

Health & Environment Committee
Housing & Human Services Committee

Resolution on the Disclosure of Smoking Policies in Multiple Dwellings
December 6, 2012

WHEREAS: Smoking disclosure policies give New Yorkers, including the 86% who don't smoke, the ability to choose to live in an environment where they will not be routinely exposed to secondhand smoke; and

WHEREAS: Disclosure policies will help tenants with children, the elderly and the chronically ill make informed decisions on where they want to live to protect their health and their children's health. They generally spend more time in the home than adults, thus increasing their exposure to secondhand smoke; and

WHEREAS: Federal, state and city laws have addressed similar residential health hazards such as lead-based paint by requiring disclosure in real estate transaction documents and in leases, which appears to have contributed to reducing the health consequences resulting from exposure; and

WHEREAS: These policies can help landlords avoid tenant complaints and conflicts about secondhand smoke drift; and

WHEREAS: They are consistent with the New York State Real Property Law, which states that every tenant has the right to be free of "dangerous, hazardous or detrimental" conditions; and

WHEREAS: Disclosure policies have already been implemented successfully in Oregon and Maine, and closer to home in Buffalo and Rockland County, which have recently passed similar disclosure laws at the local level; and

WHEREAS: A bill, Intro. 833-2012, has been introduced in the City Council to require landlords of Class A multiple dwellings to disclose their buildings' smoking policy to current and prospective tenants; now, therefore, be it

RESOLVED: Community Board 12-Manhattan supports the City Council bill, Intro. 833-2012, to require the disclosure of a building's smoking policy, with the recommendation that the bill be amended with the following clarifications:

- Smoking should not be prohibited inside any apartments, and
- Such policies should not apply to public sidewalks that are within 15 feet of an entrance or doorway of a building.

This resolution was approved by the following vote:

	Y	N	Abstain
Health & Environment Committee	3	2	1
Housing & Human Services Committee	2	2	0
Other Board Members	1	0	0
Members of the Public	2	2	0