

# Real Estate

MB

Section **11**

## Carpeting in a Condo

**Q** Our condominium rules stipulate that 75 percent of flooring must be covered with carpeting. What recourse does a board have if a unit owner refuses to comply? ...

*Frances Morin, Manhattan.*

**A** Eric Gonchar, a Manhattan co-op and condominium lawyer, said that most condominium bylaws provide that if a unit owner violates a rule or regulation, and fails to cure the violation within a certain time (usually 5 to 10 days after receipt of notice from the board), the managing agent or board has

the right to enter the unit and cure the violation without liability for trespass.

So, if an apartment does not have required carpeting, the bylaws may contain a "self help" provision that would technically allow the board — after giving proper notice to the unit owner — to enter the unit and install the carpeting, at the unit owner's expense. Mr. Gonchar said that the bylaws may also give the board the right to fine a unit owner who violates the rules.

"Most bylaws provide that fines or money expended by the board to cure a breach of the rules shall be payable by the apartment owner as common charges," he said.

Finally, the board can seek a court order requiring the unit owner to comply. If the order is granted, and the unit owner fails to comply, the condo may have the right to evict the owner and foreclose.