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HOUSE BILL NO. 1338**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Counties, Cities and Towns
on January 31, 2020)

(Patron Prior to Substitute—Delegate Keam)

A BILL to amend the Code of Virginia by adding a section numbered 15.2-2824.1, relating to smoking in multi-unit residential building; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2824.1 as follows:

§ 15.2-2824.1. Smoking in multi-unit residential buildings prohibited; civil penalty.

A. Smoking is prohibited in all parts of the interior of any multi-unit residential building, including without limitation an apartment building, condominium building, or other attached private dwellings. Nothing in this chapter shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association subject to the Property Owners' Association Act (§ 55.1-1800 et seq.).

B. Any person who continues to smoke in any building specified in subsection A after having been asked to refrain from smoking shall be subject to a civil penalty of not more than \$25, and action may be taken to ensure compliance with this section by a property owner of a multi-family residential building, a condominium unit owners' association, a cooperative association, or a property owners' association.

C. A civil penalty assessed under this section shall be paid into the Virginia Health Care Fund established under § 32.1-366.