

The New York Times

ASK REAL ESTATE

How Can I Force My Co-op Board to Fix a Ceiling Leak?

Co-op boards have a fiduciary responsibility to take care of their buildings, but sometimes shareholders must compel them to act.



By Jill Terreri Ramos | Published July 22, 2023

Nadia Pillon

Q: We bought an apartment on the top floor of a co-op in Yorkville in April 2020. After living there for a while, we moved out and now rent it out to a tenant. Once or twice a year, the ceiling leaks during rainstorms. We always notify the super and the management company, the super “finds” a problem and “fixes” it, our ceiling is patched and we go on with our lives. But it keeps happening. I’m worried there might be mold or structural damage, and apparently, it leaked into the elevator shaft. What can I do to pressure them to get a more thorough evaluation and permanent fix?

A: Ceiling leaks can lead to much bigger problems if they aren’t fixed, so they must be addressed properly for the good of your unit and your building. You need an evaluation by a professional who’s experienced in finding leaks, typically an engineer.

Reaching out to your managing agent was a good first step. Document the dates of contact, and the response you did or didn’t receive. Managing agents often have many buildings in their portfolio, and shareholders’ concerns aren’t always addressed promptly. Hire a lawyer to draft a letter to the co-op’s board of directors and to the managing agent. Tell them you are aware of the leak, make clear that it is a recurring problem, describe the damage it is causing, and note that your repeated efforts to address the issue have failed to result in a professional evaluation. “In many instances, a lawyer’s letter will get the attention of the building,” said Lawrence Chaifetz, a real estate lawyer with Chaifetz & Chaifetz LLC.

The co-op board of directors has a fiduciary responsibility to take care of the building, which is why they must respond. “I think the most important thing is to impress upon the board their responsibility in addressing it,” said [Lorraine Nadel](#), a lawyer with the firm [Nadel & Ciarlo](#), who handles real estate disputes and litigation.

If the board doesn’t respond to the lawyer’s letter, you can call 311 to report the leaks. If a city inspector visits, it could result in a building violation — or, if the inspector finds other problems, unrelated violations. Just be aware that this could damage your relationship with the board.

Litigation is the next step and is not uncommon if the board is dysfunctional or if there is no money for repairs, [Ms. Nadel](#) said.