

New Law

Disclosure of Policies on Smoking in Residential Buildings: *What You Need to Know*

General Information

In August 2017, New York City passed Local Law 147, which requires residential buildings with three or more residential units to create a policy on smoking and to share or disclose it with current and future tenants. This guide explains the purpose of this law and offers recommendations on how to meet its requirements.

Why did NYC pass Local Law 147?

- Local Law 147 will help protect New Yorkers from the dangers of secondhand smoke. It will also help New Yorkers make informed decisions about where to live. Secondhand smoke is smoke that comes from burning any products used for smoking or that is exhaled by smokers.
- There is no safe amount of secondhand smoke; secondhand smoke exposure may increase your risk for certain diseases.
- Adult nonsmokers exposed to secondhand smoke have higher risks of stroke, heart disease and lung cancer.
- Children exposed to secondhand smoke have higher risks of asthma attacks and other respiratory illnesses, middle ear disease and sudden infant death syndrome (SIDS).

This law requires building owners to create and share a policy on smoking with current and future tenants. Why is a policy on smoking important for building owners and tenants?

- Smoke commonly travels between apartments.
- Tenants can decide whether they want to live in a building based on the building's policy on smoking. This will help tenants understand their risk of secondhand smoke exposure while at home.
- This information is important for parents with young children and for others, such as older adults, who may spend more time at home. More time spent at home could mean higher exposures to secondhand smoke.

How to Comply

What does this law require?

The law requires that owners of buildings with three or more residential units:

- Create a policy on smoking and share it with current and future tenants.
- Share where smoking is and is not allowed on the property, including all indoor and outdoor locations. (The Smoke-Free Air Act bans smoking tobacco or non-tobacco products and using e-cigarettes in common indoor areas.)
- Provide an annual notification of the policy on smoking to tenants.
- Provide a notice to all tenants if the policy on smoking changes.

The law **does not** require housing to be smoke-free.

- If a building decides to go smoke-free, the policy **would not** ban people who smoke from living in the building; it would ban smoking anywhere in the building, including the home.*
 - A building may choose to apply a policy on smoking to new tenants, allowing existing tenants to continue smoking inside their apartments.
 - A building may choose to ban only certain kinds of smoking inside units (for example, banning tobacco and marijuana, but not e-cigarettes).

* A building may adopt a smoke-free policy but must exempt rent stabilized or rent controlled units where the resident does not agree to the policy. As a result, there may be mixed buildings with some smoke-free units and some exempt units.

What should a policy on smoking include?

A policy on smoking should include where smoking is not allowed, what types of smoking products are not allowed, as well as information about the Smoke-Free Air Act. You can find a sample building policy on smoking at <https://www1.nyc.gov/assets/doh/downloads/pdf/smoke/smoking-sample-policy-residential.pdf>.

How should I disclose the smoking policy?

If you are a residential building owner, policies on smoking can be shared in the following ways:

- Given to all tenants individually in writing **or**
- Posted in a visible location in the building, such as a building lobby

Policies on smoking must also be incorporated into all residential unit leases and transactional documents for the sale of residential units, including condos and coops in buildings with multiple residential units.

Consider surveying your tenants to understand what kind of policy they support. You can find a sample survey at <http://www1.nyc.gov/assets/doh/downloads/pdf/epi/sample-smokefree-survey.pdf>.

Does a building have to register its policy on smoking anywhere?

No. Buildings are not required to register or file their policies on smoking.

Cost Effects

How much does this cost?

No additional costs to buildings are anticipated.

What are the potential cost benefits of adopting a smoke-free building policy?

- When a resident moves out, smoke-free units have turnover costs (the cost to prepare the property for a new tenant) that are thousands of dollars less than units where smoking is allowed.
- Smoke-free policies can reduce the risk of fires caused by cigarettes, which are a leading cause of fires in multiunit buildings and a leading cause of fire-related death in NYC.



Effective Dates and Enforcement

When does this law go into effect?

This law goes into effect August 28, 2018.

Who will enforce this law?

- The Health Department will enforce this rule by monitoring compliance with the Smoke-Free Air Act.
- The Health Department will not enforce building-specific policies. Building owners are required to ensure tenants comply with their policy on smoking.
- If a building owner does not share a policy on smoking in the required ways, they are subject to a \$100 fine. If multiple tenants in the same building are not notified about the policy on smoking, it will count as one violation.
- If tenants have not received a policy on smoking or it is not posted in a visible location in their building after the effective date of the law, they can **call 311** and ask about the disclosure of policy on smoking.