



January 8, 2006

Q & A

Condo Owners and Board Meetings

Q. I live in a condominium community in Queens. I recently wrote to the board of managers and asked whether I, as a homeowner, have the right to attend monthly board meetings. I was told that no homeowner (other than a board member) may, under any circumstances, attend a meeting of the board. Is this correct? Is there a law in New York that prohibits homeowners from attending monthly board meetings? ... George P. Silberman, Bayside, Queens.

A. Steven Troup, a Manhattan real estate lawyer, said there is no law that prohibits homeowners from attending monthly board meetings. But, he said, there is also no law that requires unit owners to be allowed in meetings.

"The relevant statutes provide great leeway for boards to run their meetings as they see fit," Mr. Troup said. He noted that while a condominium's bylaws could conceivably contain provisions about who is allowed to attend meetings, most bylaws are silent on the issue, permitting boards to make their own rules.

"Homeowners might consider formally petitioning the board for the right to attend some of the meetings, or a portion of each meeting," Mr. Troup said. "But generally, the business portion of board meetings are attended by board members only."

When Co-op Units Are Combined

Q. I live in a co-op where four owners have bought adjacent apartments and combined them. How many shares should the combined apartments have, and should the co-op adjust its records to reflect the fact that there are now fewer units in the building?... Peter Chong, Brooklyn

A. Arthur I. Weinstein, a Manhattan lawyer who is vice president of the Council of New York Cooperatives and Condominiums, said that most proprietary leases require a shareholder who wishes to combine apartments to obtain the co-op's consent.

"That consent is usually conditioned on the agreement by the shareholder to file plans for the work to be done with the New York City Department of Buildings and have those plans approved by the department," Mr. Weinstein said.

After the work is done, he added, the shareholder must also file with the department appropriate "sign-offs" from the licensed contractors, indicating that the work was done properly.

After the department confirms that this process has been completed, Mr. Weinstein said, and after the co-op has obtained the consent of any lender with an interest in the shares, the old stock certificates and proprietary leases must be surrendered to the co-op in exchange for a new certificate and new lease representing the single combined apartment.

"If no hallway or other common space was used by the shareholder for the combination," he said, "the number of shares for the combined apartment would equal the sum of the shares allocated to each joined apartment."