

September 2, 2007

Q & A

Can a Tenant Be Fined for Breaking a Rule?

By [JAY ROMANO](#)

Q I live in a building that was converted to condominiums, but there are still many rent-regulated tenants here. The board recently established a rule that bicycles cannot be brought in through the lobby but must be brought through the basement instead.

All of the tenants and owners comply with this rule, except for one woman who has lived here for many years and is one of the original rent-regulated tenants. She claims that it's her right to bring her bicycle through the lobby, a right granted as part of her original lease. The board has said that anyone violating the lobby rule would be fined. Can the board impose such a fine on this woman?

A The short answer is that the fine can be imposed only on the owner of the apartment.

“The situation presented involves two different relationships,” said Alexander Suslensky, a [Manhattan](#) real estate lawyer. One is the relationship between the condominium association and the owner of the tenant's apartment and the other is the relationship between the owner and the tenant.

“Typically, a condominium board may impose rules with respect to common areas of the condominium and fines for violating such rules,” Mr. Suslensky said. In this case, he said, the board's prohibition against bringing bicycles through the lobby can be enforced against the owner of the tenant's apartment, whether it's the sponsor or an investor, and failure to abide by the rule would subject the owner to fines imposed by the board.

“Unfortunately for the owner, he cannot pass the fines on to the tenant because this most likely would be considered an impermissible increase in rent under rent-stabilization or rent-control laws,” Mr. Suslensky said. And, he added, if the tenant is ultimately prevented from bringing her bicycle through the lobby, she may be entitled to a rent decrease under those rent laws.

Address questions to Real Estate Q&A, The New York Times, 620 Eighth Avenue, New York, N.Y. 10018, or by e-mail to: realestateqa@nytimes.com. Answers can be given only through the column.

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