

The COOPERATOR

The Co-op & Condo Monthly

QUESTIONS & ANSWERS

"Since the managing agent works closely with the board, they are not reporting to the rest of the building. It is hard to imagine a 'mistake' that the board would make that the shareholders would be notified of. The board votes by majority, so if it is the 'business judgment' of the board to enact something, by its nature that would not be a mistake, even if you do not personally agree. However, there can be issues where the shareholders may 'suspect' some impropriety and try to dig deeper to find out the facts. From time to time I get calls asking questions about whether it 'seems odd,' for example, that the board president's construction company is doing the roof repair project. This is not 'wrong' per se, but it is not a good idea, because it gives the 'appearance' of impropriety.

"The board is always accountable to the shareholders and unit owners and the usual forum for airing that is at the annual meeting. If there are any issues brewing, it can make for a 'lively' evening."

Super Required?

Q I'm a shareholder in a co-op in Park Slope. The board has sum-

marily decided that we no longer require a full-time, live-in superintendent. When I served on the board several years ago, I understood that a building had to have a particular number of units to require a super. I don't recall the legal number, but, for example, a six-unit building didn't require a super. Is it legal for us not to have a super? If that's true, who would take care of our building's business?

—Ex Board Member

A "Your reader is partially correct," says Michelle Freudenberger, Esq. in Manhattan. "Smaller buildings do not require a resident super and with the rising costs of co-ops and condos in New York City many co-op or condo boards may consider other more economical options. The New York State Multiple Dwelling Law provides that whenever there are thirteen or more families occupying any multiple dwelling, and the owner does not reside therein, there shall be a janitor, housekeeper or some other person responsible on behalf of the owner to reside in the dwelling or within a dwelling located within a distance of 250 feet from the dwelling and have charge of such dwelling."

"In regards to who would take care of a building if there was no super, or if the super was away, (and the building is one that requires a super based on the number of units contained therein), then the co-op or condo board must have a substitute for the super. There could be an assistant super or handyman that is on call 24/7." ■

Disclaimer: The answers provided in this Q&A column are of a general nature and cannot substitute for professional advice regarding your specific circumstances. Always seek the advice of competent legal counsel or other qualified professionals with any questions you may have regarding technical or legal issues.

Q&A Do you have an issue with your board? Are you wondering how to solve a dispute with a neighbor? Can't find information you need about a building's finances? We have the answers to all of your legal questions. Write to The Cooperator and we'll publish your question, along with a response from one of our attorney advisors. Questions may be edited for taste, length and clarity. Send your question to: crystal@cooperator.com