

Smoke-Free Amendment to CC&Rs

Living in a smoke-free home is a choice everyone should have, and now _____ (name of condominium complex) homeowners have that choice too. After more than two 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 _____ (name of complex) homeowners the opportunity to do so also.

What the Amendment Will Do

This amendment is designed to gradually transition the _____ (name of complex) 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 at the _____. (name of complex) 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 the _____ (name of complex) will officially become smoke-free.

Health Benefits of a Smoke-Free Complex or Building

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 and children are especially at risk and are disproportionately affected.

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

your unit through open windows and doors, tiny cracks and openings in the wall, 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 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 at _____ (name of complex) 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 residents do not smoke. Now that most 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 skyrocketed.** 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 _____ (name of complex) homeowners to offer this increasingly sought after amenity.**

Your Vote is Very Important

The _____ (name of complex) Board of Directors unanimously supports and endorses this amendment. A binder full of information about smoke-free housing is at the front desk in the lobby, and you are encouraged to carefully review all the material. Also, a special town hall meeting will be held sometime in _____ (name of month) to address whatever questions and concerns residents may have about the amendment. Please check the _____ (name of complex) website and bulletin board for details about this meeting. **It is very important that you vote because the**

**amendment needs a minimum of _____ (number needed) votes
to pass. PLEASE VOTE!**