

## **Bradford Court into a meeting held Saturday, April 7 at 1:30**

Jeb Parr gave a treasure report. We have expended about 25% of our annual budget. We have close to 50% of our reserves. A current Profit and Loss was available to the owners present.

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We discussed a non smoking building again. Kelly, unit 204, did research and I have attached a copy. If homeowners take up the task of getting enough owner interested the HOA will fund the legal expense to work on an amendment for all owners to approve or not.

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Andrew, unit 206, is retiring and will not be available for managing WiFi and Cameras. We can hire someone, or One of the other owners might be able to step up and volunteer. Andrew was asked to outline the job needs and SOP.

Andrew, unit 206, also wanted to know about upgrading the numbers on each unit door. Andrew will estimate what the costs would be and then the HOA will try to see if it will fit in the current or next years budget.

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Diane, unit 106, had a number of item she wanted addresses

1. Window washing on decks & gutter cleaning. (mine was not cleaned when they were here.) What cleaner can be used to rid black mildew & soot accumulation on deck edges without damage to deck surface? It needs to not drip down on lower decks. And maybe outside window washing as a joint effort if enough homeowners are willing to have their units windows cleaned, on outside. After the fires last summer & soot from steel mill, the building outsides are pretty dirty & smokey. RESPONSE. Most owners attending were not ready to forgo other budget item for this. It is each owners responsibility to maintain their units including decks and windows

2. Have secretary mail the minutes of meeting. RESPONSE. Email is the means if communication. Mailing is an extra expense. The Secretary Gayle, unit 302, or President Sandy, unit 401, will keep copies available in their unit for a few days after each meeting for those unable to receive or retrieve email.

3. Annual (?) cleaning of parking garages - really clean -not just wash down that still leaves residue & stains & hasn't done the job & what is that awful chalky substance that was put on certain areas? RESPONSE. No other owner at the meeting saw any problem with the cleaning of the garages. We believe the substance might be the chemical used to release some of the oil spots. Further questions need to be discussed with Marcella, unit 104, as she was in charge of the work.

4. Landscaping budget? Is this only for west side of building? How about some planters on the east side that could shield view of garbage areas. AND the faucet on east deck needs to be reinstalled. RESPONSE. the HOA has not heard from any one on the deck about the faucet. The Landscaping budget is for all the outside upkeep. I have seen weeds pulled, trash picked up, and we have put plants in the planters that are

constantly damaged by guest parking. As for planters on the east side. I'm not sure what is meant by this since plants would need to be very tall to shield even the 1st floors view.

5. The annual budget should be sent out to all homeowners before the board votes so questions or suggestions could be addressed. Asking for it should not be viewed as silly & is insulting. The board is elected to address concerns & Suggestions of homeowners & act on them. RESPONSE. It is in November.

6. There are many new people that have moved in the past few months - some kind of welcome should be given - flowers, pizza certificate, a card?? Something. RESPONSE. This is an idea we have voiced before. Most owners agree it sounds like a nice idea. Two owner agreed to help with trying to create something. Any other owners Natasha, unit 207 and Sylvia, unit 310, with ideas about places to go around us or great shopping. Fun outings let us know.

7. I have sent a complaint to City of Seattle for the dumping & garbage accumulation (& is probably rat infested) on the north side of the building & have received emails that it is being addressed, tho not so far. Perhaps others could do the same to get some action. RESPONSE. The web site is easy to find. No one at the meeting knew which set to use. It was noted that there has been activity on the one house so there is hope it might be cleaned up. If anyone can follow up on Diane's complaint with the city I feel it would help.

8. What happened to the exercise room that was purchased from Bill? What is it being used for? RESPONSE. Years ago (2006) it was turned into building storage. It had been rented until late last year. The income going to the HOA accounts.

9. Please send me a copy of building insurance that mortgage co. is asking for. I do not want to call them - am sure you have a copy - we all should receive one. Thank-you, Diane VK. RESPONSE. These copies need to come from the buildings master policy company. They need to be current. The HOA does not keep copies of the insurance certificate needed by mortgage companies . As stated on the website your mortgage company can call our broker and have a current certificate faxed to them

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Bruce, unit 404, stated that he has plans to move on and we would need to start looking for a new 3rd board member. Not right now. But soon. Anyone interested in what is required or learning more please ask any of us.

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The format of this meeting seems to work well. Please feel free to make other suggestions for future meetings. The date and time of the next meeting will be announced closer to end of next quarter, late June , early July..

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## **Sandy**

From Kelly, unit 204, re Non Smoking Building

I'm going to try to make the meeting, but my schedule is a bit ridiculous with school. However, I did want to weigh in on the smoking in the building, as I want to ensure all stakeholders have a full understanding of the impacts of such a decision.

