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Mayor Taking New Step on Smoking

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Mayor Michael Bloomberg on Wednesday plans to propose legislation that would require residential buildings to adopt written policies on where smoking is permitted or prohibited and disclose those rules to prospective tenants and owners, a move that officials predict could increase the number of smoke-free apartment buildings in New York City.

"We think that people ought to know whether they might be exposed to second-hand smoke in their apartment before they decide whether to rent or buy," said Dr. Thomas Farley, commissioner of the city's Department of Health and Mental Hygiene, in an interview with The Wall Street Journal. "We know that second-smoke can go from one apartment to the other and that it can get at levels that are high enough to have health risks."

The proposal marks the latest effort by Mr. Bloomberg to combat tobacco use in the city and around the globe.

The bill specifically does not dictate whether buildings should allow or disallow smoking. But it would require buildings to develop policies that address whether smoking is permitted in both indoor and outdoor locations, including lobbies, balconies, courtyards, laundry rooms and, most controversially, individual apartments.

A recent telephone survey commissioned by the city and conducted by Global Strategies Group found New Yorkers favor, by 64% to 30%, a law of this kind, officials said. The poll showed a majority of smokers, 51%, opposed the idea; nonsmokers favored it by 68% to 27%.

The penalty for violating the disclosure law would be \$100 per violation. Buildings would be responsible for their own enforcement.

Roughly half of New York City adults living in multi-unit dwellings have reported they have been exposed to secondhand smoke from neighboring apartments, officials said.

Last summer, the city began compiling 311 complaints about secondhand smoke in residences separately from calls involving other smoking-related complaints. Between July 15 and April 15 of this year, there were 2,363 complaints about secondhand smoke in residences.

Asked if this is the first step toward prohibiting smoking in residential buildings, Dr. Farley said: "It's just disclosure."

Audrey Silk, founder of a city smokers' rights group, said "there is nothing innocent" about the bill. She called it the first step toward prohibiting smoking in people's homes.

"This is a crusade for a smoker-free society, just another way to make it impossible for somebody to

have a cigarette," she said.

Jamie McShane, a spokesman for Council Speaker Christine Quinn, a Manhattan Democrat who has been supportive of the mayor's previous smoking policies, said Ms. Quinn has yet to take a position on this proposal.

Steve Spinola, president of the Real Estate Board of New York, said "overall we don't have a problem with the objective." Still, he voiced some concerns, most notably the provision calling for the legislation to take effect 90 days after enactment; that's not enough time for many condo and co-op boards to develop a policies, he said.

Sheelah Feinberg, director of NYC Coalition for a Smoke-Free City, said the effort will help prospective buyers and tenants be informed, just as they are currently with lead paint and asbestos. "This is a good, logical step," she said.

Two states, including Oregon and Maine, have already approved similar laws, as have other jurisdictions, such as Buffalo. In Oregon, the law has helped increase the number of smoke-free buildings, said Diane Laughter, a public-health consultant and who was an advocate for the law's passage.

"It makes it clear to landlords that having a nonsmoking policy is legal and while they're at it why not go ahead -- there are so many benefits," she said.

Officials in New York's real-estate industry and city government said they did not have any data on the number of buildings in the five boroughs that are already smoke-free. While the vast majority of residential buildings do allow people to smoke in their apartments, some buildings are moving to prohibit any smoking on the premises.

Jeff Brodsky, president of Related Management, an arm of the Related Cos., said the company initiated in November 2009 a smoke-free policy at three market-rate buildings in Manhattan. All new residents were prohibited from smoking; a grandfather clause allowed existing residents to smoke.

This year, the company plans to begin construction on four buildings that will be market-rate and smoke-free from their first occupancy. "We certainly wouldn't do it if we thought it was hurting us," said Mr. Brodsky of the smoke-free policy.

At Ten23, a smoke-free residential building in Chelsea, residents view the policy as an advantage. "Living in a smoke-free building makes me more comfortable, knowing that no one has ever smoked here and isn't going to," said Stephanie Panepinto, an arts philanthropist and gallery owner.

The bill is the latest in the mayor's efforts to curb smoking in the city. He sparked intense criticism when, beginning in 2003, the city banned smoking in bars and restaurants citywide. The measure has since gained widespread acceptance, and Mr. Bloomberg considers it to be one of his greatest achievements.

Maura R. O'Connor contributed to this article.