[2-6] In the Toolkit you will find information and templates to assist you to engage with your staff, partner organisations, and with your tenants, as you move towards the goal of becoming smokefree. The successful introduction of smokefree social housing policies requires commitment — and with commitment, full smokefree status is achievable! Existing research and experience provides ample justification for action!

Smokefree Aotearoa 2025 |

The promotion of smokefree environments in New Zealand plays a key role in tobacco control, as these environments potentially change social norms regarding the acceptability of smoking. Smokefree environment policies have been consistently associated with reductions in smoking, reductions in second-hand smoke exposure and the related adverse health effects. Applying innovative smokefree policies in new contexts, such as social housing, is seen as a potentially valuable strategy for reducing disparities in smoking-related outcomes — and in helping New Zealand reach its smokefree 2025 goal.

Why go smokefree?

Smokefree social housing environments can improve tenants' health and wellbeing. A smokefree social housing policy can result in 'win-wins' for tenants, housing providers, and the wider community. Facilitating access to stop smoking support and a smokefree environment will increase the likelihood that tenants stop smoking and remain smokefree. Socioeconomically disadvantaged and otherwise vulnerable people typically bear a greater burden of smoking related harm than people with more resources. Disadvantaged people want to quit as much as others but are less successful because they often lack supportive environments and adequate resources. Smokefree environments increase success. Some research suggests that smokefree indoor policies can increase smokers' levels of motivational 'tension' to stop (i.e. they create a need for additional efforts such as getting up and going outside). Then, 'triggers' in the environment (such as the offer of support, interior decorating of a residence, inclement weather, price increases on tobacco products, peer pressure, changing social norms) result in a switch in motivational state, leading to a quit attempt or reduced consumption.[7]

Smokefree policies can also reduce unnecessary maintenance and repairs to housing units (in particular the cleaning/repair of third-hand smoke damage, i.e. the yellowing and staining of interior surfaces), reduce fire risk and lower insurance costs, and reduce conflicts between residents and other disruptive behaviours — benefiting all current and future tenants.

Tools/Resources

Staff survey of knowledge, acceptance, norms and expectations

Tenant survey

Information sheet for applicants

Tenants' smokefree pamphlet

Variation to tenancy agreement

Tenancy variation refusal letter

14-day notice to remedy

Example newsletter

Staff training PowerPoint presentation

Christchurch City Council smokefree social housing evaluation report

Third hand smoke — evidence paper

NZ research paper

Motivational Interviewing for Māori

Tobacco Smoking and Mental Health

FAQs

Moderate levels of resources will need to be devoted to staff training and the ongoing delivery/facilitation of cessation support and follow-up, but international evidence indicates that this investment of resources is worthwhile. Smokefree housing policies appear to be well accepted[1, 4] and can make housing complexes more desirable overall. No-smoking policies in social housing contexts internationally have been reported to result in improved management-tenant interactions, and such policies have generally resulted in no effect or favourable effects on management time.[6] The experience and knowledge gained since the implementation of the Christchurch City Council's smokefree social housing programme reflects international findings. In particular, the policy was well accepted by non-smokers, smokers, and staff.[1]

It is achievable!

Studies have shown that the acceptability of comprehensive smokefree policies among low-income tenants in social housing is generally high (60-75%).[2, 3] A Christchurch City Council social housing tenant follow-up survey reported that 90% of non-smokers supported the Council's smokefree indoor policy and 74% of current smokers reported that they thought the policy was at least "OK" (only 20% of current smokers thought the policy was a bad idea).[1] Win-win health and non-health outcomes are realistic goals and there is considerable potential to target a difficult-to-reach population of smokers with stop smoking support – via this style of policy. Implementing a no-smoking policy does take some time and effort, but it is not excessively technically complicated, and there are no legal barriers to smokefree policies in New Zealand (in fact, such policies may protect owners and operators from liability related to second-hand and third-hand smoke exposure). Housing providers can also enter into partnerships to access help for policy design and implementation, staff training, and for accessing stop-smoking support services.

Phase 1 Planning and Policy development

At the start of the initiative, it is important to plan your approach. A written plan will act as a road-map for the tasks that need to be carried out to transition to smokefree social housing. The written project plan should include: a background to the project, the project aim and rationale, a timeline that includes who does what by when, economics (e.g. estimated implementation costs and potential operational savings), key messages (to staff, tenants, the public), risks, and any media opportunities (optional), and all team members' details (e.g. housing unit staff-usual roles/role in project development).

A key step in becoming a smokefree social housing provider is to develop a policy that is 'fit for purpose'. The policy can outline *why*, *how* and *what* you are going to do to be a smokefree provider. This gives you a clear foundation and commitment for the long term. The policy can be reviewed regularly and should have timeframes associated with certain actions/aspects. Designing a policy at a level that you can practically implement is *key* to success, then the action starts with implementation (Phase 2).

One of the key steps in the planning and policy development phase is to 'see where you are at now'. That is, to 'test' the idea with staff and to determine the degree of acceptance (or resistance) that staff currently have for smokefree policies, and to gauge current norms, expectations, knowledge, experience, skills and tenancy management styles (see the **Appendix** for example staff and tenant surveys). This information from staff may inform your starting point for policy progression, the degree of staff training and communications that might be required, and any other tenant-level and operational-related considerations that you need to know before you formalise a plan (i.e. to guide *how* you do it not *if* you do it). **Figure 1** outlines a three-phase approach to putting a smokefree policy in place: starting with 'identifying the issues' in Phase 1 (the planning phase) and moving to Phase 2 the implementation phase and finally Phase 3 the fine-tuning and quality improvement phase. The key steps are discussed in more detail below.

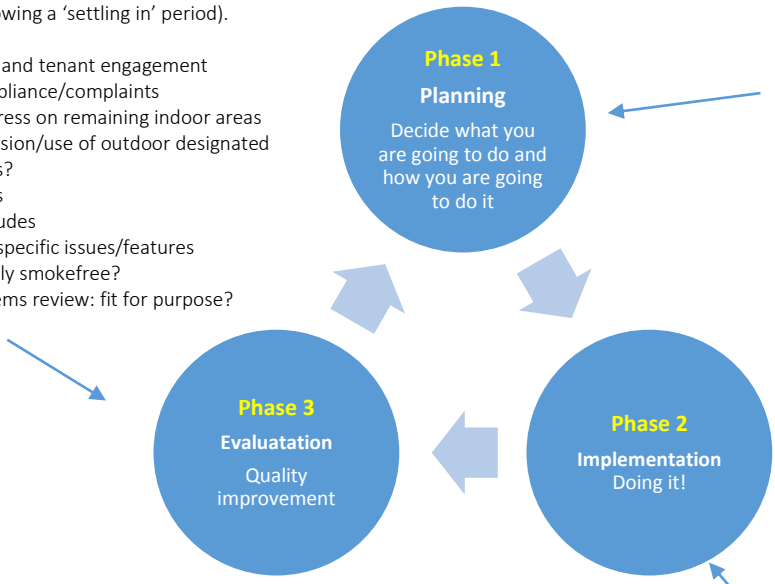
Figure 1: Selecting and implementing a policy to ensure the right 'fit'

Phase 3 Evaluation and quality improvement includes:

- Review progress and policy progression as per initial plan (following a 'settling in' period).

Consider:

- Staff and tenant engagement
- Compliance/complaints
- Progress on remaining indoor areas
- Provision/use of outdoor designated areas?
- Costs
- Attitudes
- Site-specific issues/features
- Totally smokefree?
- Systems review: fit for purpose?



Phase 1 Planning and policy development includes:

- Identify the issues (survey the tenants, survey staff, assessment of premises).
- Identify acceptance levels (and any points of resistance)
- Assess what system changes will be required (e.g. recording smoking status and related interactions in case notes).
- Define the policy parameters/characteristics
- Define roles and responsibilities
- Identify/engage strategic partners
- Plan for policy progression over time
- Plan to celebrate and acknowledge smokefree successes (including end goal) (e.g. World smokefree day)

Note: depending on the scale of the project, some level of project evaluation may be required and/or embedded from the onset.

