

AUGUST 14, 2018

## Two Weeks Left to Adopt a Smoking Policy

**➤ A REMINDER TO** all co-op and condo boards prone to procrastinate: you have two more weeks to comply with Local Law 147, which requires owners of multi-family buildings to adopt and post a smoking policy on or before August 28.

The policy, which is NOT the same as a smoking ban, must be in writing, must be posted in a conspicuous place in the building, and must be part of any purchase, lease, renewal lease, or sub-lease package. In co-ops or condos, the policy must be adopted into house rules or bylaws.

“The failure to adopt a smoking policy could result in monetary penalties from the NYC Department of Health,” attorney Adam Lindenbaum of Rosenberg & Estis tells the New York Real Estate Journal. “Owners or boards in control of multiple-unit dwellings must memorialize such a policy in writing to provide residents with the ability to make an informed decision about the levels of risk of secondhand smoke in a particular building.”

The checklist for complying with the law is pretty straightforward. Boards that have not already done so should deliberate and consult shareholders, unit-owners,



and their attorneys so that they will have a policy in place, distributed, and on display before the August 28 deadline. The second step is advising shareholders and unit-owners to include the smoking policy in any lease, sublease, or apartment purchase contract they enter into.

Critics have argued that Local Law 147 is overkill, since 2002’s Smoke-Free

Air Act already bans smoking in lobbies, stairwells, hallways, elevators, and other common areas in buildings with 10 or more units. The new law does not prohibit smoking within apartments; rather, it’s a disclosure statute, enacted so that prospective purchasers can make an informed decision as to whether a building’s policy is one they can live with. ■