

# Smoke-Free Amendment to CC&Rs

Living in a smoke-free home is a choice everyone should have, and now our homeowners have that choice too. After more than \_\_\_\_\_ years of diligent research and careful consideration, it has become clear that the overwhelming trend in multi-unit housing is toward smoke-free living. Condominium developments, apartment buildings, and housing authorities all over the world are instituting smoke-free policies, and now the Board of Directors is proud to offer our homeowners the opportunity to do so also.

## What the Amendment Will Do

***This amendment is designed to gradually transition (name) \_\_\_\_\_ to a smoke-free environment. If the amendment is approved, beginning (date) \_\_\_\_\_, all new sales and rental agreements must stipulate that no smoking is permitted anywhere on the premises, including inside individual units and on balconies and patios. Over the course of a year, as units are sold and leases expire, smoking will be reduced. Any complaints of drifting secondhand smoke however will continue to be addressed by management, and the nuisance clause in section \_\_\_ of the existing CC&Rs will be enforced to protect the health and well-being of non-smokers. Beginning (date) \_\_\_\_\_, smoking will no longer be permitted anywhere on the premises, and we will officially become smoke-free.***

## Health Benefits of a Smoke-Free Building or Complex

***Secondhand smoke is a toxic air pollutant*** that contains over 250 known toxins and carcinogens. The U.S. Environmental Protection Agency has classified it a Group A carcinogen, and the California Air Resources Board has added it to their official list of Toxic Air Contaminants.

The U.S. Surgeon General's 2006 report concluded that there is ***no risk-free level of exposure to secondhand smoke***, and that even low levels of exposure can be very harmful to the health of non-smokers. There are irritant, respiratory, cardiovascular, developmental, reproductive, and carcinogenic effects of exposure. Infants, children and the elderly are especially at risk and are disproportionately affected.

The report also found that there is ***no effective way to contain secondhand smoke at it's point of origin***. A neighbors' smoke eventually finds it's way into

your unit through open windows and doors, tiny cracks and openings in the walls, electrical outlets, and spaces around pipes and plumbing fixtures. ***Conventional air cleaning systems can remove large particles, but not the smaller particles or the gases found in secondhand smoke.***

## **Legal Advantages of Smoke-Free Policies**

State and federal courts have made it clear that smoking is not a protected activity under the law, and ***non-smokers have the right to protect themselves from exposure to secondhand smoke.***

A smoke-free policy in the CC&Rs or governing documents will guarantee protection to non-smokers, and ***will protect the Association and homeowners with non-smoking tenants from potential lawsuits arising from legal violations.***

More and more cities are designating secondhand smoke a public nuisance, and they are passing laws that prohibit smoking in multi-unit housing developments. ***Proactively addressing the problem of secondhand smoke will facilitate a smoother transition to the smoke-free environment that is a likely eventuality.***

## **Financial Rewards of Smoke-Free Housing**

Almost 90% of California adults do not smoke. Now that those people have become more aware of the dangers associated with exposure to secondhand smoke, and are more confident of the legality and enforceability of smoking prohibitions, ***the demand for smoke-free housing has increased.*** As new smoke-free housing projects appear on the market, and other condo associations establish smoke-free policies, ***it is in the best interests of our homeowners to offer this increasingly sought after amenity.***

## **Your Vote is Very Important**

***The \_\_\_\_\_ Board of Directors unanimously supports and endorses this amendment.*** Packets of information about smoke-free housing are available from management and members of the Board, and you are encouraged to carefully review all the material. Also, a special town hall meeting will be held shortly to address whatever questions and concerns residents may have about the amendment. Please check the \_\_\_\_\_ website and bulletin board for

details about this meeting. ***It is very important that you vote because the amendment needs a minimum of \_\_\_\_ votes to pass. PLEASE VOTE!***