Phase 2 Implementation includes:

- Staff training (e.g. PowerPoint)
- Systems support
- Information/communications
- Set a time scale
- Push the 'go' button!

What type or style of policy will be best suited to your situation?

An important step in the journey is to consider what type or style of policy will be best suited to your particular housing context, management style, and resources (including the engagement, knowledge, skills, experience and attitudes of staff). Policies can be designed to include different components (rules/processes) in different combinations and can range in style between 'accommodating' and 'comprehensive'. The terms accommodating and comprehensive have been chosen and used throughout this Toolkit to describe a continuum of policy style or type that ranges from essentially 'no policy' to a policy that is both relatively restrictive in nature but also relatively supportive — 'comprehensive' (these terms are illustrated in Figure 3 and described further below). Note that attitudes and social norms change over time. The initial 'fit' of a no-smoking policy will be shaped by your current tenants', tenancy advisors' and managers' attitudes, knowledge, experience, motivation, skills, and enthusiasm for the policy. All of these factors can change over time and a policy can be enhanced and updated to ensure that it remains relevant.

Figure 2 suggests a number of broad factors that might be considered when your organisation starts to scope a policy to fit your situation and these factors can be weighed up on a case-by-case basis. The main areas to consider include: organisational philosophy, leadership, resources, systems,

Box 1: Legal implications of smoking bans

The Residential Tenancies Act 1986

There is no constitutional right to smoke, and housing owners/providers of both private and public housing are within their legal rights to restrict smoking on their properties. In New Zealand, smokefree rules in rental accommodation contexts must be introduced in a way that is consistent with the Residential Tenancies Act 1986. Specifically, when signing a *new* tenancy agreement with a tenant, the landlord may include no-smoking rules. This could include a total ban on smoking anywhere in or on the premises or grounds. Such a clause would be enforceable as it is consistent with the Residential Tenancies Act 1986. However, where the Landlord has not previously included such a provision, the addition of this *during* the tenancy would be a *variation* and all parties to the contract would need to agree (i.e. the tenant would need to voluntarily agree to any such restriction via a contract variation). A landlord is unable to vary the agreement by the giving of notice to the tenants, with the exception of a Boarding House tenancy, where the landlord can change the rules at any time provided they give at least 7-days' notice of the change, in writing, to each tenant. Also, in the case of a housing complex covered by a unit titles scheme, 'body corporate' operational rules will apply and these may include smoking restrictions (for more information see section 106, Unit Titles Act 2010 and the Tenancy Services website).

Further, the Residential Tenancies Act 1986 puts an obligation on the tenant to keep the premises reasonably clean and tidy during the tenancy and to leave it reasonably clean and tidy at the end of the tenancy. The word "reasonable" is not defined in the Act. With respect to any damage caused by indoor smoking (third-hand smoke damage), where a tenant is in breach of their obligations under the Act, the Landlord can ask them to remedy the breach and, if the tenant does not do this, seek compensation for the costs incurred in remedying the breach. *However*, a tenant who has historically smoked in their unit may not have breached their obligations if the Landlord has permitted them to smoke inside the premises or the Tenancy Agreement has not (previously) prohibited them from doing so.

Smoke-free Environments Act 1990

The Smokefree Environments Act 1990 sets out the minimum requirements regarding tobacco control under New Zealand legislation.

These requirements apply across a number of settings and include workplaces. Under the Act, communal areas in social housing complexes may be defined as indoor workplaces (i.e. the workplaces of housing providers' staff). Section 2 of the Act defines a workplace as "an internal area, within or on a building or structure occupied by the employer, usually frequented by employees or volunteers during the course of their employment". Section 5 of the Act states "An employer must take all reasonably practicable steps to ensure that no person smokes at any time in a workplace". Therefore, if communal areas of social housing complexes are internal and frequented by employees of the social housing provider during the course of their employment, they cannot be used for smoking.

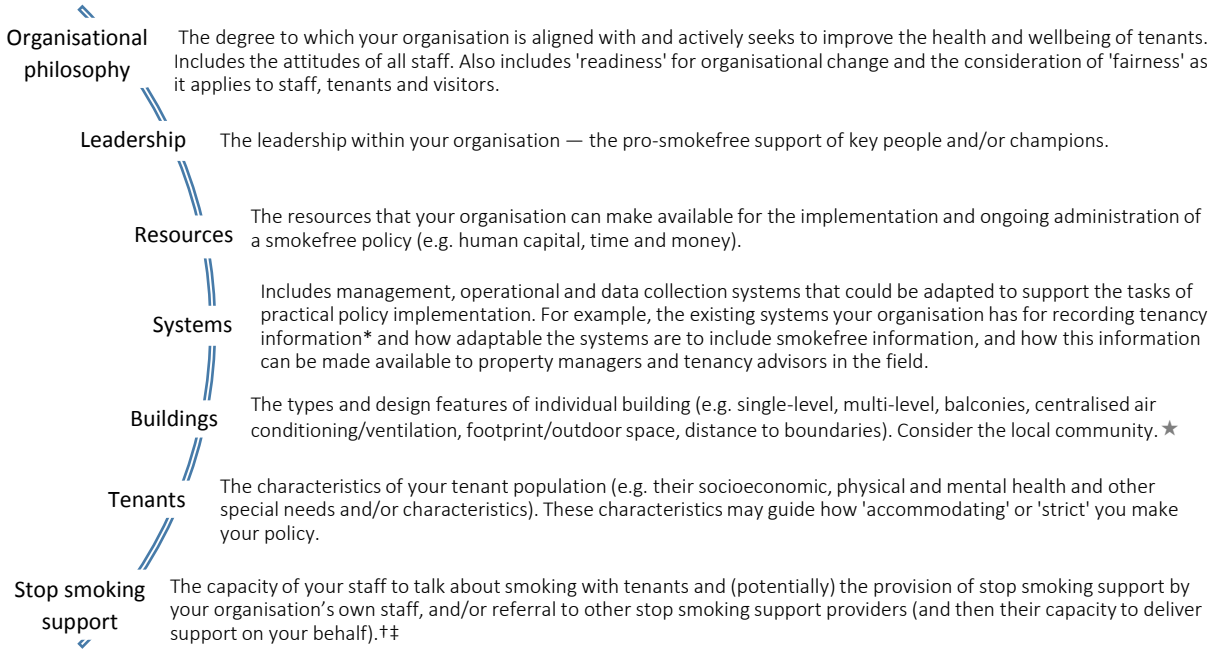
Employers are allowed to go beyond the requirements of the Smokefree Environments Act 1990 and require all areas/premises to be smokefree – there is no obligation to provide a smoking area.

Note: Box 1 presents *an* interpretation of selected clauses from the Residential Tenancies Act 1986 and the Smoke-free Environments Act 1990. This summary does not reproduce these clauses verbatim nor does it necessarily summarise all relevant clauses and must not be taken or used as legal advice. It is recommended that organisations obtain independent legal advice relevant to their specific circumstances and intent. Although the Canterbury DHB has taken reasonable steps to ensure that the information is accurate, it accepts no liability or responsibility for any acts or omissions, done or omitted in reliance in whole or in part, on the information presented within this summary or elsewhere within this document.

buildings, tenants, and stop smoking support (cessation support).

Note: Currently, the use of e-cigarettes in smokefree places is not prohibited by the Smokefree Environments Act 1990. However, individual organisations may choose to ban the use of e-cigarettes as part of their own smokefree policies. The Ministry of Health encourages people to avoid using e-cigarettes in areas where smoking is not permitted. See the Ministry of Health's Tobacco control webpage for further information: www.health.govt.nz/our-work/preventative-health-wellness/tobacco-control/e-cigarettes

Figure 2: Background considerations to guide policy development



* Such as: which units are smokefree and which are not, and recording compliance with the policy, including history of smoking-related interactions, smoking-related damage, breaches and other relevant information.
★ Consider how the building complex or housing estate sits within the local community and how tenants smoking outside/beyond the property boundary (e.g. on the footpath) might affect other members of the community.
† Consider the provision of culturally appropriate cessation support and/or addiction management to all tenants who smoke.
‡ No-smoking policies should include a position on e-cigarettes (i.e. electronic cigarettes, also called personal vaporisers or electronic nicotine delivery systems). Also see notes on 'home grown tobacco' in the FAQs.

