

Place One Condominium

Policy Statement

Date: April 1, 2022
Policy Statement: 22-09
Subject: Managing Effects of Second Hand Smoke

I. Introduction

Effective July 1, 2021, provisions of Section 55.1-1960.1 of the Virginia Condominium Act authorized Boards of Directors in Virginia to establish policies governing smoking within both common areas and individual units. Also effective July 1, 2021, Virginians may smoke or consume marijuana in certain quantities, provided it is home grown and/or, after January 1, 2024, as purchased from a state regulated retail sales outlet. The objectives of this policy are to control the negative effects of tobacco and marijuana secondary smoke, both health and annoyance related, which permeates into other units and common areas. The policy outlines an approach intended to take effect incrementally, with a goal to ultimately become a combustible smoke free community.

II. General

In the United States, traditional smoking caused an estimated 480,000 deaths in 2020 of which 41,000 of these deaths were due to the effects of secondhand smoke. [Center for Disease Control (CDC)]¹ Secondhand smoke, generated within a unit, spreads via the ventilation system, and depending on the smoke's density, in some cases through common walls, with adverse consequences to neighbors. This includes both smoking on balconies and inside through an open window, where smoke can invade neighboring units.

As long as an activity is legal, and consistent with other Place One policies, residents are generally permitted the quiet use and enjoyment of their units. However, under Section 55.1-1960.1 of the Virginia Condominium Act relative to smoking, that permission can be modified by the Board of Directors when quiet use activities become an annoyance and/or a health hazard to others outside the unit. An annoyance is the continual smell of secondhand smoke circulating through a resident's unit. The health hazards are several; and not confined to ultimate death.

¹ [CDC Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion](#)

The use of this new authority is consistent with ongoing efforts since Place One's founding to enforce Master Deed, Section XVII, Restrictive Covenants, Paragraph C which states: ***"No noxious or offensive activity shall be carried on in any unit nor shall anything be done or be permitted to remain in any Unit which may be or become a nuisance or annoyance to the other Co-Owners."***

III. In-Unit Smoking

This policy outlines an approach to take effect over a period of time with the goal of eliminating the use of combustible products including both tobacco and marijuana within units including balconies which ***"may be or become a nuisance or annoyance to the other Co-Owners."***

- A. Current Residents.** Use of combustible products which produce secondary smoke are conditionally acceptable provided users are able to ensure its use is not ***"a nuisance or annoyance to the other Co-Owners."*** To ensure second hand smoke is not a nuisance or annoyance, residents who smoke should consider/employ the following mitigation strategies.
 - 1. Remediation.** Deploy smokeless ashtrays and portable air filtration systems designed to eliminate smoke. Avoid smoking on balconies and near open windows.
 - 2. E-cigarettes, Vaping.** Use electronic cigarette and marijuana vaping products. While not endorsed from a health perspective, these products are permitted for use within a unit and/or on a balcony provided no secondary odors are able to permeate into other units.

- B. New Residents.** From the effective date of this Policy Statement, use of combustible products are prohibited automatically in units as provided below.
 - 1. Lease/Renewal.** When rented, at the time of the lease's initial issuance or renewal, Co-Owners are to use the Lease Addendum version referenced in *Policy Statement XX-06, Sales, Leasing and Resident Information* which specifically prohibits the use of combustible tobacco/marijuana products in that unit going forward.
 - 2. Sales.** When sold, per this Policy Statement, effective from the settlement date, use of combustible tobacco/marijuana products are specially prohibited in that unit going forward.

Co-Owners who rent or sell their units after the date of this Policy Statement are responsible for ensuring this information is communicated to prospective tenants or purchasers.

IV. Common Area Smoking

Except for designated areas listed below, no smoking (including cigarettes, e-cigarettes, cigars, pipes, marijuana, vaping) is allowed in common areas (indoors and outdoors). Indoors includes, but is not limited to; Lobby, Bailey Room, Hallways, Stairwells, Offices, Storage Rooms, Fitness Center, Locker Rooms, Loading Dock, the Garage and Garage Lobby. Outdoors includes, but is not limited

to, Swimming Pool, Tennis Courts, Dog Park, all seating areas including those around entrances.

Place One has two tobacco only, including vaping designated smoking areas as listed below. Please note: Marijuana smoking is not permitted in any outdoor area.

- A. Pool Area.** See *Policy Statement XX-16 Swimming Pool Area Use* for this designated area.
- B. South Mezzanine Dog Park Exit/Entry.** A year-round outdoor area is available at this location just in front of the rear Tennis Court and by the seating area. Please do not move the concrete ash tray.

V. Policy Violations

Residents who wish to report a violation of this policy must follow the procedures outlined in *Policy Statement XX-32 Complaints and Policy Violations*. The process of adjudicating complaints, including limits on fines imposed and other penalties is governed by the Virginia Condominium Act as expressed in that Policy Statement.

Violation reports, must include Objective Quality Evidence (OQE) for Place One to act. OQE includes at a minimum, the unit number source with certainty, date and time of the occurrence and a description of what occurred.

Place One's Policy Committee is charged with conducting Hearings relative to policy violations. Those Hearings can result in fines and other penalties within the scope of what is allowed by Place One's Master Deed and the Virginia Condominium Act. *In addition to traditional fines and other penalties, consistent with new authorities under Section 55.1-1960.1, through this Policy Statement, the Board of Directors delegates to the Policy Committee the authority, in addition to traditional remedies, to direct a unit's owner, which after a Hearing concluded the occupant to be non-compliant specifically around managing secondary smoke, to go cumbustible smoke free within that unit among any other potential fines or penalties available within the complaint process.*



Valerie Spiegler, President
Board of Directors