I'm not a smoker. Like most non-smokers, I don't enjoy hopping into an elevator that smells like an ashtray. I can understand how it affects many people living here. However, I'm not in favor of creating a non-smoking building due to the impacts on resale values by excluding a significant number of buyers who smoke cigarettes, marijuana, or meat.

In my view, by converting to a non-smoking building, we're essentially preventing perfectly qualified people from purchasing our units. This creates less competition, which will ultimately drive prices down. If our building becomes a non-smoking building, we may reduce our applicant pool by over 62%.

According to the Washington State Department of Health, smoking rates are as follows (2015):

- 22% of people between ages 25 – 34 smoke. This is the ideal person that would want to purchase a one bedroom condo – the majority of our units.
- 30% of gay, lesbian, and bisexual people smoke. I would very much prefer to live in an inclusive building.
- Overall, 15% of people smoke.

Many Washingtonians enjoy smoking marijuana. It's estimated that as of 2013—when marijuana wasn't legal—7.5% of Washingtonians smoked marijuana. And those who do smoke, enjoy 123 joints annually. This excludes an additional 7.5% of potential homebuyers—especially if we consider that millennials—our target audience—are the highest users of marijuana (“Survey shows”, 2017, para. 10). It's also very likely that this number has increased with the ease of availability of marijuana.

Finally, preventing smoking would exclude potential buyers who want to grill or smoke meat. As of April 2016, over 62% of U.S. adults own a grill or smoker (Roberts, 2013). At least 25% of Americans have grilled in the past 12 months.

As homeowners, we know that backyard grilling is part of what many envision as an ideal summer afternoon. We've all seen it in the movies: Dad flipping burgers while friends and family sip on drinks. For condo owners, however, we don't have backyards; instead, we gather around our decks and make the best of what little space we have. And over the years, I've watched many other homeowners gather around their grills with family and friends to prepare some steaks before a football game. It would be a shame to let this tradition die.

While the case certainly can be made that a non-smoking building can be an attractive feature for potential buyers, we're not offering a non-smoking building. Existing tenants will not be governed by the new rules—and the rules will only apply to future tenants. Thus, our building will not be non-smoking until all

existing smoking tenants have sold their units, which I can imagine will take some time. So what value would this rule truly provide? It would lower property values for existing tenants while offering no real benefits for existing ones (aside from the one or two directly impacted by second-hand smoke). There's no business sense in this decision.

Instead of moving forward with making the building non-smoking, there are other options to explore. First, the current unit owners with disabilities related to second-hand smoke can take the offending smoker to court. According to the document, *Legal Options for Condominium Owners Exposed to Secondhand Smoke*, which is posted on the Washington Department of Health (Schoenmarklin, 2006):

“If the condominium owner decides to initiate a lawsuit, the next issue to consider is whether to sue the offending condominium owner, the condominium association, or both. Current trends suggest that the offending condominium owner be named as the defendant. A search of case law on secondhand smoke disputes shows that thus far **no plaintiff has prevailed against an association**. Additionally, the aggrieved owner should note that CCRs often require the litigating owner to pay the legal fees of the association if he or she loses. On the other hand, some lawsuits against the smoking condominium neighbor have been successful. When condominium associations have prevailed in these cases, their considerable financial resources may have played a role. Their success may also be a result of the additional burden of holding a condominium association liable for the actions of another owner. Under common law principles, the condominium association can only be held liable for the actions of the offending condominium owner if the association owes some kind of “duty” to the aggrieved condominium owner. Different courts apply different tests in determining whether a duty is owed, but one factor is whether the actions of the offending condominium owner were “foreseeable.

“Thus, a condominium owner cannot hold a condominium association liable for the actions of another owner or tenant without a showing that the condominium association has in some manner 'sanctioned' the behavior that gave rise to the lawsuit.

“Consequently, it is essential that a condominium owner with a secondhand smoke complaint inform condominium management of the problem. Once notified, if management fails to adequately address the problem, owners can argue that the secondhand smoke exposure was foreseeable. It is important, of course, to check case law in the individual condominium owner's state to determine what exactly is required to make a case against the condominium association.

“The most straightforward lawsuit, however, is against the smoking condominium neighbor. The plaintiff can make a number of legal arguments, including trespass, nuisance, breach of the covenant of quiet enjoyment, harassment, negligence, battery, and intentional infliction of emotional distress, among others. Although several other theories may be advanced in a lawsuit, this section is limited to those legal theories that have been successful in court.”

I am suggesting that the Bradford Court consult an attorney on this matter to see if we are responding appropriately. If we are, the homeowner should handle the issue privately with the offending smoker. If he or she wins the lawsuit, great, problem solved. If not, perhaps that owner can move to a smoke-free building.

References

Roberts, A. (2013, [June 21](#)). *Grilling - by the numbers*. Retrieved from CNN Wire:<http://bi.galegroup.com.ezproxy1.lib.asu.edu/global/article/GALE%7CA334573779/e7e35ac5397340fa104575d40597ad43?u=asuniv>

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