Policy design specifics

Q — How restrictive should your no-smoking rules be?

Q — How much stop-smoking support should your organisation provide?

Q —What else do you need to consider?

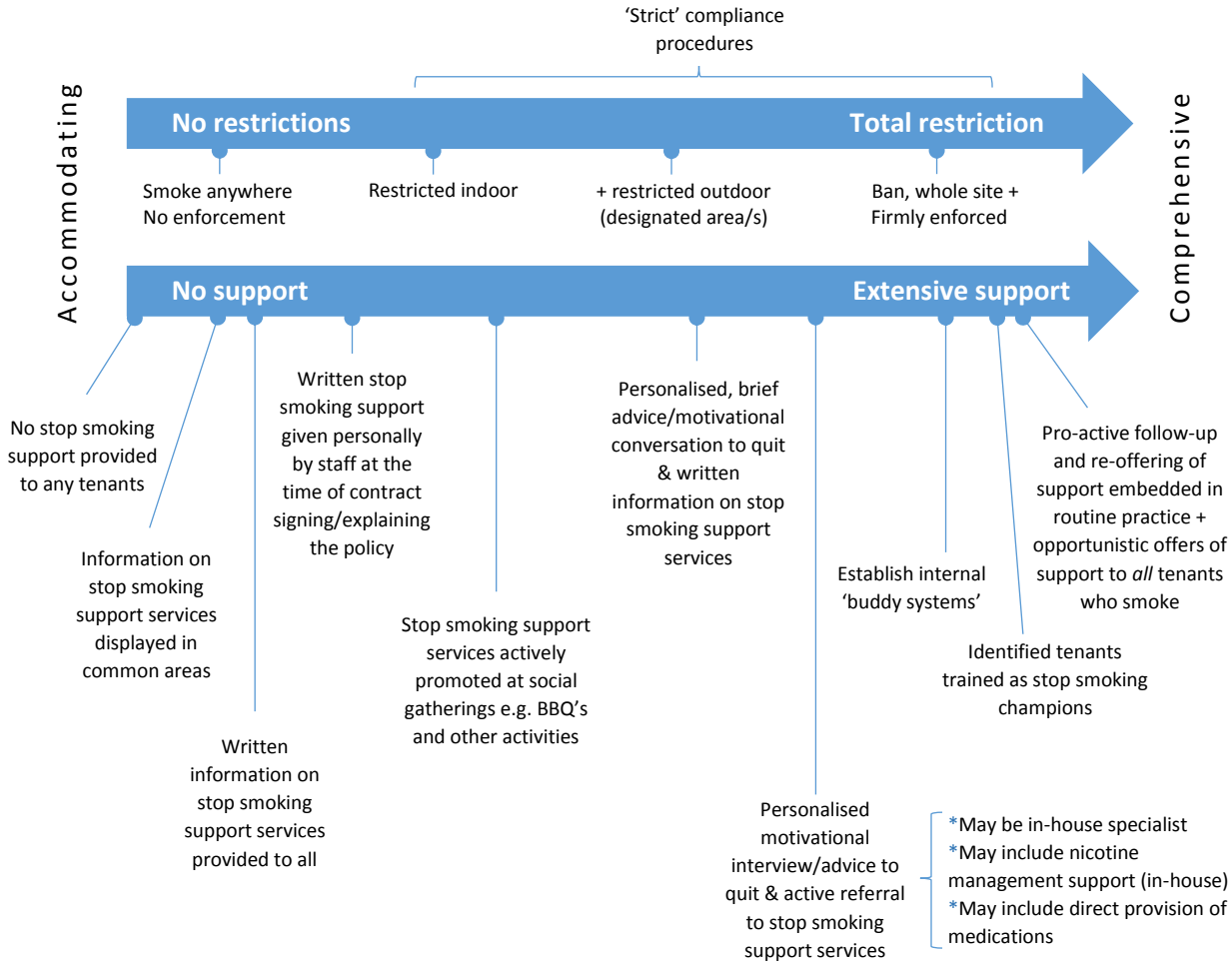
The terms 'accommodating' and 'comprehensive' have been introduced above as a simple way to broadly categorise different policy types or style. However, smokefree housing policies can and have been described in many other ways, including terms such as partial bans, total bans, soft or hard, strict, stringent, harsh, restrictive, and coercive policy styles. In the main, these terms have been used to describe the overall 'restrictiveness' of the policy only, and they do not usually include or describe the level of stop smoking (and/or other) support that might be embedded in a smokefree policy, and/or within the tasks of policy implementation.

Figure 3 illustrates this broader interpretation of policy design which brings the ideas of restrictiveness and support together and provides a broad overview of how different levels of restrictiveness and support might be combined. Again, the approach can be tailored to the particular situation, and different components could be selected from either continuum to form any number of mid-level, innovative or progressive policy styles. Increasingly, improving population health has become a shared goal across many sectors[i] (including social housing) and desired *health* gains can be achieved (in this case via changes to smoking behaviours) while also enhancing the *non-health* interests of the housing provider (such as reducing smoking-related damage to housing units).

Note that the Residential Tenancies Act 1986 precludes the introduction of blanket one-point-in-time total smoking bans in residential contexts in New Zealand (although these are common in other countries). Therefore, some form of progressive policy roll-out or 'grandfathering' process is necessarily common to all approaches.

[i] Increasingly, using what is known as a 'Health in All policies approach' (HiAP)[8]

Figure 3: An interpretation of accommodating and comprehensive policy styles



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Other policy and implementation options

- ✓ Smoking status identified and recorded for all tenants
- ✓ Programme evaluation/review (a set time-line to review the policy and implement any enhancements/modifications)
- ✓ Policy progression (i.e. progressing the level of restrictiveness/support over time as social norms and acceptance levels shift)
- ✓ Wider focus on health (e.g. health promoting conversations with tenants may be enabled via the smokefree policy)
- ☐ Designated outdoor smoking area
- ☐ A focus on the economic benefits for property owners (e.g. refinements to reporting/monitoring systems may yield global efficiencies)
- ☐ Cost recovery (In some circumstances a landlord may be able to seek compensation for smoke-related damage to units, when tenants are in are in breach of their obligations under the Residential Tenancies Act 1986)
- ☐ Policy enforcement includes eviction (this may not be acceptable/practicable in social housing contexts)

Figure 3 illustrates a broad interpretation of policy design which brings the ideas of restrictiveness and support together and provides a broad overview of how different levels of restrictiveness and support might be combined. In the above diagram, 'support' (and 'personalised, brief advice', 'personalised motivational interview') refer to routinely provided stop smoking support — from the housing provider (it could be that tenants are also being supported from elsewhere e.g. primary health care/GP). The list of 'other policy and implementation options' includes a range of contextual and system-related activities that may be incorporated into smokefree social housing policies (the ticked items represent core items that may be applied across all accommodating/comprehensiveness levels).

All policy types rely on good communication (including clear messaging on the housing provider's website), positive attitudes, and organisational support for staff and tenants. As can be seen in **Figure 3**, a policy could conceivably be designed to be fully restrictive (total ban) with no stop smoking support *or* fully supportive with no smoking restrictions. However, neither option is likely to be very effective in helping tenants to stop smoking. To be *comprehensive* by design, policies need to combine smoking restrictions *and* stop smoking support in a way that is best suited to the local context. Comprehensive policies tend to create more 'tension' for smokers (i.e. they are more restrictive and require greater behavioural changes to comply) but they also include higher levels of stop smoking support to enhance cessation-related behaviours (compared to an accommodating policy or no policy).

