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REAL ESTATE

FIRST-TIME HOME BUYERS

When Your First Apartment Is a Lemon

What New York homeowners can do before and after a purchase to avoid or mitigate shoddy construction.



Susan Deng bought her Brooklyn home in 2021 and has spent years dealing with various issues that were the result of faulty construction. Credit...Clark Hodgkin for The New York Times

By Jill P. Capuzzo

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After eight years of paying significant monthly rent to share cramped apartments with multiple roommates, Susan Deng decided it was time to buy her own place.

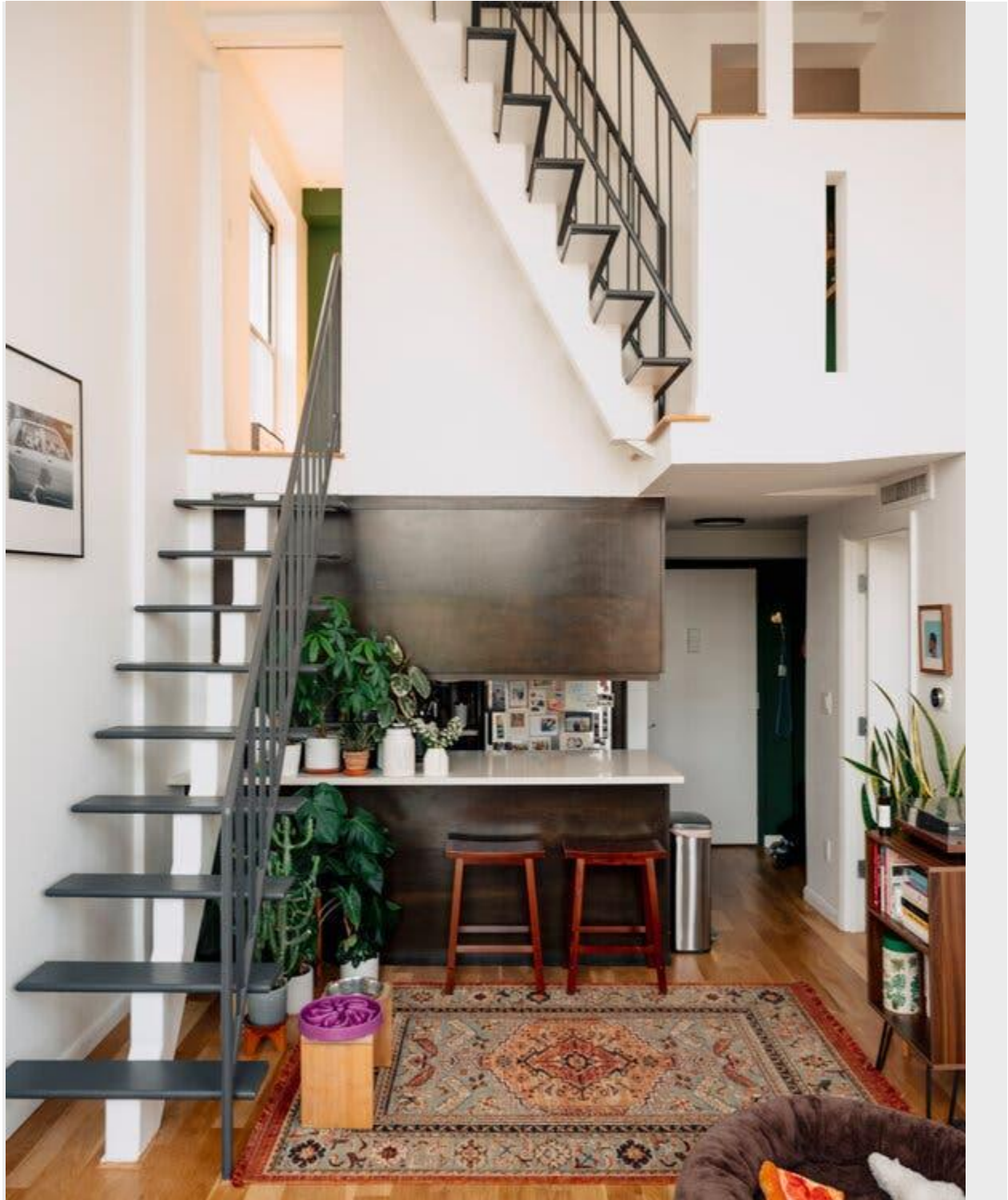
Spurred on by 2021's low interest rates, she scoured the listings for somewhere with lots of natural light and interesting architecture. Her monthslong search yielded a one-bedroom apartment in East Williamsburg, with two stories of lofted space, floor-to-ceiling windows and three balconies, which she bought that November for \$850,000. Three months later she moved in with Milo, her 63-pound lab mix.

