

ASK REAL ESTATE

Mandatory Facade Repairs: What Does the Law Say, and What Can You Do?

Local Law 11 inspections and repairs are required every five years. But how much intrusion should building residents expect, and how much is too much?

By Jill Terrerri Ramos

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Q: I live on the top floor of a New York City co-op, and I have a small terrace. Every five years, when there is Local Law 11 repair work scheduled, contractors set up caution tape, winches, ropes and scaffolding. The board is not vigilant, and the current repairs have dragged on for more than a year. I have no access, no enjoyment of part of my apartment for which I pay maintenance. The co-op's proprietary lease says that some access to the outdoor space must be provided if necessary, but this has become excessive. Do I have any rights as a shareholder to limit access or the time that this equipment remains on my terrace?

A: Local Law 11 inspections and necessary repairs are mandated every five years for buildings taller than six stories. It was enacted in response to deaths and injuries caused by falling debris from neglected facades. Your board must comply with the law, even if it causes inconvenience for residents.

Checking your co-op's governing documents was the correct first step in determining whether access to your terrace is allowed. You can also check to see if they provide for compensation when the full use of your apartment is curtailed, said Debra J. Guzov, a real estate lawyer in Manhattan.

In this case, it's not clear that you'd be entitled to a reduction in maintenance fees. The board's allowance and calculation for such compensation depends on the language in the proprietary lease, its desire to establish good will with the shareholder, its finances, precedent in the building and legal precedent, Ms. Guzov said.

You could ask to use part of the terrace during the work, or urge the board to seek another place to stage the required equipment. You could also lobby the board to make sure the timelines in the work contract are being honored.

A more aggressive tack would be hiring a lawyer to write a demand letter, and if that fails, filing a lawsuit. But know that courts have typically sided with tenants in matters such as yours only in extremely unreasonable situations. A year may not be an abnormally long time for extensive facade repairs, said Steven D. Sladkus, a real estate lawyer in Manhattan.

“The board has to do it to be in compliance with the law,” Mr. Sladkus said. “You’re not being inconvenienced intentionally. It’s part of cooperative living.”

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