Striking the right balance between restrictiveness and support is important for increasing the likelihood of both smoking reduction and quit attempts. Strict, restrictive, and coercive policies may bring about certain economic benefits for the property owner more quickly (particularly in a private rental context) but they are less sensitive to the needs of individual tenants. In some ways, the restrictiveness of a comprehensive policy is 'softened' by the provision of good support.

The local and/or national context is also important. Judgements about how stringent, harsh, restrictive or supportive a policy might be are influenced by currently prevailing views and social norms — and these tend to change over time. For example, smoking restrictions that might have been judged as harsh at the time (such as the introduction of smoking bans for international air travel in 1992) are now totally normal and accepted. Setting your policy to match both 'where your organisation is at' and 'where your community is at' is important, as is progressing your policy over time to keep pace with the 'denormalising' of smoking generally. Other factors that may be considered as part of the local context include:

- knowledge (e.g. level of knowledge of tobacco harm, new technologies/nicotine products),
- attitudes (e.g. level of acceptance of smokefree spaces generally),
- expectations (e.g. that rental accommodation *should* be smokefree),
- acceptance (e.g. that smokefree social housing policies are inevitable, and benefit all),
- resources (e.g. the stop smoking support services currently available in the area),
- smoking rates (i.e. the baseline smoking prevalence in the tenant population/community),
- compliance (i.e. how 'compliant' is the tenant population — generally),
- health (e.g. the overall health status of the tenant population and any specific needs), and
- economic factors (e.g. the level of financial resources available for policy implementation).

Examples

The Christchurch City Council implemented a partial smoking ban in its social housing units in 2014.[1] The Council's no-smoking rule restricts tenants to smoking outside of their units (smoking on patios and balconies and in common garden areas is permitted). The policy was implemented via a progressive roll-out to new tenants on a contract-by-contract basis (along with voluntary contract variations, typically triggered by redecoration or refurbishment of a housing unit). All new tenants who smoke are offered stop smoking support in line with the New Zealand Guidelines. Any tenant who smokes can be offered stop smoking support at any time. In the first two years of the Christchurch City Council's programme, 715 new tenants signed tenancy agreements with the no-smoking clause and 106 existing tenants signed a 'no-smoking' contract variation voluntarily (some having been pro-actively sought by staff— along with receiving offers of stop smoking support). Only one tenant refused to sign a contract variation after redecoration work had been undertaken. One reason given for adopting the new contract voluntarily is that it is easier to manage visitors' smoking when the no-smoking rule is in place (both for non-smoking tenants and for tenants who smoke).

Overseas case studies describe the use of total bans implemented in subsidised housing complexes (often at one-point-in-time). This approach is particularly well suited to new building complexes (and could be applicable in New Zealand), where all tenants will be signing new contracts. In this case, the no-smoking policy could be set at any level, but many applications overseas have completely restricted smoking on site, including the grounds. This total ban approach is often seen as the only way to protect all tenants from second-hand smoke, within the context of multi-unit high-rise housing estates.[4, 5, 9] In these examples, less emphasis has been placed on the provision of stop smoking support to tenants, and these very restrictive ('strict') policies are therefore not necessarily 'comprehensive' in their scope.

Partnerships

Forming a partnership with your local public health unit or a stop smoking service provider (or other social service provider) is an excellent way to enlist expert help when you are designing your policy: forming a good partnership is likely to boost the overall success of your smokefree project. Key features of a good partnership include strong senior-level commitment (on both sides), clear purpose, trust and a complementary mix of skills and knowledge. Drawing on others' expertise can help you to get the policy right for your own situation.

Contact: http://www.smokefree.org.nz/help-advice/contacts

Policy design summary

The exact design of a smokefree indoor policy should be determined by the context, including: organisational philosophy, leadership, staff attitudes and knowledge, resources, systems (IT and other), buildings (characteristics of), tenants, availability of appropriate stop smoking support, and other factors as relevant. Policies can be designed to be relatively accommodating or relatively comprehensive (note that there is much scope between the two extremes) and they can (should) include a plan for progression over time. The more comprehensive and/or 'firmer' policies tend to use (work towards) total bans that completely restrict smoking on site. They also tend to involve more rigid enforcement measures, yet still provide plenty of support. A policy can be initiated at a relatively accommodating level and then progress to a more comprehensive policy type over time.

Table 1 in the Appendix provides more detail and outlines some of the specific advantages and disadvantages of relatively *accommodating* versus relatively *comprehensive* policy styles.

Phase 2 Implementation (Doing it)

Inform your staff, tenants, and the public

Let people know that you are becoming a smokefree provider and why. The 'why' will help people understand the reason you have taken this significant step. It is important that you communicate this frequently and in a number of ways. Thank them for respecting the policy.

Key ways to inform people about the policy (before and after implementation begins) include:

- Staff meetings and other face-to-face communications.
- Face-to-face tenant interactions.
- Documents: include smokefree information and logos in all newsletters, bulletins, invoices and information packs.
  Download logos from the Smokefree 2025 website http://smokefree.org.nz
- Embed the policy and implementation into Business-As-Usual. This means incorporating all smoking-related clauses, information and record keeping into all relevant documents and databases, including employee position descriptions (include details such as start date and implementation time-line, scope of the policy, review time-line, responsibilities)*.
- Signs and door/window stickers (order free smokefree signs and quit resources at smokefree.org.nz). Display these prominently at all housing complexes and individual units and on your agency website. Optional: design and produce smokefree stickers with your own organisation's logo and the specific no-smoking rules.
- Advertise stop smoking support services: providing information about quit support is important to show that people are still valued, even if they smoke.
- Media (optional): local media may be interested in what you are doing and media releases give you an opportunity to profile your services.

* **Note:** Some agencies and individuals with government contracts may already be required to ask and record clients' smoking status.

Staff training

It is important that all staff be provided an overview of the smokefree policy/programme: its purpose, and associated roles, responsibilities, expectations, systems, and documentation. Providing a forum for staff to express their views is an important preliminary step. Staff may have pre-existing ideas about smokefree policies and their implications for tenancy management and for tenants' wellbeing: including the difficulties of compliance/enforcement, potential isolation of tenants, 'choice vs addiction', and the perception that 'for some tenants, it's their only pleasure'.

All staff who are interacting with tenants should feel comfortable discussing the policy and carrying out the basic administrative tasks of providing smoking-related information as it relates to the housing complex, as well as recording tenants' smoking status, and explaining compliance procedures. Beyond this, the level of training required to address smoking support will be determined by the extent to which the organisation chooses to develop capacity in this area. The training may range from brief intervention and referral to external stop smoking specialist services, and/or in- house specialist support. The inclusion of processes and documentation for recording tenants' smoking status is recommended. This will assist with compliance management procedures and be essential if implementing a proactive stop smoking support strategy.

Sustainable training for brief intervention needs to be developed to work within organisational systems. A PowerPoint™ presentation may provide the basis for developing a suitable learning package. Inviting local stop smoking support services or the Public Health Unit to participate in group training may be an option. When training is integrated, establishing a mentoring system for training new staff is worth considering.

To develop organisational capacity to provide specialist stop smoking support, training can be accessed via the National Training Service http://nts.org.nz/

Brief intervention

Ideally, all staff who are interacting with tenants should feel comfortable and competent to deliver a brief intervention 'on-the-spot', as part of a routine process (i.e. as part of any routine interaction with a tenant).

If the tenant is identified as a current smoker, information and motivational advice to quit should be given and a referral of support to a specialised stop smoking service should be offered. For those tenants who:

- accept, then staff should facilitate referral to specialist support service,
- decline, then staff should encourage the option of cutting down then quitting.

Note: Nicotine replacement therapy (NRT) can be offered to alleviate symptoms of tobacco withdrawal for those who wish to manage their smoking. All options may be declined but should be offered again in future.

