

VOTING LETTER

[The trustees may record the votes of unit owners by distributing this letter to them and have them complete, sign and return the letter to the trustees. The letters should be retained by the trustees for their records. The units to be grandfathered, if any, should be written in below before voting. Remember to check your condominium documents for specific requirements for recording unit owners' votes. Your condominium documents are controlling.]

[Trustee]

[Condominium Name]

[Address]

[Address]

We, the undersigned, being all of the current owners of unit number _____ in the _____ [condominium name] and having a percent interest in the Condominium, APPROVE / DO NOT APPROVE (check one) the following amendment to the by-laws of the Condominium prohibiting smoking, as follows:

[OPTION ONE: BY-LAW AMENDMENT LANGUAGE WITH NO UNITS GRANDFATHERED – DELETE LANGUAGE BELOW IF NOT USED]

WHEREAS, the Board is empowered to oversee the administration and operation of the Condominium in accordance with the terms and provisions of its constituent documents; WHEREAS, the Unit Owners are entitled to exclusive possession of their respective Units pursuant to M.G.L. c. 183A, §4 and also have the responsibility to properly maintain and repair their respective Units pursuant to the terms and provision of the Condominium's constituent documents; WHEREAS, secondhand tobacco smoke contains no less than 60 of which are known or probable human carcinogens, and is itself classified as a "Class A" carcinogen by the United States Environmental Protection Agency; WHEREAS, exposure to secondhand smoke substantially increases the risk in non-smokers of lung cancer, cardiovascular disease and other acute and chronic health conditions; WHEREAS, secondhand smoke is known to drift through common walls and ventilation systems and contaminate air in common areas and individual units; WHEREAS, a vote by the current unit owners of the Condominium on the language of this by-law was duly administered; WHEREAS, by said vote, a sufficient percentage of the unit owners, pursuant to the Condominium's constituent documents, approved this by-law amendment, NOW, THEREFORE, BE IT RESOLVED, that the following rule and procedure shall be applicable:

Effective immediately, smoking shall be prohibited everywhere on the property of the Condominium including, but not limited to, individual units, indoor and outdoor exclusive use areas, indoor and outdoor common areas. No owner shall smoke, or permit smoking by any occupant, agent, tenant, invitee, guest, friend, or family member anywhere on the property. Smoking in violation of this rule shall constitute a nuisance pursuant to the terms and provisions of its constituent documents of the Association. Smoking shall include the inhaling, exhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, other product containing any amount of tobacco, or other similar heated or lit product.

Notwithstanding the said prohibition against smoking, the board of trustees may designate (or remove from designation) an outdoor area for smoking, provided the smoking area(s) shall not cause secondhand smoke to drift into indoor common areas, exclusive use areas or individual units.

SO RESOLVED

[OPTION TWO: BY-LAW AMENDMENT LANGUAGE WITH UNITS GRANDFATHERED –DELETE LANGUAGE BELOW IF NOT USED]

WHEREAS, the Board is empowered to oversee the administration and operation of the Condominium in accordance with the terms and provisions of its constituent documents; WHEREAS, the Unit Owners are entitled to exclusive possession of their respective Units pursuant to M.G.L. c. 183A, §4 and also have the responsibility to properly maintain and repair their respective Units pursuant to the terms and provision of the Condominium’s constituent documents; WHEREAS, secondhand tobacco smoke contains no less than 60 of which are known or probable human carcinogens, and is itself classified as a “Class A” carcinogen by the United States Environmental Protection Agency; WHEREAS, exposure to secondhand smoke substantially increases the risk in non-smokers of lung cancer, cardiovascular disease and other acute and chronic health conditions; WHEREAS, secondhand smoke is known to drift through common walls and ventilation systems and contaminate air in common areas and individual units; WHEREAS, a vote by the current unit owners of the Condominium on the language of this by-law was duly administered; WHEREAS, by said vote, a sufficient percentage of the unit owners, pursuant to the Condominium’s constituent documents, approved this by-law amendment, NOW, THEREFORE, BE IT RESOLVED, that the following rule and procedure shall be applicable:

Effective immediately, smoking shall be prohibited everywhere on the property of the Condominium including, but not limited to, individual units, indoor and outdoor exclusive use areas, and indoor and outdoor common areas. No owner shall smoke, or permit smoking by any occupant, agent, tenant, invitee, guest, friend, or family member anywhere on the property. Smoking shall include the inhaling, exhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, other product containing any amount of tobacco, or other similar heated, smoldering or lit product.

Notwithstanding the said prohibition against smoking, the Board may designate (or remove from designation) an outdoor area for smoking, provided the smoking area(s) shall not cause secondhand smoke to drift into indoor common areas, exclusive use areas or individual units.

Notwithstanding the said prohibition against smoking, smoking shall be allowed in the following units (collectively the “Grandfathered Units”) but only until such time as the unit is conveyed or transferred. Grandfathered units occupied by tenants shall become no smoking upon the expiration of the current lease term, but in no event longer than one (1) year from the effective date hereof.

Owner-Occupied Grandfathered Units

Unit #	Current Unit Owner

Renter-Occupied Grandfathered Units

Unit #	Current Unit Owner	Lease Expiration Date

This Amendment shall not amend, alter or otherwise affect the existing rule prohibiting Unit owners from causing nuisances. It is acknowledged hereby, that subsequent to the recording of this Amendment, drifting secondhand smoke might rise to the level of constituting a nuisance.

SO RESOLVED.

I hereby authorize the Trustees to take the necessary steps, in accordance with the Declaration of Trust of the Condominium, in furtherance of our vote on the above-referenced by-law amendment.

Kindest regards,

_____ [Signature]

_____ [Print Name]

_____ [Date]

_____ [Signature]

_____ [Print Name]

_____ [Date]

_____ [Signature]