

THE PROBLEM WITH NEW YORK CITY'S SMOKING POLICY LAW



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In 2017, the New York City Council passed Local Law 147 requiring owners of multiple dwellings in the City of New York to adopt a smoking policy for buildings' public and private areas on or before August 28, 2018. The deadline is now approaching, and many owners have not yet taken action to meet requirements.

The new law defines "owner" to include the owner of record of any rental building, the board of managers of a condominium, or the board of directors of a cooperative. The smoking policy must be in writing, must be posted in a conspicuous location in the building and must be included as part of any lease, renewal lease or sublease package. In the case of a coop or condo, the policy must be adopted into house rules or bylaws.

Policies might cover whether or not residents are allowed to smoke in apartments or on terraces. The law takes into account the rights of existing tenants and those with rent stabilized or rent controlled tenancies.

"The failure to adopt a smoking policy could result in monetary penalties from the NYC Department of Health," explained Adam Lindenbaum, Member, Rosenberg & Estis, P.C. "Owners or boards in control of multiple 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 second hand smoke in a particular building."

Rosenberg & Estis, P.C. has been working with owners and managers to draft smoking policies for a variety of different properties.