Image



Ms. Deng moved into her apartment with her dog three months after buying it. Credit...Clark Hodgins for The New York Times

Image



The apartment has two stories of lofted space.Credit...Clark Hodgkin for The New York Times

But over the last four years, she has spent nearly as much time living out of her apartment as in it while she has navigated building defects that caused her apartment's ceiling to split open, floors to buckle and walls to crack.

“I knew I needed a home inspection,” said Ms. Deng, who hired a home inspector before buying the apartment. “But he didn’t uncover anything except a ceiling fan that needed replacing.”

Eighteen months after moving in, Ms. Deng noticed water dripping from her living room ceiling. Quickly, the drip turned into “a gaping slit in the ceiling, producing a waterfall that was so strong it was splattering against the walls,” said Ms. Deng, a global business operations lead for Neko Health. Upon alerting the building’s condo board, she learned that another apartment had suffered leaks the year before.

Building inspections revealed that the four-story building’s roof was not properly pitched or sealed, and most of the balconies and joints were inadequately sealed as well. Repairs would cost more than \$160,000. With an insufficient Homeowners Association reserve, each of the eight condo owners was charged an assessment to pay for the work. To cover her \$19,000 share, Ms. Deng rented out her apartment on Airbnb and couch surfed for much of 2024.



The roof of Ms. Deng’s building was not properly pitched or sealed, leading to leaks. Credit...Clark Hodgins for The New York Times

In 2025, she was once again displaced while her ceiling, floors and walls were replaced, \$42,000 of work that was covered by her homeowner’s insurance, along with many weeks’ worth of hotel stays while the apartment was uninhabitable.

Unlike cars, buildings are not usually described as lemons. But building booms, like the one following the 2005 rezoning of 175 blocks in Williamsburg and Greenpoint when thousands of new apartment projects sprung up, including Ms. Deng's building, bring with them a surfeit of complaints and lawsuits related to shoddy construction.

"Before the crash of 2008, everybody was rushing around and slapping these things up as fast as they could, looking to sell them and get out," said **Steven Sladkus**, a Manhattan lawyer who specializes in construction litigation.

Identifying a construction defect in advance, or addressing it once it is discovered is not an easy task, especially for first-time home buyers like Ms. Deng.

"I had no one to talk to," said Ms. Deng, now 34. "My friends weren't at this stage yet. I had never dealt with contractors or insurance, so I was just Googling things, trying to do my best."

Do Your Research

Before buying an apartment, Mr. Sladkus recommends researching if the building or its developers have been the subject of any complaints or litigation. One resource is the city's Department of Buildings, which maintains public records on 1.1 million buildings throughout the city. Using the department's two online portals — the [Building Information System](#), which has been tracking building activity since the 1980s, and the newer [DOBNow](#) — one can look up property profiles, permits, inspection reports and any filed complaints, violations or litigation.



