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Questions About a Washing Machine

Q & A

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Q. *I am on the board of a Brooklyn co-op. One of the rent-controlled tenants in the building has had a washing machine in her apartment since she moved in. Such appliances are prohibited by the co-op because of the age of the building's plumbing system. Can the building require the tenant to remove the washing machine?*

A. “The fact that washing machines are forbidden by the rules is essentially irrelevant for this tenant,” said **Adam Leitman Bailey**, a Manhattan real estate lawyer. Nonpurchasing rent-regulated tenants are entitled to retain all the rights and privileges of their original tenancy, including the right to have a washing machine, he noted.

But **Mr. Bailey** said that if the co-op can demonstrate that the machine is damaging the building, the co-op can require the owner of the apartment to make repairs and prevent future damage. “This may not necessarily entail removal of the machine,” he said, provided the damage is repaired and future damage is prevented.

Mr. Bailey noted, however, that proving damage by the machine, and then fixing the problem, may be difficult. “In the overwhelming majority of cases,” he said, “the co-op simply has to endure the washing machine in the rent-controlled apartment.”