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CHRISTMAS TREES CHANGE IN LAW AFFECTS CONDOMINIUMS AND COOPERATIVES

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There have been significant changes to the Virginia Statewide Fire Prevention Code (VSPFC) relating to the use and display of natural and artificial decorative trees and vegetation in buildings, which directly impacts condominiums and cooperatives. The change affects all cities, towns and counties in the Commonwealth of Virginia.

Effective October 1, 2003, it is unlawful to place natural cut trees, including Christmas trees, and artificial decorative vegetation, if the decorative vegetation is not flame-retardant or flame-resistant, in condominiums, cooperatives and other similar occupancies unless the buildings have approved automatic sprinkler systems.

The change in the law applies only to natural cut trees and artificial decorative vegetation. The change does not apply to living trees with root balls wrapped in burlap. In addition, the change does not affect the use of natural cut trees in single-family detached homes, duplexes, or townhouses.

Enclosed is a copy of a Code Compliance Guideline published by the Fairfax County

Virginia Office of the Fire Marshal in November 2003, which explains the general requirements of the law.

At the time of publication of this memorandum, it is uncertain whether enforcement of this new provision of the Statewide Prevention Code would be suspended during the 2003 holiday season. Accordingly, we recommend that our clients confer with the Fire Marshal's office in the jurisdiction in which the property is located if they have questions about whether the Fire Marshal in their jurisdiction will be enforcing the prohibition on natural cut Christmas trees.

We also recommend that clients speak with their insurance agents about the impact of the law on the association's coverage and advise individual owners of the new law. Please note that individual owners who, in violation of the law, place an uncut tree in their home may not have adequate protection in the event of a fire. Individual owners should speak with their agents about the limits and exclusion under their policies.

Please contact us if you have questions about the application of the law in your community.

Best Wishes for a Joyous and Safe Holiday Season!

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