Training checklist

- ☐ Once stop smoking service levels are determined (by your organisation), initiate a training plan accordingly (i.e. does your organisation intend to build capacity and provide internal specialist stop smoking support 'in house' or does your organisation intend to refer tenants to or facilitate the provision of services by external providers?). Define the 'basic level of care' that your organisation intends to provide.
- ☐ Provide clear direction on the documentation and systems and the role individual staff play in 'administrative' tasks (including non-compliance and breach management).
- ☐ Train staff in the tasks of policy implementation including providing stop smoking support to tenants (including nicotine management). Plan for periodic refresher training.
- ☐ Resource staff to carry out the day-to-day activities related to policy implementation (i.e. match resourcing to the agreed level of implementation/type of policy).
- ☐ Develop staff position descriptions to specifically include the no-smoking rule tasks (i.e. include stop smoking support in the list of key performance objectives that housing unit staff are expected to demonstrate).
- ☐ Develop a sustainable process of staff training (depending on the intended level of capacity development).

Practical implementation checklist

- ☐ If implementing a no-smoking policy over time, ensure you have a robust system for identifying and recording which units are smokefree and which are not (signage should make this clear to all visitors). Make sure this information is available to property managers and tenancy advisors at every visit (and check/record compliance). All compliance interactions or procedures with tenants should include a re-offer of support.
- ☐ Culturally appropriate stop smoking support services should be available to Māori tenants (coordinate with specialist services as needed).
- ☐ Identify policy 'champions' at each site (staff or tenants or both if appropriate).
- ☐ Ensure there are adequate receptacles for cigarette butts at each location and that current smokers are aware of these (plan for butt management …. who clears/cleans up? Make sure everyone knows the plan for butt management).
- ☐ Explore the creation of voluntary exemplar complexes where total smokefree status is achieved and endorsed by tenants (consider options for providing feedback and for incentives).
- ☐ Pro-actively and systematically work to update old contracts (regardless of smoking status of tenants) via voluntary contract variations (this could be part of a wider tenant wellbeing initiative). Note that non-smokers can sign contract variations and adopt the no-smoking rules too, as this helps to address visitor smoking behaviours, as tenants don't need to take individual responsibility as they can simply quote 'the rules'.
- ☐ Establish a process and allocate responsibility for smokefree sign placement (in individual units and across housing complex as appropriate).
- ☐ Add standing items to team meeting agendas/reporting (to keep a feel for the reality of implementation and keep staff engaged/motivated).

Phase 3 Evaluation and quality improvement (Improve it)

This phase can be used to fine tune your implementation and/or to extend or strengthen your policy over time. Evaluation may make use of measures that were put in place during the planning and implementation phases (e.g. comparing before-and-after staff survey findings), or the evaluation may collect current information as a snapshot of how the programme is currently running. Alternatively, an external evaluator might be engaged to independently review the programme and provide feedback and recommendations. Your local public health unit may be able to assist or advise.

Evaluation and quality improvement checklist

- ☐ Review your policy as per the written project plan, including the plan for progression of the policy.
- ☐ Review Treaty obligations, including the provision/availability of culturally appropriate services/support that emphasise the needs of Māori.
- ☐ Review and plan with respect to the coordinated delivery of stop smoking support over the long term (i.e. 2-5yrs and beyond). This should include reviewing/implementing a formal plan that sets out the relative contributions and responsibilities of any/all project partners and details how the balance of these contributions and responsibilities might shift over time.
- ☐ Also review the plan in light of changes to the social context at the national level, such as restricted access to tobacco products, increases in prices/taxation, other and new cessation tools and technologies and changing social norms.
- ☐ Your organisation might opt to bring specialist stop smoking support 'in-house' by employing specifically trained staff of via the professional development of existing staff.
- ☐ Re-survey staff (and tenants) to assess resistance/acceptance levels and attitudes, as well as any barriers or enablers for implementation of the policy.
- ☐ Work in partnership (e.g. with specialist providers, other community groups, and/or your local Public Health Unit) to continually improve smoking cessation outcomes for all tenants who smoke – maintaining a focus on equity.
- ☐ Identify opportunities to extend the policy implementation by applying/trialling innovative intervention components (such as incentives, social support, buddy systems, cessation champions and systematic pro-active follow-up) to enhance the overall policy/programme.
- ☐ Revise staff training (for all aspects of policy implementation) and ensure that existing staff receive scheduled refresher stop smoking support training and that new staff are trained in current best practice (consider working with your local public health unit or other specialist providers).
- ☐ Decide improvement actions required, with accountabilities and implementation timeframes.
- ☐ Implement actions and advance policy development and implementation.

FAQs

While many people will be supportive of smokefree social housing there will be some questions that should be anticipated and addressed. In particular, there may be questions about:

What is social housing?

Social housing is rent-subsidised housing that is provided by central government, local government or community based organisations. Social housing is provided to meet the housing requirements of those who cannot participate in the private housing market, due to both lack of personal resources and unaffordability. Social housing tenants include the elderly, disabled persons, sickness or unemployment beneficiaries and people on very low incomes. In general, all of these people meet financial hardship criteria.

What is smokefree social housing?

For the purpose of this Toolkit, smokefree social housing is social housing that incorporates rules that restrict smoking to outdoor areas only (although such bans may or may not be wholly implemented across all housing units at one-point-in time). Smokefree social housing policies may also specifically include the offer and/or provision of stop-smoking support or nicotine management to tenants who smoke.

What have other the social housing providers in New Zealand done?

To date, the implementation of the Christchurch City Council's smokefree social housing policy is the most documented and evaluated example in a social housing context, however other providers and NGOs have also gone smokefree or are in various stages of the process. Smokefree social housing status has now been adopted by the Dunedin City Council and by the Wellington City Council, however, to date these projects have not been formally evaluated.

How will smokefree social housing environments make a difference?

The promotion of smokefree environments in New Zealand plays a key role in tobacco control, as these environments change social norms regarding the acceptability of smoking. Smokefree policies have been consistently associated with reductions in smoking behaviour, reductions in second-hand smoke (SHS) exposure, and reductions in the related adverse health outcomes of tobacco smoke.[4] Other studies have shown no-smoking policies in subsidised multi-unit housing to be acceptable to both non-smokers and current smokers[10] and to reduce cigarette smoking and increase quit rates.[5] Continuous abstinence represents the 'gold standard' of smoking cessation outcomes as it is universally accepted that stopping smoking brings about immediate health benefits. Smokefree social housing environments will help a disadvantaged population to prepare for a smokefree New Zealand (by increasing motivation to quit and by providing accessible and free stop smoking support).

Is it a social housing provider's job to be concerned about overall wellbeing?

As a provider of social housing, your organisation is likely to embrace some level of concern and/or responsibility for overall tenant wellbeing and/or act to link tenants with other agencies who provide support. Vulnerable population groups bear disproportionate burdens when it comes to health and finances.

Tobacco is a legal product, so why should tenants stop using it in 'their own homes'?

Socioeconomically disadvantaged and otherwise vulnerable people typically bear a greater burden of smoking related harm than people with more resources. Disadvantaged people want to quit as much as others but are less successful because they often lack supportive environments and adequate resources. Facilitating access to stop smoking support and a smokefree environment will increase the likelihood that tenants stop smoking and remain smokefree.

While tobacco is a legal product, its use indoors is likely to cause damage to internal surfaces of housing units. Given that tenants do not own their dwellings, they do not have an automatic right to smoke inside. All rental property owners are entitled to implement rules to protect their assets from avoidable damage (caused by smoke or by any other means). No-smoking policies only restrict/prohibit the act of smoking in specific areas, not the occupation of units by people who smoke.

What's in it for the social housing provider?

A number of studies[10-12] have shown that smokefree social housing policies reduce the financial impact on the housing provider's assets caused by smoke damage, cleaning, and smoking-related fires. The cost to maintain a smokefree housing unit may be approximately half that of a smoker's unit over a unit's lifespan. Some people might imagine problems arising with enforcement, objections from existing residents, increased staff time or problems relating to legality and liability issues. However studies show that these sometimes anticipated impacts do not reflect real experiences of smokefree policy implementation.[1, 6] Rather than receiving complaints, smokefree housing policies appear to be well accepted and can make housing complexes more desirable overall.

