

## Unhappy co-op & condo owners crowd Queens forum for help with boards

by [Teri Karush Rogers](#) | 12/10/10

A standing room only crowd of more than 120 frustrated co-op and condo owners squeezed into a Jewish center in Jackson Heights, Queens, on Monday night for help from a panel comprised of lawyers, local politicians and the president of the grassroots education and advocacy organization that organized the event.

"In general, people wanted to know what to do when their boards and building management don't respond on issues like noise, pets, punitive fines and access to information," reported **Alliance of Co-op and Condo Owners** (ACCO) president Larry Simms when BrickUnderground checked in with him this week. "People have been dying to talk about these things. They have issues and address them to the management or the board members and either don't get good answers, or don't get answers at all."

Questions fielded by the panel included:

- **Is it a conflict of interest for a Board member to work for the management company?** The experts concurred this is always a bad idea, and observed that most association by-laws specifically prohibit Board members from being compensated.
- **When is a fine excessive?** A co-op owner wondered whether the board was really allowed to fine him \$500 because he had put too much trash or the wrong type of trash in the compactor room, and the porter had to clean it up. "The attorneys said it depends on the governing documents but that any fine has to be reasonable," says Simms. "There was no question that there was some issue about trash left in the compactor room, but \$500 would buy a lot of time from the porter, so that seems excessive."
- **How do you find out the names of your board members?** This falls into the category of "stealth government," explains Simms, which is when a board doesn't hold elections for many years, or holds elections but doesn't communicate the results. Answer: The staff always knows who's in charge, so ask the super.
- **Why do sales take so long to approve, & why can't we know the reason a buyer is rejected?** All the panelists agreed that these are widely-held complaints and observed that legislation to change these rules is now pending in City Council.
- **Is there any law requiring that floors be 80 percent covered by carpet?** There's no city or state law requiring floors to be covered by carpet—it's all in the house rules.

Simms says half of the attendees joined ACCO on the spot, and that the only change ACCO plans to make in **the next forum** on Jan. 19th—at 7:00, Public School 186Q, 252-12 72nd Avenue in Bellerose—will be to add more chairs.

While the event ran mostly as expected, there was one surprise, when an audience member asked a question regarding a woman being kicked out of her father's apartment without compensation, after living there for decades.

"He asked a question and it kind of escalated," says Simms. "He pointed his finger into the audience and said 'My board president is sitting right there—he's the culprit.' Then he jumped up and each of them had a binder full of papers as though we were going to arbitrate on the spot. Fortunately, Senator José Peralta & Councilmember Danny Dromm, the forum moderators, skillfully defused the situation."

Hands-on mediation by a neutral party is, in fact, one goal behind The Ombudsman Bill currently making the rounds. If passed, it would create a state government office to educate co-op and condo owners and provide alternative dispute resolution.

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