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February 28, 2023

To: The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee

From: Karen S. Straughn  
Consumer Protection Division

Re: Senate Bill 817 – Multifamily Dwellings – Smoking Policies (SUPPORT)

The Consumer Protection Division of the Office of the Attorney General submits the following written testimony in support of Senate Bill 817 sponsored by Senator Alonzo T. Washington. This bill requires the governing body of a common ownership community to develop a smoking policy if the property is a multifamily dwelling.

Smoking, including second-hand smoke, leads to disease and disability and harms nearly every organ system of the body. It is the leading cause of preventable death. In addition, there are many unknowns about vaping, including what chemicals make up the vapor and how they affect physical health over the long term. Emerging data suggests [links to chronic lung disease and asthma](#) as well as [cardiovascular disease](#). When an individual purchases a home in a multifamily dwelling, however, they may be involuntarily exposed to these risks by the actions of their neighbors, which they cannot easily avoid. By requiring associations to develop a smoking policy that mandates where smoking and vaping may be authorized and where it may be prohibited, as well as establishing fines for violations of the policy, association members can have a role in determining how and where they may be exposed to these harmful chemicals.

The Consumer Protection Division has received complaints from residents in common ownership communities who are dismayed by the inability to have any control over whether they are exposed to second-hand smoke. While our office attempts to mediate these concerns, they rarely result in any positive outcome due to the inability of an association to control the actions of their residents in this respect. This bill would provide a greater ability to ensure that those

who wish to be protected from second-hand smoke can choose to live in associations which provide greater protections.

For these reasons, we ask that the Judicial Proceedings Committee return a favorable report on this bill.

cc: The Honorable Alonzo T. Washington  
Members, Judicial Proceedings Committee