

## 534 West 42nd Street

### **SMOKING POLICY AS REQUIRED BY NYC LAW**

#### **Smoking is NOT ALLOWED in the locations listed below:\_\_**

- **In any indoor common area including hallways, stairwells, lobby, lobby vestibule and basement;**
- **Inside of units EXCEPT private outdoor spaces;**
- **In any outdoor common areas including common rooftop area;**
- **Outdoors on the sidewalk in front of the building and within 25 feet of entrances, exits, windows, and air intake units.**

#### **Apology and The Process**

The Board has been placed in a position by the city to adopt and post a smoking policy or face violations and fines. In order to reach a reasonably fair result, we have surveyed all unit owners as to their preferences and compiled, analyzed and discussed the results. The above smoking policy is the best, fairest and most reasonable result of the analysis of the survey. It is our hope that unit owners will not feel offended or slighted if all of their preferences for a building wide smoking policy are not represented. If they are offended or slighted, we can only offer our apologies, having been placed in this most difficult position.

#### **Background**

There is no safe amount of exposure to secondhand smoke. Adults exposed to secondhand smoke have higher risks of stroke, heart disease and lung cancer. Children exposed to secondhand smoke have higher risks of asthma attacks, respiratory illnesses, middle ear disease and sudden infant death syndrome (SIDS). For these reasons, and to help people make informed decisions on where to live, New York City requires residential building owners (referred to in this policy as the “Owner/Manager,” which includes the owner of record, seller, manager, landlord, any agent thereof or governing body) in buildings with three or more residential units to create a policy on smoking and share it with all tenants. The building policy on smoking applies to any person on the property, including guests, workers, clients and customers.

#### **Definitions**

- a. **Smoking:** inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, little cigar, pipe, water pipe or hookah, herbal cigarette, non-tobacco smoking product (e.g., marijuana or non-tobacco shisha), or any similar form of lighted object or device designed for people to use to inhale smoke
- b. **Electronic Cigarette** (e-cigarette): a battery-operated device that heats a liquid, gel, herb or other substance and produces vapor for people to inhale

## **Smoke-Free Air Act**

New York City law prohibits smoking and using e-cigarettes of any kind in indoor common areas, including but not limited to, lobbies, hallways, stairwells, mailrooms, fitness areas, storage areas, garages and laundry rooms in any building with three or more residential units. NYC Admin. Code, § 17-505.

## **Complaint Procedure**

Complaints about smoking should be made promptly to:

Stephanie Leff, Livingston Management, LLC      **[stephanie@livingstonnyc.com](mailto:stephanie@livingstonnyc.com)**

Complaints should be made in writing and should be as specific as possible, including the date, approximate time, location where smoke was observed, building address, description of incident and apparent source of smoke.

## **Penalties**

Repeat offenders may be subject to monetary fines at the Board's discretion.