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Management In A Minute - August 2011

Understanding New York's Warranty of Habitability

New York's warranty of habitability statute ensures that residential premises are free of dangerous and hazardous conditions and are fit for human habitation. Of particular interest are the issues of mold, leaks, lead paint, and bedbugs. When a co-op or condo Board becomes aware of any of these in their building, they should notify AKAM immediately so that prompt action can be taken. This will help obviate a fine and/or litigation and judgment against the building.

Mold and Leaks. It is not only the presence of mold that must be addressed. In addition, any condition where mold could develop also must be abated. Such conditions include leaks, but leaks themselves are another category under the warranty of habitability since a leak may not cause mold but may otherwise render an apartment inhabitable.

Lead Paint. New York's Childhood Lead Poisoning Prevention Act of 2003 allows co-op Boards and shareholders to allocate lead paint-related compliance responsibilities. However, in co-ops and condos built before 1978, EPA regulations require that an EPA-certified worker perform any work that could disturb painted surfaces.

Bedbugs. The warrant of habitability was first applied to bedbugs in 2004 and continues to be enforced even as the laws surrounding bedbugs evolve. Because bedbugs have a long incubation period and are migratory, it is often not possible to discern their exact point of origin. For this reason, Boards should adopt a buildingwide bedbug management policy such as the one AKAM has recommended.

Your AKAM Management Executive is supported by New York's finest residential management Operations Department, which has experts who work to ensure compliance with New York's warranty of habitability.

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