



## Legislation Details (With Text)

**File #:** Ord 20-37      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**In control:** City Council

**Final action:** 1/6/2021

**Title:** Creating Chapter 194 of the Legislative Code entitled Smoking Policy Disclosure to require the completion of a smoking sale disclosure report for sale of units within a common interest community.

**Sponsors:** Rebecca Noecker

**Indexes:**

**Code sections:**

**Attachments:** 1. Ord 20-37 - Martha Hewett email 12-11-20, 2. Ord 20-37 - Kathy Klimoski email 12-10-20, 3. Ord 20-37 - Thomas E. Kottke email 12-9-20, 4. Ord 20-37 - Heidi Larson, American Lung Association, 5. Ord 20-37 - Margaret Meyer email 12-13-20, 6. Ord 20-37 - Amy Ruzick 12-9-20 sample of condo declaration, 7. Ord 20-37 - Amy Ruzick email 12-9-20, 8. Ord 20-37 - Vicki Sheffer, TISH Board, email 12-15-20, 9. Ord 20-37 - Jeff Tentinger & Robin Werrbach email 12-8-20, 10. Ord 20-37 - Jeanne Weigum, Association of NonSmokers, 11. Baucom Email - Ord. 20-37

Date	Ver.	Action By	Action	Result
1/14/2021	1	Mayor's Office	Signed	
1/6/2021	1	City Council	Adopted	Pass
12/16/2020	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
12/9/2020	1	City Council	Laid Over to Third Reading/Public Hearing	
12/2/2020	1	City Council	Laid Over to Second Reading	

Creating Chapter 194 of the Legislative Code entitled Smoking Policy Disclosure to require the completion of a smoking sale disclosure report for sale of units within a common interest community.

### Section 1

WHEREAS, scientific evidence has firmly established that there is no safe level of secondhand smoke from commercial tobacco products, a pollutant that causes serious illness in adults, children, and pets; and

WHEREAS, the World Health Organization has stated that there is indisputable evidence that implementing 100 percent smoke free environments is the only way to protect the population from the harmful effects of secondhand smoke; and

WHEREAS, it has been shown that building design cannot control exposure to secondhand smoke and that a building's heating, ventilating, and air conditioning systems can distribute secondhand smoke throughout a building; and

WHEREAS, it has been shown that even using best practice air sealing and ventilation improvements, airflow between units is not substantially reduced; and

WHEREAS, scientific evidence has shown that secondhand smoke residue and gases, also known as thirdhand smoke, can persist in the air and on surfaces and be detrimental to human health; and

WHEREAS, aerosol from electronic delivery devices can contain harmful substances such as nicotine and known carcinogens such as lead, formaldehyde and toluene; and

WHEREAS, it is in the interest of a purchaser of a unit within a multiunit building to know whether the building allows smoking, so that they can make an informed choice about their own health and safety and that of their children; and therefore be it

RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

## SECTION 2

Chapter 194 titled Smoking Policy Disclosure is hereby created to read as follows:

### 194.01 - Definitions.

For the purposes of this chapter, the following terms shall have the meaning ascribed to them in this section.

*Common Interest Communities.* Common Interest Communities (“CICs”) include condominiums, co-ops, retirement communities, townhomes, and other housing developments comprised of individually owned units, in addition to shared facilities and common areas. CICs share a set of legal documents, which may change according to the community's needs. CICs are governed by an association made up of the individual unit owners, most often through an elected board.

*Electronic Delivery Device.* Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor.

*Smoking Policy Sale Disclosure Report:* A written form completed by the owner of a unit in a CIC that is offered for sale disclosing whether the CIC’s current bylaws or association rules allow smoking, prohibit smoking, or restrict smoking, and if smoking is restricted whether there are buildings, units and/or designated areas of the CIC property that are exempted from the no smoking policy and the location of those exempted areas, buildings, and units. If the rules/bylaws are silent on a smoking policy, that information must be disclosed.

*Smoking.* Inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking also includes carrying or using an activated electronic delivery device.

### 194.02 - Required Act - Completion of Smoking Policy Sale Disclosure Report.

- (a) All sellers of a unit or units within a CIC as defined in this chapter are required to disclose the

CIC's smoking policy to prospective buyers.

Disclosure of smoking policy shall be made on a Smoking Policy Sale Disclosure Report approved by the Director of the Department of Safety and Inspections or their designee.

- (b) The Smoking Policy Sale Disclosure Report will be provided to prospective buyers as a component of and included with the Saint Paul Truth in Sale of Housing report and shall be completed by the seller of a unit before . before a property is offered for sale.
- (c) All sellers of a unit or units within a CIC must make the completed Smoking Policy Sale Disclosure Form available in such dwelling unit for examination by any prospective buyer and must, prior to the sale of any unit, submit a copy of the completed form to the Department of Safety and Inspections in accordance with the directions laid out in the Smoking Policy Sale Disclosure Form.

## SECTION 2

These amendments shall take effect January 1, 2022 after their passage, approval and publication.