

DRAFT, June 10, 2023

447 FORT WASHINGTON OWNERS CORPORATION SMOKING POLICY

447 Fort Washington Owners Corporation recognizes that exposure to second hand smoke is hazardous to the health and wellbeing of The Pinehurst's residents, and acknowledging New York City law and the Corporation's Proprietary Lease and House Rules restriction against unreasonable odors (18b), the following rules shall be implemented in The Pinehurst's property, effective _____:

1. In accordance with New York City law, smoking is prohibited in all common areas of the building, including but not limited to the basement storage area, gym, laundry room, super's workshop/office, mechanical areas, lobby, elevator, vestibule, stairways, hallways, courtyards and rooftop. In addition, smoking is also prohibited within 25 feet of any building entrance.
2. This policy applies to all shareholders, residents, sublets, guests, and workers, and covers the smoking of tobacco or any other substance including, but not limited to cigarettes, e-cigarettes, cigars, marijuana or any substance legal or illegal under New York State law. Violations of this policy will be considered a violation of the House Rules and the Proprietary Lease.
3. Smoke migrating from an apartment into an adjacent apartment shall be recognized by the Board of Directors as a violation of the House Rules and the Proprietary Lease, paragraph 18(b) prohibiting unreasonable odors from escaping into the Building or interfering with the rights of residents. Such rights are violated if smoke from any source escapes from an apartment into any other apartment or into any common area of the Building.
4. Failure to take reasonable steps required to prevent such violation will be deemed a material violation of the Corporation's House Rules and Proprietary Lease, and shall constitute grounds for fines, termination of the stock and Proprietary Lease, or any other remedy available to the Corporation under the law. All remedies hereunder shall be cumulative.
5. Any costs or charges incurred by the Corporation to enforce this House Rule provision will be treated as Additional Rent under the provisions of the Proprietary Lease.