

Smoking in your apartment? Maybe not for long

MONDAY AUGUST 26, 2013, 11:15 AM

BY KATHLEEN LYNN, STAFF WRITER - THE RECORD

Smoking is outlawed in New Jersey's restaurants, bars, workplaces, shopping malls and even many parks. Now, property owners are taking a look at smoking bans in individual apartments, because people don't want to breathe their neighbors' secondhand smoke at home, either.

Rosina Kogan, who lives at Avalon Bay apartments, a non-smoking community in Wood-Ridge, considers the smoking ban 'a plus.' Several new North Jersey apartment buildings are entirely smoke-free, including properties in [Hackensack](#), [Wood-Ridge](#) and [North Bergen](#) constructed by AvalonBay, a Virginia-based apartment developer and owner.

"I don't think we lose people when they find out we're smoke-free," said Ron Ladell, senior vice president of AvalonBay. "Residents are inquiring about smoke-free apartments. They're seeking it out."

Rosina Kogan is one tenant who considers the smoking ban "a plus." Kogan, a nurse who lives at Avalon Bay's development in [Wood-Ridge](#), says she used to live in apartments where neighbors' smoke would waft in through her open windows. "You couldn't say anything, because they were smoking on their own balcony or in their own home, but it was really disturbing," Kogan said.

Several public housing authorities also have restricted smoking in residents' apartments, including [Cliffside Park](#) and [Hackensack](#). And two new rental buildings in [Hudson County](#) — the Edge Lofts in Hoboken and the Madox in Jersey City — went smoke-free because they thought it would appeal to tenants, and because they were seeking certification by the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) program, which looks at a building's air quality.

"There's nothing less attractive [to prospective tenants] than hallways that smell like secondhand smoke," said Patrick Kretz, vice president at the Madox's builder, Fields Development Group of Hoboken.

Smoking bans in individual apartments are still the exception in New Jersey. But the move to ban smoking in apartments has picked up steam since the state's Smoke-Free Air Act was signed into law in 2006. That law banned smoking in most public places — including the common areas of multi-unit housing, says Karen Blumenfeld, executive director of New Jersey GASP, an anti-smoking group. In addition, more than 200 towns and counties around the state have banned smoking in parks.

"People are demanding [residential smoking bans] because they don't need to be around it at work or at leisure, so why should they be around it at home?" Blumenfeld said.

"It's being increasingly sought by residents," said Nicholas Kikis, director of regulatory affairs for the New Jersey Apartment Association.

"You have obvious concerns over secondhand smoke." A recent survey by the association found that 60 percent of building owners are actively exploring smoke-free policies. But about a third say they're holding off because of concerns about enforcement, while others say their current residents would object.

Kikis said some landlords have banned smoking among new tenants, but grandfathered in smoking for existing tenants.

"Over time, the buildings would become smoke-free," Kikis said.

Tracey Goldstein, a West Orange lawyer who represents building owners, said banning smoking in existing apartment buildings is difficult. "If it's new construction, it's much easier," she said.

Joseph Capano, executive director of the [Cliffside Park](#) Housing Authority, which operates 354 apartments for senior citizens and disabled tenants, said the authority barred smoking for new residents several years ago, but allowed existing tenants to continue smoking. Other tenants complained, and the authority is banning all smoking as of Jan. 1.

"Even if a smoker has a fan or an air conditioner, the smoke still seeps through the walls and gets in other people's apartments and disrupts their quality of life," Capano said.

At the request of residents, the [Hackensack](#) Housing Authority barred smoking in apartments in its four senior complexes, but allows smoking in its nine family buildings, where residents have not asked for a smoking ban, according to John Bellocchio, acting executive director.

Nationwide trend

New Jersey's not the only place where property owners are looking at the issue. Related Cos., a giant New York property owner with 40,000 units nationwide (none in New Jersey) recently announced a smoking ban in all its units. And the federal Department of Housing and Urban Development has been encouraging public housing authorities to ban smoking for several years.

Building managers might find less resistance to a smoking ban in New Jersey than in other areas, because the state has one of the lowest smoking rates in the nation. According to the federal Centers for Disease Control and Prevention, 14.4 percent of New Jerseyans over 18 smoked in 2010, the most recent figures available, compared with about 19 percent of people nationwide.

Aside from the effects on other residents, smoking can make life more difficult for building owners, too. Smoking increases the risk of fire, as well as the costs of

cleanup when smokers move out. According to the National Center for Healthy Housing, a 2009 survey of New England public housing agencies found that cleaning and repainting a non-smoker's apartment ran about \$560, while a heavy smoker's apartment required about \$3,500 worth of work before a new tenant could move in.

Even so, smoking bans are still unusual. Victoria Tinen, residential property manager at Alfred Sanzari Enterprises, said there have been few complaints about secondhand smoke in the company's 538 [Bergen County](#) apartments, and the company is not considering a smoking ban.

Allen Goldman, president of SJP Residential Properties in [Parsippany](#), which is constructing a high-rise rental in [Fort Lee](#), said the company "wouldn't want to play policeman." Instead, he said, he'd like to let tenants decide. "If an overwhelming majority of tenants don't want smoking, we'd look favorably at going down that road," he said.

Carl Goldberg, co-president of the Roseland Property division of Mack-Cali, said the company — a major residential developer — isn't looking at smoking bans, and hasn't heard requests from tenants for smoke-free living.

Condos and coops also sometimes deal with complaints about secondhand smoke. But two New Jersey lawyers who represent condo and coop associations say they don't know of any that have banned smoking.

Christopher Florio of the Princeton law firm Stark & Stark said that condo associations typically try to work out a compromise, such as asking a smoker to get an air purifier, or smoke outside.

[Glen Rock](#) lawyer Donna Shahrabani said boards often deal with secondhand-smoke complaints under the association's odor regulations, which typically say that residents can be fined if they cause objectionable smells.

When a resident complains about a neighbor's smoke, the board usually asks the smoker to buy an air purifier, Shahrabani said. If that doesn't work, the board asks the smoker not to smoke in his or her home, under threat of a fine.

"Some people don't smell smoke, or it doesn't bother them," said Shahrabani, a partner in the firm Buckalew Frizzell & Crevina. "But for some people, the slightest hint of smoke upsets them."

- See more at:

http://www.northjersey.com/realestate/220977471_Smoking_in_your_apartment_Maybe_not_for_long.html?page=all#sthash.Ew7cWzEV.dpuf