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Mayor's push could ban smoking at home

The new proposal would require residential buildings to develop and disclose a policy on smoking on their premises. The Real Estate Board of New York will not oppose the move, as it's not an outright ban.

By [Jeremy Smerd @smerd](#)

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Much of the city has already become a no-go zone for smokers. Is the living room next?

First, smoking was banned from restaurants, bars and other places of business. Last year, the city added parks and beaches to the forbidden zone.

Now, Mayor Michael Bloomberg is proposing a new advance in the campaign to snuff out smoking. He wants to require residential buildings to develop and disclose a smoking policy to potential renters and buyers.

The legislative push, first reported by the *Wall Street Journal* Wednesday, would not ban smoking in people's homes, but it could lead co-op boards and landlords to do so. The policy would provide landlords legal cover to ban smoking, while at the same time give considerable leverage to anti-smoking crusaders who are already pressuring co-op boards to crack down on the habit.

The mayor said Wednesday that people have the right to smoke, or as he put it, "kill themselves." He portrayed the proposal as benign, simply informational.

"It just gives people the right to know before they sign a lease," he said. "I've always believed that if you want to smoke, you should have a right to do so. But it kills you."

The new law would require all apartment buildings to develop a smoking policy and then disclose those rules to prospective buyers and renters. The building would also be required to submit the policy to the city's Department of Health and Mental Hygiene, which would make the guidelines public.

A health department spokeswoman, however, said reporting the disclosures to the city, while included in the legislation as an option, is not something the department intends to act upon.

Hotels and other places of temporary lodging would be exempt.

The Rent Stabilization, a lobby that represents landlords, opposes the bill. The Real Estate Board of New York said it does not oppose the proposal because it was not a ban on smoking itself. If the bill is passed, it would take effect in 90 days. Buildings may need more time, however, to ready smoking policies.

The city justified its proposal by saying that "more than 50% of adults in New York City living in multiple dwellings report being exposed to secondhand smoke from neighboring apartments."

It remains unclear whether the City Council would go along with the push. Council Speaker Christine Quinn, whose support

would be necessary, did not respond to a request for comment.

A smokers-rights group said the legislation would ultimately lead to banning smoking at home.

"This is their blueprint," said Audrey Silk, a smoker and founder of Citizens Lobbying Against Smoker Harassment, or CLASH. "Acclimate the public to an idea so when they do come through with the force of law, the backlash is muted."

The proposal would require a "written declaration that discloses in a clear and conspicuous fashion where smoking is permitted or prohibited on the premises, including outside areas within 15 feet of entrances, doorways and air intake units," according to a draft of the bill. The policy would address whether smoking is prohibited inside apartments and balconies as well as shared spaces like courtyards and rooftops.

Phil Konigsberg, first vice president of the Bay Terrace Community Alliance Inc., a northeast Queens civic association representing 18 local co-ops and condos, told *Crain's* this month that [he'd like to see smoke-free apartments](#).

"I think that smoke-free housing is something that needs to be done because there's no way that when someone smokes in an apartment it stays in that apartment," he said.

Sheelah Feinberg, Executive Director of the New York City Coalition for a Smoke-Free City, said smoking is already banned in common spaces of buildings with 10 or more units.

Mr. Bloomberg, for one, said smoke-free buildings would certainly help people live longer. He pointed out that the city's existing bans on smoking have contributed to longer life expectancies for New Yorkers and, joking, said that moving family members to the city would be good for their health.

"If you love them bring them here," the mayor said.

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