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No Pets Allowed in Roof Garden

By JAY ROMANO

Recently, the board of my co-op instituted new rules on the use of the building's roof garden. One rule prohibits pets from the area. Previously, I was allowed to bathe my dog on the roof garden, and this amenity factored into my decision to buy there (as it costs about \$85 to get my dog professionally bathed in Manhattan). Is the board legally able to apply this new rule to existing shareholders?

“There are three governing documents for co-op owners: the proprietary lease, the bylaws and the house rules,” said Eric Gonchar, a Manhattan co-op and condo lawyer. “The house rules are a list of basic regulations, which may be amended by the board of directors without shareholder vote or consent.” He concluded, “Therefore, the board may prohibit pets from entering the roof garden and is legally permitted to change the use of the amenities of the building.”