

HABITAT

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Board Talk

A Conversation about Leaks

HELP The neighbor above has a slow leak [he] believes to be a toilet-bend leak [and it is] damaging my ceiling. He is in the process of divorce and an apartment sale and refuses to get [the] leak fixed. The co-op wants to just plaster up my ceiling and let me paint before the leak is fixed. Does this make sense? The [neighbor] says he will not use the toilet. Meantime, my insurance has paid for some work but the co-op is trying to do the plaster anyhow and the super does sub-work.

NYC Resident Manager This does not make sense – do not allow this to happen. They should fix the problem after it has been corrected, have your ceiling opened up so it could dry out so there is no chance of any mold to grow. E-mail me if you would like to talk some more.

Another Resident Manager In the co-op that I manage I have never been restricted from carrying out repairs. However, for what it is worth, here is my two cents on what I would do. Two choices here. If you want to be nice or not...

Document everything, take photographs and get a letter from the co-op and shareholder assuring you that the repairs will be carried out when your upstairs neighbor

takes care of his issues. Taking care of it means that the ceiling damage once repaired will not be noticeable.

After that write the co-op/shareholder saying you want the issue resolved right away. Send the same documents as above. If they drag their feet, threaten legal action.

Escape From Yonkers If the leak is in the area between the apartments, it would be the co-op's responsibility to repair it. In many cases, the leak is in the primary plumbing, meaning the connecting pipes. The issue is: is it the co-op's responsibility or the shareowner's and where exactly is it leaking from?

Another Resident Manager

Find it funny that you should ask where is the leak coming from (how do I know?) Also, [you believe that] outside leaks are easy to find? Let me break it down simply for you. In most co-ops I know of, outside the wall = shareholder, inside = co-op. You need to follow up if you want it fixed. Only then can you address liability. A good

super/plumbing company should be able to find out very quickly. Document, take photos, call management.

Analysis/Comment By:

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As in all issues of repairs to cooperative apartments, you must first determine the location of the damage and then review your proprietary lease. Generally, the proprietary lease holds the shareholder responsible for all repairs to fixtures inside the apartment.

The cooperative is responsible for the piping behind the walls and under the floors. Accordingly, the first step is to have your manager determine and report (in writing) on the location of the damage. Then, if that determination was incorrect, the shareholder has recourse.

Board Talk is an online discussion forum where board members can post questions to which other board members can respond. Topics range from mouse-proofing to legal retainers – really, anything, and all things, that boards encounter on a daily basis. Some of the responses have been edited for clarity. Want to participate? Go to:

www.habitatmag.com/activities/board_talk