



Cleaning house in co-ops and condominiums with legal counsel - by C. Jaye Berger

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The COVID Pandemic has created some extra time for people to handle projects they might not

otherwise have time for. A good example of this is reviewing your building's co-op and condominium formation documents, such as house rules, proprietary leases by-laws and any contracts for any necessary updates.

In going back in time over the last changes that were approved, one co-op building found that by-law amendments were approved 20 years ago, but had never been typed into the bylaw template for distribution by the transfer agent to new buyers. This was compounded by the fact that the managing agent had changed in this time period. The new managing agent was working with the original unrevised documents. How would anyone know about the changes? In the case of bylaws in a condominium, they would need to be filed with the city register to be effective, so that helps. Unit owners in the condominium buildings would also need to have notice of them. In a co-op they do not need to be recorded.

Keeping track of papers related to board meetings is also very important. Some board members throw piles of papers from board meetings into closets and forget that they have them. They can be a gold mine of information. Sometimes these piles are the only place old documents can be located.

There are many provisions to consider when updating, but the one on giving notice is important (how, when and where it should be given) has added importance now, since so many buildings have been closed. One contract called for notice by fax, which not everyone has anymore.

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