

# Policy Document

## Smoking Inside an Argyle Property Policy

<b>Location</b>	Operations NSW/ACT
<b>Policy Type</b>	Social and Affordable Housing Policy
<b>Version</b>	3.1
<b>Issue Date</b>	April 2021
<b>National Regulatory Code</b>	Performance Outcome 2: Housing Assets

### 1. OBJECTIVE

- 1.1. To establish Tenant responsibility for smoking inside an Argyle Housing property, including smoking when Argyle Housing employees and contractors are present at the property.

### 2. BACKGROUND AND SCOPE

- 2.1 Argyle Housing promotes and respects the human rights and fundamental freedoms of all persons with a disability and provides a service to tenants in line with the principles of the NSW Disability Inclusion Act 2014, Disability ACT and the United Nations Convention on the Rights of Persons with Disabilities (CRPD).
- 2.2 Argyle Housing supports and encourages a person-centered and culturally sensitive approach to service delivery.
- 2.3 Argyle Housing promotes and respects the rights and freedoms of Aboriginal and Torres Strait Islander peoples.
- 2.4 It is a tenant's choice whether they choose to smoke inside or outside an Argyle Housing dwelling; any property damage beyond fair wear and tear that results from smoking in an Argyle Housing property must be rectified at the tenants' expense.

### 3. DEFINITIONS

- 3.1 Refer Argyle Housing Policy Definitions Policy.



#### 4. POLICY DETAIL

- 4.1 Tenancy Officer's must communicate this policy with each tenant upon occupying an Argyle Housing property and /or during a periodic inspection.
- 4.2 Tenants are not permitted to smoke inside an Argyle Housing property due to the damage caused to the property from smoke. Any damage caused by smoking in the property is classified as tenant damage and will be therefore the responsibility of the tenant to rectify.
- 4.3 After tenants have been smoking inside a dwelling for a short time, damage can occur to the paint and furnishings, including carpet in a property. Should a tenant choose to smoke in an Argyle Housing property and discoloration of paint occurs, damage or odour affects carpet and furnishings, the tenant will be held responsible for the cost to rectify this damage because it is classed as tenant damage.
- 4.4 If housed in an Argyle Housing owned property or Capital property and the property was due to be painted by Argyle Housing due to the age of the paint, the tenant will only be held cost responsible for a 'bleed seal' to be painted over all walls and ceilings prior to the normal painting occurring. A bleed seal is required to prevent staining from nicotine seeping through the new paint and reappearing.
- 4.5 Should an Argyle Housing owned or Capital property not be due for repainting, however it becomes required to be done early due to a tenant choosing to smoke in a property, the tenant will be held cost responsible for the bleed seal and the cost of repainting the property because this is classified as tenant damage. Argyle Housing will take the age of paint into consideration and as such the tenant may be required to pay 100% of the cost of the bleed seal and part of the cost of repainting.
- 4.6 If there is an odour in the property, and painting required, tenants will be held cost responsible for both eradicating the smell and repainting the property, including carrying out a bleed seal.
- 4.7 Argyle Housing Staff should not enter a property while the tenant is inside smoking due to Work Health and Safety issues. Tenants will be asked to extinguish their cigarette prior to Argyle Housing staff entering the property.

#### 5. APPEALS

If a tenant believes Argyle Housing has made a wrong decision, they can ask for a formal review of the decision. To do this, they can complete an Appeals Form stating why they disagree with the decision. An appeal can be lodged by completing the 'I Want to Appeal Form' found on the Argyle Housing website [www.argylehousing.com.au](http://www.argylehousing.com.au) or available from any Argyle Housing office. The form, or a letter, can be emailed, posted or delivered in person to any Argyle office or submitted online via the Argyle Housing website.

If the appellant remains unsatisfied with the outcome of the first appeal they can appeal to the Housing Appeals Committee (HAC) which is an independent appeals body specifically set up to consider appeals made by social housing tenants in NSW. An appellant can access HAC by calling free call 1800 629 794 or can get more information from their Tenancy Officer.

Matters that the NSW Civil and Administrative Tribunal (NCAT) or the ACT Civil and Administrative Tribunal (ACAT) can resolve are not able to be appealed. For example, if Argyle Housing issues a Notice of Termination for breaches of the tenancy agreement.

See Argyle Housing's Appeal Policy for further information.



## 6. RELATED POLICIES AND DOCUMENTS

6.1 Argyle Housing Policy Definitions Policy

6.2 Argyle Housing Appeal Policy

6.3 National Community Housing Standards Reference - 1.2 Establishing and maintaining tenancies

### Version Control

Version No	Date	Author	Position	Next Review Date
1.0	27/02/2014	M. Irwin	Asset Manager	26/02/2015
2.0	28/4/2015	M. Ward	Operations Manager NSW	30/04/2016
2.1	01/05/2016	M. Ward	GM Operations	01/05/2017
3.0	18/12/2017	M. Reader	GM Operations	27/11/2018
3.1	22/04/2021	C. Doherty	Housing Services Manager	30/04/2023

