

Tool|kit

BUILDING OPERATIONS

Fine Alert!

BY TOM SOTER

➤ **EVERYBODY'S TALKING** about the new smoking regulation, Local Law 147, which has opened up debate among many boards about what kind of smoking policies they should adopt. Although the new law doesn't require boards to prohibit smoking, it does require them to evaluate their current smoking situation, create a policy, and publicize it. If they don't, they will face fines. Boards should also warn their resident-owners that if *they* don't reveal the smoking policy to potential buyers, *they* could also be fined.

The recently implemented Local Law 147 requires that co-op and condo boards "adopt and disclose" their smoking policies no

later than August 28, 2018. Those policies (and any material changes made to them in the future) must be provided to all tenants/apartment owners, publicly displayed in the building, and presented in a co-op or condo's rules or bylaws. They must also be included in any admissions packages that are provided to would-be buyers. Failure to do this can result in \$100 fines against the tenant-shareholder or unit-owner who has broken the law. "As the owner, the board also faces \$100 fines if it fails to

disclose the policy," explains attorney Ken Jacobs, a partner at Smith, Buss & Jacobs.

It's more paperwork to stay on top of, says David Goodman, a management executive at Tudor Realty. "The package," he says, "also includes lead-paint disclosure, the smoke-detector requirement, and every New York City rule." Attorney Allen Brill, a partner at Brill & Meisel, advises boards to ask their lawyers to present a proposed policy based upon on what the board decides to do. "You must disclose," he says. "You post it in a public area or you put it in the house rules, and you must put it in the application package."

