

# The New York Times

## Rule, but No Law, on Carpeting Requirements

Q & A

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**Q.** *What are the requirements for carpeting in a standard apartment rental lease? What does “80 percent carpeting” mean? Do area rugs satisfy the requirement?*

**A. Jeffrey R. Metz**, a Manhattan real estate lawyer, says there are no legal requirements for carpeting in an apartment. “The ‘80 percent rule’ has become something of a standard, even though there is no reference in the law to it,” he said, adding that 80 percent rules are usually found in the main lease or house rules that accompany it. “Precisely what counts on the rule varies with each document that creates it.”

Most typically, the rule excludes kitchens and bathrooms and requires carpeting of 80 percent of the rest of the floors in the apartment. In most cases, area rugs count toward the 80 percent.

**Mr. Metz** notes that the rule is designed primarily to protect landlords and only indirectly to benefit other tenants. “For most violations of the rule,” he said, “there is nearly nothing that another tenant can do about it if the landlord chooses not to act.” If the lack of carpeting is creating a serious noise problem, he said, another tenant can try to have a violation issued by the New York City Department of Buildings. “But very few cases will rise to that level,” he added.

The only option left, he said, would be for the aggrieved tenant, “armed with an acoustical engineer’s report,” to file an action in State Supreme Court seeking an order requiring the tenant to stop making excessive noise.