

## **Chapter 194. Smoking Policy Disclosure<sup>1</sup>**

### **Sec. 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.

(Ord. 20-37, § 2, 1-6-21)

### **Sec. 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 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.

(Ord. 20-37, § 2, 1-6-21)

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<sup>1</sup>Editor's note(s)—Ord 20-37, § 2, adopted January 6, 2021, states "These amendments shall take effect January 1, 2022 after their passage, approval and publication."