

Brooklyn Co-op Updates House Rules to Keep up with Modern-Day Living Challenges

DESCRIPTION	Co-op boards can update house rules to keep up with modern-day concerns such as e-bike storage, video doorbells, and renting out residences as Airbnbs, and can use them to create fine schedules that increase with repeated offenses and to maintain the building's finances and save money. (Print: House Rules: Time For A Refresh)
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AUTHOR	Theresa Agovino
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Aesthetics was only one of the reasons that David Maltby and his fellow board members decided to update the decades-old house rules at their Brooklyn co-op. "The only copy that we had was a photocopy of a photocopy of a photocopy of the original in a PDF format where one of the pages was upside down," said Maltby, president of the 88-unit co-op's board.

The old rules discussed "fire towers" - a reference that confounds the board - though, more importantly, lacked mention of modern-day concerns of apartment living, such as e-bike storage, video doorbells, and renting out residences as Airbnbs.

"We wanted to bring the language up to something that was more user-friendly and more current. We wanted to cover things that were not there, but we felt needed to be there," Maltby said. He added that the rules also serve as an educational tool that reminds people that they live in a community and need to understand how their actions impact those around them. "I think we're getting a lot of first-time owners in the co-op, so we need to make sure they realize that we're all in it together."

Where Do House Rules Fit In?

There are several key governing documents that serve different purposes, and house rules are the most informal of them. Both a co-op's proprietary lease, a hybrid between a lease and a deed and bylaws (in both co-ops and condos) focus on corporate governance and operations and require a formal procedure (often a resident vote) to amend. Updating house rules, on the other hand, is a much easier process requiring a simple majority vote of the board.

Their purpose is to outline protocols and procedures that residents must follow to create a harmonious living environment. They cover issues like noise levels, recycling, waste disposal, and use of the common spaces. The

rules delve into "the nitty gritty" of living, said Aaron Shmulewitz, a partner and head of the co-op/condo practice at Belkin Burden Goldman. While some rules may sound obvious, there can be disagreement on what is reasonable or customary. Shmulewitz advises his clients to create fine schedules that increase with repeated offenses. "It's all intended to incentivize changes in behavior. It's not intended to actually enable the board to collect the revenue."

Because passing changes to the house rules only requires a simple board majority, more substantial policy reforms, like instituting a flip tax or sublet rules, should be placed in other governing documents. While there is no set schedule for updating house rules, lawyers say that recent changes in technology and society have triggered more boards to ensure their rules address contemporary life.

Modern Challenges

Amending house rules allows your board to keep up with lifestyle changes. For example, E-bikes and E-scooters have become a popular mode of transportation. Many buildings banned residents from having the vehicles because the lithium-ion batteries that power them have caused fires that killed people. Shmulewitz said one of his clients banned e-bikes and that anyone who broke the rule and damaged the building would be financially responsible for all repairs. He added that he wasn't sure the board could legally force someone to pay for repairs though he isn't sure it matters. "The goal is to scare people from bringing ion batteries into the building," Shmulewitz said.

Maltby said discussions about regulating E-bikes and E-scooters were among the board's more heated debates, with some members wanting to forbid them. The board ultimately decided that the rules would mirror the provisions in New York City Local Law 39. It says that all E-devices and batteries must be certified by an accredited testing laboratory, which follows the standards set by Underwriter's Laboratory, a leading safety organization. The building's rule also says that anyone who disobeyed it would be responsible for the damage caused by the infraction.

Doorbells that can record video and sound are another recent technological advance that has become a contentious issue. Some residents want them because of the security they can provide. Others say such doorbells invade their privacy or complain that they ruin the uniform look of the hallways.

Shmulewitz said he and his clients are trying to hammer out a level-headed compromise, such as disabling the bells' audio recording capability and positioning them so the camera cannot point directly into someone else's apartment. Of course, some buildings' designs would make the latter extremely difficult. "Is it possible that we can't reach a common-sense solution? Yes," Shmulewitz said. "But boards are just trying to make it work."

Practical Benefits

Maltby said that implementing certain rules can help maintain the building's finances and save money. For example, he said some residents threw dirty diapers down the garbage chute without placing them in bags. Cleaning the chutes costs money, so the rules instruct residents on proper waste procedures. Likewise, the new rules say that residents must have apartment insurance. That's because a resident who lacked insurance caused damage to a neighbor's unit, and the building wound up covering the repairs' costs. Now, the building checks to ensure everyone is insured.

"We basically wanted to update the rules so they were current, and then we could use them," Maltby said.

One house rule trend, says Leni Morrison Cummins, chair of condominiums & cooperatives at Cozen O'Connor are "good citizen rules" that forbid anyone in the building, including visitors, staff, and residents, from engaging in any verbal or physical conduct that is threatening, harassing, or otherwise offensive to anyone else. She represents a luxury condo on the Upper East Side that added such a policy after a subletter kept berating a woman in the building. Cummins said that after the rule was enacted, the board sent a letter to the unit's owner, which said that the tenant

was in breach of the new rule and that fines would be assessed if the behavior did not stop. The tenant also received a copy of the letter. The offensive conduct ceased immediately.

"No one's looking to try to create some kind of a dictatorship in these buildings, but there's got to be standards that can be enforced even with just a lawyer letter that says you're violating something," Cummins said. She added that some people will not shift their behavior simply because they are asked. "They need something a little bit more," Cummins said.

The same holds true for amenity spaces, which have become a concern for buildings who want to be sure that residents have relatively easy access to them. Boards might consider restricting how often one owner can reserve a space for themselves or blocking out private uses at certain times, Cummins said. Another concern is a resident bringing so many guests to a space that another owner might feel uncomfortable being there.

Creating such rules can seem like a job for a "kindergarten teacher," but they are necessary, she adds. "These larger amenities are why people buy in the building. This is the draw," she said, adding that people also pay significant maintenance and condo fees to keep up those amenities.

Many residents may not be aware of legal issues, such as Local Law 18, passed in 2022, which essentially bans short-term rentals like Airbnb. Logic would suggest that residents would know they should not list their homes on such platforms, but lawyers say it belongs in the house rules. Maltby said his building's new rules specifically ban short-term rentals even though it is already illegal.

"We look at it as another way to educate our community," Maltby said.