

Alert

November 27, 2017



Real Estate Alert

News Concerning Recent Developments in Real Estate Laws and Regulations

New Law Requires NYC Condos and Coops to Adopt Smoking Policies

Every residential building in New York City is now required to establish and display a smoking policy that specifies where smoking is and is not permitted on the property by August 28, 2018, pursuant to Local Law 147 (LL 147). The law itself does not prohibit smoking within apartments nor prescribe any specific prohibitions that must be included in a policy, but it does broaden the current law banning smoking in building common areas to properties with fewer than 10 apartments, including cooperative and condominium buildings. A building's policy must be incorporated into the bylaws or rules and regulations, as well as in all rental or sales agreements, according to LL 147. Which governing document will need to be amended depends on the building's particular governing documents and the scope of the smoking policy. Because many governing documents require a high unit owner or shareholder threshold to support an amendment, boards should consider the popularity of their proposed measures. For example, many boards are considering building-wide smoking bans, which are controversial. Such bans typically require amendments to the bylaws or proprietary lease, which usually require a supermajority of support.



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