

HOWARD J. RUBENSTEIN ASSOCIATES, INC.

PUBLIC RELATIONS

April 28, 1986

Mr. Richard Rosan  
President  
Real Estate Board of New York  
12 East 41st Street  
New York, NY 10017

Dear Rick:

As we discussed, Mayor Koch has recently proposed that smoking be outlawed in a wide range of public places in New York City and that private employers be required to provide no-smoking work areas for employees who want them.

The bill he is proposing for City Council action (public hearings are to be held on May 19) would be the most stringent in the nation.

A Committee for Common Courtesy has been formed to put forth the stand that common courtesy can be used to solve problems between smokers and non-smokers and that restrictive smoking legislation is unnecessary, unfair, unenforceable, and economically destructive.

The members of the Committee range from Fred Sampson of the New York Restaurant Association to Ed Cleary, President of the New York State AFL-CIO. Barry Feinstein, President of the Teamsters Union, is Vice Chairman. If you'd like, I'd be happy to send you a complete list of Committee members.

Among the bill's provisions:

\*restaurants, enclosed sports areas and convention halls could designate up to half their seats as smoking areas, but only if their ventilation systems met strengthened Health Department regulations and if they gave patrons a choice of where to sit.

\*in theaters, only a continuous area of up to 50 percent of the lobby may be designated a smoking area.

\*any employee will have the right to designate his or her work area as a nonsmoking area.

\*smoking in meeting or conference rooms would be prohibited.

\*the plan would include civil penalties for violators -- \$200 for the first offense, \$400 for a second and up to \$1,000 for subsequent violations. The Health Department would have primary responsibility for assuring compliance, but the Police, Fire, Sanitation, Buildings, Consumer Affairs and Environmental Protection Departments would assist in enforcement.

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What's wrong with the bill? Here are just some of the objections those opposing the bill, including The Daily News, Crain's New York Business, and The Amsterdam News have mentioned:

\*it is unenforceable - officials could not enforce such regulations in the city's tens of thousands of office and other buildings.

\*it is discriminatory - it allows bosses to smoke in their private offices while denying the rank and file the same privilege.

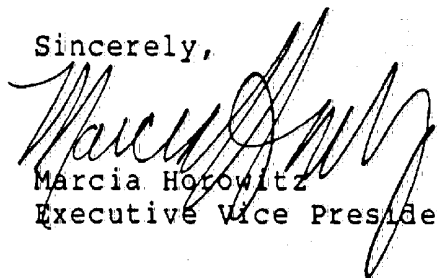
\*it is costly - it would cost the private sector in this city millions of dollars if this law was passed, including revenue losses at restaurants, productivity losses in private workplaces, revenue losses at other indoor areas, and the costs of physical alterations and signs.

\*it is yet another unnecessary provision where government is seeking to regulate personal habits.

We would like to add The Real Estate Board of New York to this list of Committee members. I am enclosing some background information and would be happy to answer any questions you may have.

Because the public hearing is in three weeks, time is of the essence.

Sincerely,



Marcia Horowitz  
Executive Vice President

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