

HABITAT

The 2007 Attorney Survey



The Enforcement Game

House rules and the proprietary lease are crucial elements in ensuring that a building runs properly. They create governing policy. Yet enforcement can become a difficult affair. You don't want to be too harsh, nor do you want to be so lenient that the policy becomes meaningless. It is, in effect, like playing a game in which actions have consequences. With that in mind, for our annual survey we asked the leading co-op/condo attorneys the following question: "What is the most effective enforcement of a house rule or building policy that you have seen among the boards you counsel?" The answers follow below.

Adam Leitman Bailey

RESPONSE BY Adam Leitman Bailey

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Resoundingly, noise has been a major and growing problem in many buildings. Therefore, we applaud those with house rules that bring peace to the home, including rules that prohibit disturbing noises, after-hour and weekend construction, and musical systems or instruments that interfere with the comfort of others. However, one restriction, when written carefully and intelligently enforced, deters the most disturbing common noises: the carpet rule. The standard requirement mandating carpeting on at least 80 percent of a unit's floor (except for kitchens, bathrooms, and closets) keeps many homes noise-free, but it should be amended to require that the carpeting be "insulated" to dissuade share-

holders/unit-owners from piecing together various carpets where pounding noises may still penetrate the floor. Buildings should also create a monitoring mechanism that allows an agent of the building to inspect a unit when there is a complaint.