

# PERKINS & ANCTIL

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## Survey Said!

We want to thank all of you who took the time to participate in our first ever "Q&A with P&A" survey session. We received nearly **fifty** responses and a host of thoughtful comments regarding our topic: *Smoking Policies at Community Associations*.

Of our respondent pool, **only about 28% indicated that their governing documents currently include provisions addressing or restricting smoking in units and common areas**. This is certainly consistent with our general experience. Many associations which were established five or more years ago are unlikely to have any provisions in their documents dealing with smoking. Only recently, lagging somewhat behind the legislative trends to limit/ban smoking, have we seen associations move to implement similar restrictions. If our representative sample is consistent with the general status of associations in the Commonwealth, this means that approximately three-quarters of all associations have documents which do not restrict smoking.

Which brings us to the burning question:

### To Ban or Not to Ban...

Of those respondents who indicated that their documents do not presently address smoking, **30% indicated that they would not support or felt that they had no need to implement smoking restrictions**. Thanks to the comments that we received, we believe that many of these associations are "single family" or "townhouse" style communities, where smoke is not as likely to travel between units or interior common areas. Other association respondents against adopting a ban indicated that they had very few smokers who resided at the property, thus obviating the need for a no smoking policy. Still others felt – as a "personal" matter – that an owner's unit is "his castle" and a smoking restriction may impugne personal rights.

### Breathing Room...

The remaining **70% of respondents who do not currently have any smoking provisions in their documents favored at least some form of limitation on smoking**. In addition to the health benefits of maintaining a smoke-free community, these respondents provided additional insight as to why associations may wish to adopt such restrictions. For example, one manager suggested a smoking ban would reduce the risk of **accidental fires** and eliminate waste from improperly discarded and **unsightly cigarette butts**. One of our larger association clients, an apartment-style community, has cited the cost benefits of reduced maintenance of common area air ducts and ventilation systems as a reason for imposing restrictions.

Interestingly, those in favor of adopting new policies were more or less evenly split as to how far an association should go: with **52%** in favor of prohibiting smoking in association common areas (but **not** units) and **48%** advocating a **complete smoking ban** (in all common areas and units). Our respondents were also equally split on grandfathering – nearly 50/50 for and against the concept of allowing current smokers some measure of exemption from any policy put into place.

### When the Smoke Clears?

Smoking remains a smoldering issue for community associations in the Commonwealth and the nation. There is no universal solution for associations, no one-size-fits-all. Personal, professional, business, health and other reasons all weigh heavily in determining whether a ban or limitation makes sense for any given community.

We hope this information was useful. Of course, should you have any further questions about going smoke-free or adopting restrictions, we encourage you to contact us directly.

Thank you again for your feedback!