

**Community Board 9
890 Nostrand Avenue
Brooklyn, New York 11225**

**Minutes of Housing Committee Meeting
November 19, 2015**

Attendance:

Committee Members: Carmen L. Martinez (Committee Chair); Beverly Newsome (Committee Co-Chair); Patricia Moses – CB9; Hector Robertson – CB9; Diane Sheppard – Community Resident

Community Resident: Neil Morancie

Absent Members: Unella Rhone-Perry (Excused) – CB9; Eve-lyn Williams – CB9 (Excused); Kenya Sollas – CB9; Paula Jones – Community Resident; Vivia Morgan-Frett – Community Resident; Cameron Page – Community Resident;

Meeting called to order by Carmen L. Martinez at 6:45PM

Ms. Julia Cuthbertson, representative from NYC Smoke-Free, Brooklyn, and Mr. Stephen Beasley, representative from NYC Health Department, attended meeting and had further discussion with Housing Committee members concerning Smoke-Free Housing in New York City, pursuant to presentation made to the committee at its October 14th meeting.

As reported in the committee's October 14th minutes, following the presentation on Smoke-Free Housing, issues and concerns were raised by members of the Housing Committee as well as Mr. Morancie, community resident, about the impact that the conversion to smoke-free would have on tenants who smoke, have been living in their apartments for years and were able to smoke freely in the privacy of their apartments, should their landlord chose to convert the property to smoke-free. Presenters reported that, upon consultation with their colleagues in their respective agencies legal department, there have been no cases of evictions or any other landlord vs. tenant actions as a result of buildings converting to smoke-free policy. Additionally, the Department of Housing and Urban Development (HUD) has proposed the institution of smoke-free regulations by public housing agency (PHA) administering public housing. The smoke-free policy must also extend to all indoor areas up to 25 feet from the housing and administrative offices. The prohibition would be included in tenant leases, and violations would be treated like other nuisances violations and are not meant to result in evictions. The public would have 60 days to comment on the proposal and housing agencies would have 18 months from the effective date of the final rule to adopt and put smoke-free policy into effect.

Despite the additional information shared by Ms. Cuthbertson and Mr. Beasley, which included resolutions in favor of the smoke-free policy passed by Queens Community Board 7 and Brooklyn Community Board 2, and the Housing Committee acknowledging that by adopting a smoke-free environment landlords will be providing residents with healthier homes, will reduce property damage (including fires) and turnover costs, committee members remain reluctant to fully support the smoke-free housing policy without evaluating other options, such as installing air filtration systems in housing units that would help eliminate or drastically reduce toxins.

Furthermore, committee members were unable to envision a way to write a supportive recommendation without putting renters at risk of further harassment by landlords in the long run. While the smoke-free policies are touted as self-enforcing and non-punitive, the Committee fears that landlords wishing to get rid of tenants will find a way to use this law to harass or even evict those tenants that are smokers. There is no assurance building owners would not engage in this type of behavior over a period of time.

The Pros and Cons of Smoke-free Housing Policy

Are smoking bans in public or private buildings something that every community should look to enact? By weighing the pros and cons (and we must weigh the pros and cons) of this very hard to decide type of regulation, the burden would be on individuals to decide which side of the debate they support.

Pros

1. A cleaner environment would be created which can be enjoyed by the majority of people. Being smoke-free within 25 feet of a building, or having policies against smoking inside all housing, allows more people to enjoy their dwelling. There wouldn't be any second-hand smoke to inhale, which means there aren't any potential health consequences.

2. It could lower the health care costs in the community. Although smoking bans don't typically forbid people from smoking in their own homes (yet) or vehicles, it does restrict the times and places that smoking can occur. This may have a natural effect of lowering health care costs in each community because there would be less smoking.

Cons

1. It is a behavioral restriction that intrudes on a person's life. Just because smoking is considered a "bad habit", it doesn't give government agencies the right to regulate the choices a person makes. Especially as it relates to smoking in their apartment. Other behaviors have health consequences as well, but they aren't as regulated as smoking. Smokers therefore feel targeted.

2. It doesn't really stop the behavior. If someone violates the smoking ban, most often the consequence, as it would be in this case if the regulation is put into effect, it's just a warning to go smoke somewhere else or to put the cigarette out. Even if the police are called (and that's not supposed to be the case), a person must generally refuse to leave in order to be charged with a violation. This makes the smoking bans ineffective in nature.

3. If a tenant is a long time smoker but he/she has a disability and is confined to their apartment, what is the remedy for this tenant? Eviction?

The Housing Committee will recommend that the Smoke-Free Housing presentation be made to the Board at the December or January 2016 general meeting to vote on the issuance of a resolution for or against by the entire Board.

In addition to the smoke-free housing issues, the Housing Committee supports the ULURP Committee in voting against the Mayor's Zoning for Quality and Affordability (ZQA) and Mandatory Inclusionary Housing (MIH). The Committee feels that more should be done to preserve the existing rent-regulated units in the district and that the ZQA would actually result in the loss of affordable units as developers would instead be more inclined to demolish existing rent-regulated buildings to build towers with costlier units (even those considered "affordable"). These new constructions will also destroy the existing character of the neighborhood and will forever impact the quality of life for the residents in the district; particularly as existing one - three family homes are currently being demolished and converted into multi-dwellings crammed in between adjacent remaining homes.

The Housing Committee will work on doing outreach to tenants and block associations, as well as civic groups in the district to increase community participation and input.

Meeting was adjourned at 9:15PM.

Respectfully Submitted by Carmen L. Martinez, Chair
November 21, 2015