Won't going smokefree just lead to resistance and complaints from tenants, creating extra work for staff?

Studies to date have shown no-smoking policies in subsidised multi-unit housing to be acceptable to both non-smokers and current smokers.[10] Other international studies[11, 12] have shown that general complaints about second-hand smoke 'waft' and the health hazards of exposure to second-hand smoke far outweighed any complaints about actions to prohibit or limit where smoking was allowed. Smokefree housing policies can be well accepted.[1]

Is there an economic argument for going smokefree?

Research suggests that implementing a smokefree policy has either a neutral effect or a decrease in management time and maintenance costs—findings that would support an economic argument for going smokefree.

So, what will it cost?

The direct costs are difficult to quantify as every situation is different. However cost analyses – though limited in number – suggest that the considerable economic benefits of smokefree building policies outweigh any implementation costs.[12]

What are the legal implications of smoking bans in rental accommodation?

The Residential Tenancies Act 1986

There is no statutory right to smoke, and housing owners/providers of both private and public housing are within their legal rights to restrict smoking on their properties. In New Zealand, smokefree rules in rental accommodation contexts must be introduced in a way that is consistent with the Residential Tenancies Act 1986. This means that landlords cannot simply impose a no-smoking rule 'overnight'. The introduction of a no-smoking rule *during* a tenancy would be a 'variation' and all parties to the contract would need to agree (i.e. voluntarily). However the landlord may include no-smoking rules from the onset, when starting a new tenancy with a tenant.

You can read more about adding clauses to an agreement: https://www.tenancy.govt.nz/starting-a-tenancy/tenancy-agreements/adding-conditions-to-the-tenancy-agreement/

Home grown tobacco

Although it is illegal in New Zealand to sell or gift home-grown tobacco products, people can legally grow tobacco for their own use and sell and buy the seeds. If the Landlord was aware that the tenant was carrying out unlawful activity of any kind in the premises (for example, using the premises in part to profit from the illegal sale of home-grown tobacco products) they can send the tenant a 14 day letter to remedy and, if the tenant does not remedy the situation, the Landlord would then have the option of seeking termination of the tenancy through the Tenancy Tribunal.

Smokefree Environments Act 1990

The Smokefree Environments Act 1990 sets out the minimum requirements regarding tobacco control under New Zealand legislation. These apply across a number of settings and include workplaces. Under the Act, communal areas in social housing complexes may be defined as indoor workplaces (i.e. the workplaces of housing providers' staff). Section 2 of the Act defines a workplace as "an internal area, within or on a building or structure occupied by the employer, usually frequented by employees or volunteers during the course of their employment".

Section 5 of the Act states "An employer must take all reasonably practicable steps to ensure that no person smokes at any time in a workplace". Therefore, if communal areas of social housing complexes are internal and frequented by employees of the social housing provider during the course of their employment, they cannot be used for smoking. Employers are allowed to go beyond the requirements of the Act and require all areas/premises to be smokefree – there is no obligation to provide a smoking area.

Are such smoking rules fair?

With regard to equity (fairness of the distribution of the negative and positive impacts of the policy), smokefree policies in subsidised housing are unlikely to worsen socioeconomic or health disparities. Such no-smoking policies only prohibit the act of smoking indoors (and in common areas etc.), not the occupation of units by people who smoke, and as such are unlikely to displace or otherwise adversely affect residents who continue to smoke. However, displacement is a possible outcome in for-profit contexts and when using more coercive policies. Careful consideration should be given to unintended consequences and issues of fairness. Consideration should be given to aspects of the policy that might risk adversely affecting vulnerable residents/potential residents who continue to smoke (for example, tenants with disabilities/limited mobility). Government agencies need to

consider Treaty obligations, including the provision of (facilitation to) culturally appropriate stop smoking support services.

What do we know about third-hand smoke?

The term 'third-hand smoke' describes the nicotine and other substances left behind on surfaces after exposure to smoke, which then continue to emit toxins. Recent evidence implicates third-hand smoke (THS) in contributing to health problems.[13, 14]

Do tenants want to stop smoking?

Research tells us that most people who smoke want to be smokefree regardless of age, gender or ethnicity. Over 70 per cent of smokers want to be smokefree at any given time. Smokefree environments increase the chance that people will stop smoking, when linked with specialist support. Of those who don't quit, nicotine management provides a viable substitute when on smokefree premises. Overall, smokefree environments and cessation support help smokers' to stop and remain smokefree. "Providing intensive cessation support for lower income smokers could avoid further alienating a group already experiencing considerable disadvantage" (p. 82).[15]

When will we see results?

For some individual tenants, some benefits could be immediate, for others, it may take time for the benefits to accumulate. Smokefree policies can provide:

- protection against second-hand smoke for all residents and visitors,
- increased quit attempts, and
- increased likelihood of success.

Total bans (in particular) can encourage individuals to switch from tobacco products to nicotine replacement therapy (NRT). Such substitution can increase overall health/financial benefits (directly and indirectly).

Smokefree indoor policies are also likely to result in reduced smoke damage to units and, in the long term, significantly reduced operating costs for the housing provider (including fire damage and insurance costs). However, the benefits may accrue relatively slowly depending on the type of policy implemented and the rate of implementation (i.e. the rate of new contracts/contract variations).

How do providers manage breaches?

A good starting point in answering this question is to look at how other breaches are managed? There is probably no one-size-fits-all answer, however, an agreed process and level of enforcement should be documented and applied systematically and fairly when breaches do occur.

An example of a 14 day letter to remedy is published on the Tenancy Services website: https://www.tenancy.govt.nz/assets/Uploads/Tenancy/T136-14-day-Notice-to-remedy-all-other-breaches-handwritten-letter-template-PDF.pdf

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Also see http://www.smokefreecanterbury.org.nz/

Appendix

The following are associated templates and tools for use when developing, implementing and evaluating a smokefree housing policy:

- Tenancy Advisor (housing provider staff) questionnaire
- Survey of tenants' health and wellbeing
- Sample policy wording
- Information sheet for applicants
- Tenants' smokefree pamphlet
- Variation to Tenancy Agreement (Non-Smoking clause)
- Tenancy Variation refusal (Non-Smoking clause)
- Example 14 day notice to remedy
- Policy types: advantages and disadvantages and considerations

Some of these templates and tools are available to download as individual documents on the Smokefree Canterbury website: http://www.smokefreecanterbury.org.nz/smokefree-places/smokefree-social-housing/

Tenancy Advisor (housing provider staff) questionnaire (on-line, or pen-and-paper)

1) What is your opinion about the idea that your organisation might put some form of no-smoking policy in place across the social housing complexes? (for example, an indoor ban)

- ☐ It's a great idea
- ☐ It's a good idea
- ☐ Neutral (no strong opinion)
- ☐ It's a bad idea
- ☐ It's a very bad idea
- ☐ Please provide any other comments

2) Have you ever received information and/or training or do you have any experience with implementing smokefree environment rules/policies (either in your current role or in previous employment)? (Please select *all* that are true).

- ☐ I have past experience with implementing a smokefree housing policy
- ☐ I have a lot of knowledge about such policies (i.e. what it means for tenants and what it means for me as a tenancy advisor) but no 'hands on' experience
- ☐ I have taken part in at least one session about how to deliver brief advice and other cessation support
- ☐ I have received some informal training/instruction (e.g. from a manager or from another tenancy advisor)
- ☐ I have not had any formal training in delivering brief advice or other support
- ☐ Please provide any other comments……..

3) Generally, how comfortable do you think you would feel asking applicants/tenants about their smoking status (at the time of contract signing) and then giving those applicants/tenants who smoke some brief advice to quit smoking?

- ☐ I would feel very comfortable
- ☐ I would feel reasonably comfortable
- ☐ I think that sometimes I would feel more comfortable than at other times
- ☐ I think I would feel quite uncomfortable
- ☐ I think I would feel very uncomfortable

4) How difficult or easy do you think a no-smoking policy would be to enforce? (i.e. with a smokefree indoor policy in place … ensuring that tenants don't smoke inside)

- ☐ Very difficult
- ☐ Difficult
- ☐ Neutral
- ☐ Easy
- ☐ Very easy

Please provide any other comments……..

