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Q & A

Who Is Responsible For Ceiling Damage?

Q I moved into a co-op a few years ago, and immediately after that, the residents in the apartment below said that a slow leak in our apartment had, over the years, damaged their ceiling.

I had the leak fixed, and twice over the last few years the co-op's maintenance workers have come to look at the repairs because of complaints from below. Both times, repairs were made again. Will I be liable for this damage?

A For the letter writer to be liable to the downstairs neighbors, the damage must result from the writer's failure to address the problem once he became aware of it, said Howard Schechter, a Manhattan co-op and condominium lawyer.

He noted that it was not clear from the letter whether the writer or the co-op was responsible for repairing the leak.

Typical proprietary leases make the co-op owner responsible for repairs to appliances, plumbing fixtures and exposed pipes in the apartment, as well as to pipes installed behind the walls, floors and ceilings by the current or a previous owner.

The co-op is typically responsible for all other plumbing behind the walls and all parts of the building's original heating system (even those parts exposed in the apartment).

So, if the repair in question is the writer's responsibility under the proprietary lease, then he could be held liable to the downstairs neighbors for damage to the ceiling.

But, he said, since the writer learned of the leak only after he took ownership, a court would probably hold him responsible only for damage that occurred during his ownership.