



**HARTSDALE GARDENS OWNERS CORP.  
SMOKING POLICY – HOUSE RULE**

The Board of Directors of HARTSDALE GARDENS OWNERS CORP. (hereinafter referred to as the “Corporation”) has implemented and established a Smoking Policy – House Rule (“Policy”), that specifically prohibits smoking in the common areas of the building. The purpose of such Policy is to prevent both secondhand smoke and noxious odors migrating, infiltrating, penetrating and/or entering into the common areas and/or apartments in the building.

The rationale for the implementation and establishment of this Policy is to highlight the serious concerns of the Board of Directors for the health and safety of the cooperative community due to the known adverse health effects of secondhand smoke and increased risk of fire. This Policy is effective immediately and applies to all shareholders, residents, subtenants, roommates, guests, employees, contractors, caregivers and service personnel, including members of their immediate family, (hereinafter collectively referred to as the “Resident”). The term “smoking” means inhaling, exhaling, breathing, chewing or carrying a lighted cigar, cigarette, pipe or other tobacco product or a similar light product, such as marijuana or electric smoking device, E-cigarettes/vaping] in any manner or in any form. All Residents of the Building are prohibited from smoking in any of the common areas of the building, including, but not limited to, the lobby, entry, hallways, stairwells, corridors, elevators, storage areas, garage, rooftops/decks and courtyard or playground. Outdoor smoking is strictly prohibited within twenty (20) feet of any entry door or window.

Please note: While at this time Residents are permitted to smoke within the confines of their respective apartments, such smoking may interfere with the health, safety and welfare of another Resident, and cause or create disturbance, nuisance or inconvenience to other Residents. Accordingly, the Corporation reserves all of its rights and remedies to require that any current smoker make reasonable accommodations to his/her neighbors including, but not limited to, taking necessary steps and realistic measures to effectively prevent the migration of secondhand smoke in order to contain such smoke and/or otherwise prevent the secondhand smoke and odors from entering into other apartments and/or the common areas of the building.

These reasonable accommodations, steps and measures include, but not limited to, the smoking Resident, at his/her expense taking such steps, measures and/or concerted actions, as demanded by the Corporation, to reduce the level of smoke emanating from the apartment and migrating into the common areas or other apartments in the building, by the installation and utilization of exhaust fans inside the apartment, use of air purifiers/air cleaners, charcoal filter ashtrays, application of weather stripping and/or foam insulation, performance of remedial work to close possible building gaps or cavities of areas of the apartment such as caulking baseboard openings, crawl spaces, dumbwaiters, plumbing/heating electrical chases, conduits, radiators, vents, electrical fixtures, outlets and circuit breaker boxes. Moreover, it may be necessary for such smoking Resident to restrict the rooms or areas in the apartment in which smoking occurs.

Please note that the Corporation’s adoption of the Policy does not ensure that there will be no second hand smoke or odors. Furthermore, the inability or failure by the Corporation to effectively enforce the Policy and/or respond to a complaint filed regarding smoke or odors shall

not be construed as a breach of the warranty of habitability or the covenant of quiet enjoyment, nor shall it be deemed to constitute a constructive eviction.

In furtherance of the Policy, the failure and/or refusal to act in compliance with this Policy shall constitute a material default and/or substantial breach of the obligations of the Shareholder/Lessee under the Proprietary Lease. Please be further advised that the Corporation reserves all of its rights and remedies to obtain compliance with and/or enforcement of the Policy. In conclusion, the Board of Directors reserves the right to restrict sales or leasing to non-smokers to facilitate the Policy.

Dated: January 9, 2019

HARTSDALE GARDENS OWNERS, CORP.  
By: Board of Directors