
A Smoke Free World...for Illinois Condos

FEBRUARY 20, 2012

When the **Smoke Free Illinois Act** took effect Jan. 1, 2008, public places and places of employment throughout the state were required to be smoke-free inside and within 15 feet of entrances, exits, windows that open and ventilation intakes.

The act, though, excluded private residences, and has led to a murky gray area involving regulations on where homeowners can smoke and when. That ambiguity is front and center in a new proposed law that would allow condominium associations throughout Illinois to ban smoking in their buildings.

Proposed by State Rep. Sara Feigenholtz, the law would codify the smoking ban in Illinois' Condominium Property Act. Previously, such a power was only available to condo associations through bylaws.

In a statement addressing her proposition, Feigenholtz said the ban would address the public health concerns involving smoking.

"Secondhand smoke can cause health problems ranging from a sore throat to asthma symptoms to lung cancer," said Feigenholtz. "If a condo resident's smoking can imperil a neighbor's health, then condominium associations should be able to impose building smoking restrictions."

This is not the first time that condo associations have grappled with smoking. As the **Chicago Tribune reported** back in 2010, the 1418 N. Lake Shore Drive condominium association amended its own declaration to "prohibit smoking in interior common elements, interior limited common elements and inside the units." Smoking was only permitted in units with single rooms that featured association-approved, self-contained air-treatment systems.

Even before that, **The Chicago Journal** reported on the AMLI 900 high-rise in the South Loop, which became Chicago's first smoke-free apartment building in the spring of 2009 when it prohibited smoking throughout its 24-story building.

The building, the *Journal* reported, was on firm legal ground when it made the prohibition.

"Legal experts say condo boards and associations have the legal right to make their condominium property smoke free, just as they are free to prohibit pets," Don DeBat wrote for the *Journal*. "There is no state or federal constitutional right for people to smoke."

And even **non-profits have been getting in on the action**, offering grants worth ten of thousands of dollars for buildings to restrict smoking.

The "Piloting and Promoting Smoke-free Homes Initiative," as it was called, was announced last summer by the Chicago Tobacco Prevention Project. It offered three associations in Chicago a total of \$50,000 to cover the various costs of converting a building into a smoke-free environment, for things such as updating leases, educating residents and other legal documents.