5) In your view, what impact might a no-smoking rule have on tenants who smoke? (i.e. changing individual tenant's smoking behaviours)

- ☐ No impact
- ☐ A little impact
- ☐ Some impact
- ☐ A big impact
- ☐ Too difficult to tell

Please provide any other comments ……..

6) How do you think most tenants would respond to an offer of smoking cessation support?

- ☐ They would likely accept the offer
- ☐ They would likely listen and are be generally receptive but wouldn't necessarily accept the offer there and then
- ☐ They would likely say "no-thanks" (not be receptive to the idea)
- ☐ They would be resistant or confrontational
- ☐ They might become angry

7) In terms of your normal day-to-day work, would you say that implementing the policy would most likely ... (Please select all that are true).

- ☐ extend my work and provide me with an opportunity to make a real contribution to the health and wellbeing of all tenants
- ☐ fit within my normal work and go hand-in-hand with the other supports that I already routinely provide

- ☐ make only a slight difference to my work
- ☐ add to my workload ….. but it would be an important part of my role (just like any other)
- ☐ add to my work …. and I don't see it as being part of my role
- ☐ Other

Please provide any other comments ……..

Survey of tenants' health and wellbeing

The *(insert the name of your organisation here)* is continually looking at ways to improve the health and wellbeing of our tenants through programmes and activities. We are interested to hear your thoughts regarding smoking and smokefree areas here at *(insert your complex name)*. Please complete this brief survey to guide us in our future planning for the complex.

1) Overall, how would you rate your general health?
□ Very good □ Good □ Poor □ Very poor

2) Do you smoke cigarettes regularly? (DON'T COUNT pipes or cigars)
□Yes
□No → Have you ever been a regular smoker of one or more cigarettes per day? □Yes □ No

3) If you smoke where do you smoke now when you are at home? (Please tick ALL that are true for you) → non-smokers skip this question.

□ In my unit

□ Outside on my porch, patio or balcony

□ Outside in my parking area or other common (outdoor) area

□ Other: (Please tell us)

- -

4) What do you think about "No Smoking" rules? (for example, 'you can't smoke inside your unit') Please tick ONE option

□ It would be a good idea

□ It's an O.K. idea

□ It's a bad idea

□ Don't know,

□ I haven't heard of this kind of no-smoking rule

Please feel free to comment further on what no-smoking rules you think would suit *(insert housing complex name).*

- - - - - - - - - - - - - - - - - - - -

Sample policy wording

Smokefree housing: Indoor [indoor example only]

1) Where new units are built, or purchased, Tenancy Agreements relating to these new units are to contain a non-smoking clause. Smoking is only to be permitted on external porches with windows and doors closed to prevent cigarette smoke from entering the actual unit.

2) Where vacant units are remodelled or redecorated, Tenancy Agreements for subsequent new tenancies are to contain a non-smoking clause. Smoking is only to be permitted on external porches with appropriate windows and doors closed to prevent cigarette smoke from entering the actual unit.

3) Current tenants are to be permitted to continue smoking inside their units but as they vacate a unit the subsequent new tenancy is to be subject to the non-smoking condition for all new tenancies.

4) Where an occupied unit requires remodelling or redecoration and the tenant is a smoker, this work is to proceed but the issue of smoking in the newly decorated unit is to be discussed with the tenant with a view to encouraging the tenant not to smoke inside the unit. The tenant should be invited to sign a contract variation which contains the non-smoking clause. And, with the tenant's agreement, referral is to be made to an appropriate stop smoking specialist service provider.

5) Where appropriate, tenants are to provide receptacles for the disposal of cigarette butts, matches etc. on external porches. The tenant is to empty and clean these receptacles regularly.

6) All staff will work with appropriate stop smoking service providers, and other health providers, to ensure that tenants are supported to become smokefree.

Information sheet for applicants

Our homes are smokefree: Information for applicants.

The [*organisation*] is committed to providing safe and healthy homes for all tenants.

That is why in [*date*], the [*organisation*] adopted a new policy requiring all [*organisation*] homes to be smokefree [*where? Indoors, buildings and grounds, smoking restricted to outdoor designated areas*]. The policy is being [*phased in as new and renewed tenancy agreements are signed*].

This policy marks a step by the [*organisation*] towards achieving the Government's goal of a smokefree New Zealand by 2025.

A smokefree home is:

- healthier,
- less of a fire risk, and
- reduces maintenance costs.

A Good Time to become Smokefree

This is a great time to stop smoking. Not only will your health improve, you will have more money to spend on other things.

When you smoke, your body gets used to a steady supply of nicotine. When you stop smoking, even for short periods, you feel uncomfortable and stressed as your body starts to need more nicotine. There's help available to relieve these stresses and cravings, while protecting your body from the 4,000 poisons found in tobacco smoke.

Most people who smoke want to quit. Even so, it can be a hard journey. There's free help available to help you quit, and the more help you get, the more you are likely to succeed and become smokefree.

Getting Help

To find stop smoking support and information go to:

[*connect with local services to work out the best option for referral]*

You can also talk to your GP or pharmacist or call Quitline 0800 778 778.

If this is not the right time for you to quit for good, then making your home smokefree is a healthy first step.

Tenants' smokefree pamphlet

Our homes are smokefree: Information for tenants

The (*organisation*) is committed to providing safe and healthy homes for all tenants.

That is why in [*date]* the [*organisation]* adopted a new policy requiring all [*organisation]* homes to be smokefree [*where? Indoors, buildings and grounds, smoking restricted to outdoor designated areas*]. This policy is being [*phased in as new tenants join us or as existing tenants are relocated or return after having their homes renovated*].

The policy marks a step by the [*organisation]* towards achieving the Government's goal of a smokefree New Zealand by 2025.

A smokefree home is:

- healthier,
- less of a fire risk, and
- reduces maintenance costs.

The policy means no-one can smoke [insert restrictions as applicable] your home.

Where is smoking allowed? [Example only]

- Smoking will only be permitted on external porches, with appropriate windows and doors closed to prevent cigarette smoke from entering the unit.
- Tenants are required to safely manage the disposal of cigarette ash and butts when smoking outside.
- Tenants are expected to be considerate of neighbours by ensuring smoke is not directed into their area
- Tenants are responsible for ensuring any visitors do not smoke inside the home.

Breaches will be taken seriously

It is important to know that if your tenancy agreement contains the non-smoking clause and if you continue to smoke inside your home action will be taken against you.

A Good Time to become Smokefree

This is a great time to stop smoking. Not only will your health improve, you will have more money to spend on other things.

Most people who smoke want to quit. Even so, it can be a hard journey. There's free help available to help you quit, and the more help you get, the more you are likely to succeed and become smokefree.

Where to get help

[*Organisation*] housing staff can provide support and advice. They can also connect you with stop smoking support services.

For more information on the range of free support services available to help you stop smoking you can go to *[insert local stop smoking providers website*], talk to your GP or pharmacist, or call Quitline 0800 778 778.

For those who are not trying to stop smoking at this time, we can provide alternatives to smoking.

If you smoke regularly, your body gets used to a steady supply of nicotine. When you stop smoking and even between cigarettes, it is the withdrawal from nicotine that causes discomfort and increases stress. It is the 4,000 poisons in tobacco and tobacco smoke that cause harm.

Nicotine replacement therapy (NRT) replaces the nicotine supply to your body and is a safe alternative for most people to use. It can reduce the severity of some of the symptoms that people experience when they can't smoke, such as cravings, irritability and restlessness.

[*Organization*] housing staff can support you to manage being smokefree while you are inside the home, with no obligation to stop smoking in the long term. They can help you to get NRT which can be used as a substitute for cigarettes when it's not convenient to go outside.

