

# What's In Your Policy...Is Your Coop or Condo Ready for NYC Smoking Rules?

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By: Angela Morisco



Last August, New York City enacted Local Law 147 which requires owners of class A multiple dwellings to adopt and disclose a smoking policy. Although touted as a disclosure policy, there are several requirements that owners need to be aware of since the law takes effect this August. Under the law, the definition of owner includes

the “owner of record” of rental apartment buildings, the board of directors of a cooperative and the board of managers of a condominium. Although the law does not dictate the contents of the policy, it requires the policy to address all indoor locations, common areas and all outdoor areas including courtyards, rooftops, balconies and patios where smoking is permitted or proscribed. Similar rules are in effect in public housing nationwide.

Once the policy is adopted, owners are required to provide all residents with a copy of the policy or to post it in a prominent location. In cooperatives and condominiums, the policy must be incorporated into the by-laws. Failure to adopt and failure to disclose the policy, or to advise of material changes to the policy, will result in violations and the imposition of civil penalties.

How far should your policy extend, i.e. should smoking be banned in individual units?

What are the implications of such a ban? How far could or should owners and boards go when implementing a smoking policy?