

POLICY RESOLUTION #06-14-24

**THE 410 CONDOMINIUM ASSOCIATION, INC.
SMOKE-FREE POLICY*****ESTABLISHING GUIDELINES FOR A SMOKE-FREE CONDOMINIUM***

WHEREAS, Article IV, 4.1 of the Bylaws, the Board of Directors is the executive and administrative entity designated to act for the Association in governing the condominium and the Association;

WHEREAS, Article IV, 4.1, E., of the Bylaws, the Board of Directors is charged with making and amending Rules and Regulations respecting the use of the condominium;

Whereas, Article IV, 4.1, N., of the Bylaws, the Board of directors shall have the power and duty to impose on and receive from individual Unit Owners any payment, fee, or charge for the use, rental or operation of the Common Elements;

WHEREAS, Article VI, 6.8, A., of the Bylaws, the Board of Directors is authorized to promulgate, amend, and enforce Rules and Regulations concerning the operations and use of the Condominium, provided that such Rules and Regulations are not contrary to or inconsistent with the Condominium Act, the Declaration or these Bylaws;

WHEREAS, Article VI, 6.8, B (6), of the Bylaws, No nuisances shall be allowed in the Condominium nor shall any use or practice be allowed which is a source of annoyance to residents or which interferes with the peaceful possession or proper use of the Condominium by its residents; and

WHEREAS, Article VI, 6.8, B (11), of the Bylaws, No activity shall be done or maintained in any Unit or upon any Common Element which will increase the rate of insurance on any Unit or the Common Elements or result in the cancellation of insurance thereon, unless such activity is first approved in writing by the Board of Directors.

FINDINGS

WHEREAS, the U.S. Surgeon General has conclusively determined that there is no **risk-free** level of exposure to secondhand smoke;

WHEREAS, given the proven health risks associated with smoking and breathing secondhand smoke, the Board deems it advisable and in the best interest of all members of the Association to approve Policy Resolution #06-14-24, which prohibits smoking in all condominium units as well as the indoor/outdoor common areas; and

WHEREAS, nothing in federal law, including the Federal Fair Housing Act, prevents the imposition of smoking prohibitions in multi-unit dwelling buildings.

THEREFORE, BE IT RESOLVED THAT the board adopts the following smoke-free policy, effective **June 26, 2024** :

Section 1. Purpose

The Board of Directors of The 410 Condominium Association, Inc. adopts this policy to protect the residents of 410 15th Street, N.E., Washington, D.C. from the health risks of exposure to secondhand smoke regardless of the source.

The policy is also adopted to prevent the risks of injury to residents from fires associated with smoking.

Section 2. Definitions

- (a) "Smoking" means inhaling, exhaling, burning, holding or carrying any lighted or heated cigarette, cigar, cigarillo, pipe, hookah or other lighted smoking device for burning tobacco or other plant product, or any other product in any manner or in any form. Smoking also includes use of any electronic smoking device.
- (b) "Electronic smoking device" means a device that can be used to deliver aerosolized or vaporized nicotine, marijuana or other products to an individual inhaling from the device. The term shall include, but is not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs and vape pens.
- (c) "Plant Product" includes medical marijuana. Smoking marijuana by a registered medical marijuana user is prohibited by the provisions of this Rule.
- (d) "Lease" shall mean any document or agreement for any owner that allows someone other than the Unit Owner to reside or occupy a unit. The lease provided to the Association must include the starting and ending lease dates and names of all persons occupying the unit.
- (e) "Grandfathering" includes any occupant other than the Unit Owner who is occupying a unit under a "lease" at the time of adoption.

Section 3. Policy Provisions

- a. Smoking is prohibited everywhere on the property at 410 15th Street N.E. including, but not limited to, the individual units and all indoor and outdoor common areas.
- b. No owner shall smoke or permit smoking by any owner, occupant, agent, tenant, contract worker, household worker, guest, friend, family member or other person.
- c. Smoking in violation of this resolution will constitute an offensive act which will be deemed to interfere with the rights, comforts or convenience of other Unit Owners and/or residents and to eliminate secondhand smoke as a nuisance to other occupants.
- d. To require owners to disclose this Resolution Policy in resale documents.
- e. To require owners to disclose that 410 15th Street NE is a smoke-free multi-unit dwelling to all renters and other occupants of units.
- f. This policy may be enforced in a court of law by any resident of the Association. If any resident or the Association is required to hire legal counsel to enforce this policy, the resident or the

Association shall be entitled to recover attorney's fees and costs incurred, whether or not litigation has been commenced. The Association may collect attorney's fees and costs it incurs the use of a special assessment levied against the owner of the unit and an assessment lien if necessary.

- g. To require unit owners to provide a copy of the defined lease terms within 15 days after adoption of this policy.
- h. A Grandfathering period will be conveyed to a tenant at the time of adoption of the Policy for no more than 45 days after the date of adoption of this Policy to be in compliance. Thereafter, all units must come into compliance with this Policy.

Section 4. Enforcement Procedures

- a. A formal written complaint from a unit owner(s) or the Board must be received to initiate action for a specific unit.
- b. To be included in the complaint, there must be a scheduled time and date granting permission for the Association to enter the specific unit to investigate the complaint. If entry to investigate a specific unit is not granted then no further action will be taken by the board.
- c. The board as a whole may investigate the complaint, assign it to a specific board member or to management. If the violation is in the common area it will be the board's initiation to investigate the violation.
- d. A written report of findings will be provided to the board for their review and action within seven (7) days of the complaint.
- e. A written response will be provided to the complainant within fifteen (15) days of the written complaint.
- f. A first notice letter will be issued to the violating unit owner to request a written response within seven (7) days of the notice of actions taken to remedy the violation.
- g. If there is no response, a second notice letter will be issued within fifteen (15) days after the first notice letter scheduling a certified hearing with the board.
- h. Within seven (7) days of a certified hearing the unit owner will receive a written letter of the hearing results.

Section 5. Violation Penalties

- a. A first violation will receive a notice to cease smoking.
- b. A second violation will receive a \$250.00 assessment to be added to the unit owners account.
- c. Every subsequent violation will receive a \$500.00 assessment to be added to the unit owners account.

THE 410 CONDOMINIUM ASSOCIATION, INC.

RESOLUTION ACTION RECORDED

No.: 06-14-24
Pertaining to: GUIDELINES FOR A SMOKE-FREE CONDOMINIUM
Duly adopted on: 6/26/2024
Motion by: Anya Brodrick
Seconded by: Wooyoung Lim

VOTE:	YES	NO	ABSTAIN	ABSENT
Kimbra D Steven President	Y			
Wooyoung Lim Vice President	Y			
Anya Marjorie Brodrick Secretary/Treasurer	Y			

ATTEST:

DocuSigned by: <i>Anya Brodrick</i> F04B2DF1085A493... Secretary	6/24/2024 Date
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Resolution effective: 6/24/2024