While using NRT may help you manage your smoking, it is important to know that there is no safe level of smoking. This may help you keep comfortable, save money and hopefully be the start of a quit journey. Ultimately, stopping smoking is the only way to really protect your health.

If you have any concerns related to smoking talk with your tenancy advisor.

Variation to Tenancy Agreement (Non-Smoking clause)

Address of Rented Premises	
Tenants Name Customer No: Lease No: Address for Service Telephone Number	
Landlord's Name Landlord's Address for Service Person Responsible Telephone	

The landlord and tenant entered into a tenancy agreement on [*insert date of original tenancy agreement*].
Without limiting or affecting any of the terms and conditions of that tenancy agreement between the landlord and tenant, the landlord and tenant also agree that:
The tenant shall not smoke, or permit any other person (including the tenant's guests and the tenant's relatives) to smoke, [*insert description of limitation e.g. inside, anywhere on*] the rented premises. The tenant, or any other person, may smoke [*state where and rules if applicable e.g. on any external porch to the rented premises so long as –*

(a) all windows and doors to the rented premises are closed to prevent smoke from entering the rented premises; and
(b) the tenant provides a receptacle for the disposal of cigarette butts, matches, and any other related item on the external porch; and
(c) the tenant empties and cleans this receptacle regularly.

Signed _____ Date: _____

(on behalf of the Landlord)

Signed _____ Date: _____

(Tenant)

Signed _____ Date: _____

(Tenant)

EXAMPLE

Tenancy Variation refusal (Non-Smoking clause)

Dear ……..

The Housing Unit notes that, following the redecorating / remodelling/ rebuilding or reallocation of your unit, you were invited to voluntarily sign a variation to your Tenancy Agreement stipulating that smoking is only permitted outside your unit (in the manner outlined in the variation). The Housing Unit also notes that you have exercised your right not to sign this variation to your Tenancy Agreement.

The Housing Unit therefore reminds you (as discussed previously) that you may be liable for any damage caused by smoking inside your unit (for example, nicotine stain removal from walls and surfaces, and/or damage caused by cigarette burns) *from this point forward*.

The Housing Unit acknowledges that you have previously been permitted to smoke inside the premises and that the Tenancy Agreement has not previously prohibited you from doing so. *However*, your unit is now in a 'refurbished' condition and the Tenancy Act (1986) puts an obligation on tenants to keep their premises "reasonably clean and tidy" during the tenancy and to leave it "reasonably clean and tidy" at the end of the tenancy.

While your tenancy contract has not changed, the Housing Unit now deems your unit to be "reasonably clean and tidy" and therefore it must be left in this condition (to this current standard) at the end of the tenancy. Where a tenant is in breach of their obligations under the Act, the Landlord can ask them to remedy the breach and, if the tenant does not, seek compensation for the costs incurred in remedying the breach. Please also be aware that any damages sought may be recovered via an application to the Tenancy Tribunal.

Should you decide to include this variation in the future or if you have any questions about this letter please call me on ……..

The Housing Unit can provide you with stop-smoking support and referrals to specialist stop smoking services, and we encourage you to talk to any of our staff if you would like help.

We can provide you with ongoing support to help you to become smokefree.

Yours sincerely

Example 14 day notice to remedy

Date:

Tenant's name:

Tenant's address:

Dear

Tenancy at:

I am writing to let you know that you have not kept to your tenancy responsibilities by:

.....

.....

.....

This letter is not an eviction notice. It is a notice giving you until ...../...../..... (at least 14 days from but not including today*) (the Remedy Date) to remedy the situation by doing the following:

.....

.....

.....

I can apply to the Tenancy Tribunal to end your tenancy if this is not remedied on or before the Remedy Date.

Please contact me if you have any questions.

Phone:

..... Mobile: .....

Email:

.....

Address:

.....

Yours sincerely

Delivery:

Date: / /

By (tick):

- ☐ mail (*allow 4 extra working days from but not including today)
- ☐ hand into letterbox (*allow 2 extra working days from but not including today)
- ☐ email to an email address given as an additional address for service
- ☐ (*if sent by email after 5pm, allow 1 extra working day from but not including today)
- ☐ fax to a facsimile number given as an additional address for service
  (*if sent by fax after 5pm, allow 1 extra working day from but not including today)
- ☐ hand to tenant

Note: Please ensure you keep a copy of this document for your own records

For tenancy advice and information visit www.tenancy.govt.nz or call 0800 TENANCY (0800 836 262)

Policy types: advantages and disadvantages and considerations

Table 1: Two different types/styles of smokefree social housing policy, advantages, disadvantages and considerations

Type	Partial ban	Total ban
Description	Partial smokefree policies include those which apply to indoor smoking only. These types of no-smoking rules are the least restrictive of the policy options. They use progressive roll-out to all new tenants and they prohibit *new* tenants from smoking in their living units (existing tenants may continue to smoke in their units). All tenants and visitors may smoke anywhere outside their units, provided that they are not directly affecting neighbouring units with second-hand smoke. No smoking in permitted in any common indoor area (including stairwells, lifts, foyers, halls and other common area). This approach may or may not include dedicated smoking areas within the property perimeter (while still maintaining a specified separation from buildings and common areas).	A total ban is a no-smoking rule that applies to all indoor areas, for all tenants and visitors (from the date of individual contract signing forwards). It also extends the no-smoking zone to cover all outdoor areas up to the property boundary (or alternatively anywhere on the site within, for example, 25m of buildings).
Advantages	Can enhance acceptance and compliance and can help motivate smoking cessation and reduce cigarette consumption: creates relatively modest levels of leverage/motivational 'tension' as the change in behaviour required to comply is reduced. May be easier for new tenants to establish new behaviour patterns. Unlikely to worsen socioeconomic or health disparities. Likely to result in reduced smoke damage to units and should result in significantly reduced operating costs for the housing provider. Likely will protect tenants and owners and operators from liability related to second-hand and third-hand smoke exposure. However, smoke 'waft' to adjacent units is possible as smokers move outside their units to smoke. Cost-recovery for smoking-related property damage may be feasible (for future tenancies).	Consistent expectations and easier to identify non-compliance. Can help motivate smoking cessation and reduce cigarette consumption: creates relatively high leverage/motivational 'tension' as the change in behaviour required to comply is significant. Should result in zero smoke damage to units in the future, and should result in significantly reduced operating costs for the housing provider (including the possibility of reduced fire insurance costs). Unlikely to worsen socioeconomic or health disparities. Fully protect tenants and owners and operators from harm/liability related to second-hand and third-hand smoke exposure. Cost-recovery for smoking-related property damage may be feasible (for future tenancies).
Disadvantages	The full benefits will be delayed considerably if the tenant population includes many long-term smokers who do not stop smoking voluntarily (when they are not compelled to do so). May cause an increase in complaints about second-hand smoke (e.g. smoke waft within or from outdoor common areas). May be difficult to manage breaches as different rules apply to different people and the difference between smoking inside and on a patio or balcony (for example) is more difficult to detect. Difficult for visitors (and any other workers visiting a unit are not protected from SHS). Existing smokers may see little or no benefits come from the policy. Unless there is a proactive process in place to motivate existing smokers, then they may not have the opportunity of a 'clean start' approach. Neighbours (of a housing complex) could view the presence of tenants smoking on the street negatively.	Careful consideration should be given to the fairness as strict policies that restrict future applicants to non-smokers could risk displacing or otherwise adversely affecting those most in need. Hard-line policies without flexibility may result in poor voluntary compliance and therefore create the need for resource-intensive enforcement measures (including following through on the threat of eviction). Hard-line policies may also provoke resistance and hamper efforts to change tenants' smoking behaviours. Neighbours (of a housing complex) could view the presence of tenants smoking on the street negatively.
General	*Consider the provision of (facilitation to) culturally appropriate cessation support and addiction management to all tenants who smoke, including an emphasis on the needs of Māori. *No-smoking policies should include a formalising position on e-cigarettes (i.e. electronic cigarettes, also called personal vaporisers or electronic nicotine delivery systems).	

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