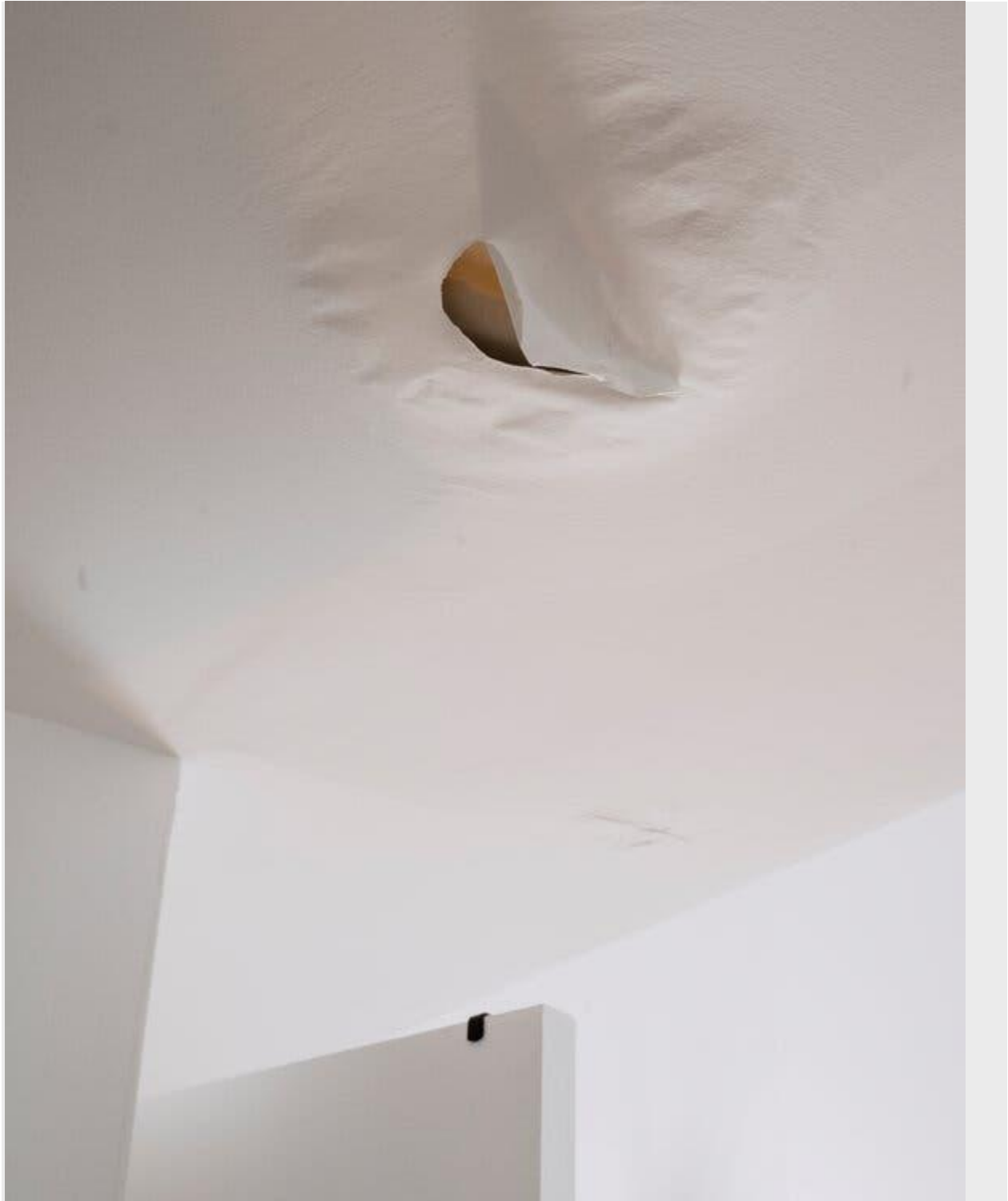
The building was built during a boom following the 2005 rezoning of 175 blocks in Williamsburg and Greenpoint. Credit...Clark Hodgkin for The New York Times

Any building over six stories high is legally required to conduct a full exterior inspection every six years and elevator inspections twice yearly. Detailed reports and photos from these inspections can be found on the Building Department's two search portals.

"I would certainly recommend that anyone hunting for an apartment do their due diligence and look at our data online to see if any complaints have been filed against the building they're looking at," said Andrew Rudansky, a spokesman for the Department of Buildings.



Building defects caused buckling floors.Credit...Clark Hodgkin for The New York Times
Image



Ms. Deng first noticed water dripping from her ceiling 18 months after moving in. Credit...Clark Hodgkin for The New York Times

The city's 311 service fields thousands of building complaints each month. These complaints, and the city's subsequent action, also become part of the public record.

Take Action

Once a problem is discovered, Mr. Sladkus advises homeowners to first contact their co-op or condo board, which is responsible for maintaining the building's common areas.

“Get in touch with the management and board and tell them ‘Come to my apartment to see what I’m experiencing.’ Usually you’re dealing with an empathetic board member who says ‘We’ve got to deal with this,’” he said.

If the board is uncooperative, the homeowner can file a suit against the board, which in turn will likely file a suit against the building’s sponsor, the original owner that sold the units. However, a six-year statute of limitations for breach of contract suits often means latent defects may be discovered too late.

When the suits start flying, the process can become time-consuming and costly, with the sponsor suing the general contractor who in turn sues the subcontractors.

“It’s very expensive litigation and it can be tough on owners,” said Dov Medinets, a Brooklyn real estate lawyer who has represented sponsors in many such lawsuits. “You have to make some hard-nosed financial calculus: What are the costs, are you likely to succeed, and if you do succeed, who are you getting the money from? Sometimes you get a \$2 million judgment and all you get is something to paper your walls with.”



Ms. Deng is back in her apartment after spending months living at friends' apartments and at hotels. Credit...Clark Hodgkin for The New York Times

After many months of living at friends' apartments and hotels, Ms. Deng was finally able to move back into her apartment last December, just in time to host her holiday white elephant party. Two months later, her water heater gave way. The replacement cost her \$2,500, which she had to absorb, but she is filing a new insurance claim to have the buckled floors replaced, yet again.

Earlier this year, she briefly considered selling the apartment, until she compared her monthly mortgage of less than \$2,000 to the high rents her friends pay.

"The problems are fixed," she said. "I now know I have to be more proactive going forward. But I still love this place, in spite of not having lived here for quite a while."