



Construction Law: The importance of maintaining property - by C. Jaye Berger

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When buildings are having repair work done, they are very focused on completing the work as specified in the particular drawings. They have someone observing the work and are focused on

completion of those items. The next issue after that is “how will it be maintained once it is completed?”

Unfortunately, most buildings wind up following the philosophy of, “If it ain’t broke, don’t fix it.” Therefore, they have no regular program to maintain the property. They wait until something happens and then they put a Band-Aid fix on it. That is the scariest way it can be handled. It allows bigger problems to be brewing unseen. Water can be flowing behind walls in numerous locations.

Local Law 11 inspections in NYC are a mandatory form of maintenance. Every five years buildings must comply with the requirements and have the buildings inspected by professionals. However, even with that, there are instances where the work needs repairs which may not have been implemented. Sometimes the inspection process itself loosens masonry, which must be repaired. So the inspection itself must be very carefully performed by experienced contractors. In the worst case scenario, you may read in a newspaper about someone being injured or killed. In a good scenario, the loose item is discovered far enough in advance that it can be repaired and no one is injured.

When I think about overall property maintenance, the top item on my list is drainage of water. Many buildings have balconies with drains. They can become clogged and floods can occur. In one building, the terraces on the upper level were owned by the landlord. For those apartments, we didn’t have a maintenance contract with an outside company. Therefore, there was a disconnect between the apartments in the building being maintained by building staff and the rental apartments not being maintained at all. This resulted in a big flood and property damage. It is not only maintenance, but coordination of the separate maintenance programs so there are no gaps.

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