

# Veneruso, Curto, Schwartz & Curto, LLP

## Co-op & Condo Newsletter

W I N T E R 2 0 1 5

We are pleased to present to our valued clients and associated real estate professionals our Winter 2015 Newsletter. We welcome any comments or suggestions that you may have. We hope you find the Newsletter informative. Thank you!

### THE SUPERINTENDENT

FEATURE ARTICLE:

THE  
SUPERINTENDENT

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LEGISLATIVE

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SPRINKLER SYSTEMS

IN THE NEWS

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If there is one thing that most boards, managing agents, legal counsel, accountants, shareholders and unit owners agree on it's this – one of the most valuable individuals to a co-op or condo is the superintendent. The best superintendents have not only technical skills (boilers, HVAC, fire safety, etc.) but also understand how to supervise and manage supporting personnel, e.g. porters, handymen, other building staff, communicate effectively with the board, management and residents and also how to deal with vendors and contractors who service the building(s).

#### IN THE BEGINNING

The best way to start the relationship off right is to do your best to hire the right person for the building and the particular circumstances and needs of the situation. Every building has different needs and the process should begin with the property manager or managing agent beginning the process by pre-screening candidates (which should include a criminal background check), then presenting the board with several qualified candidates who will continue the process from there. It is the board and management that will dictate the necessary experience, education and skill sets the su-

perintendent must possess. The ideal candidate is someone with more than just the necessary technical qualifications but also the right personality. How well will the person fit in with the building staff and resident population? The proper personality fit is crucial. A review of a candidate's prior work history and carefully checking references will provide valuable insight into their background generally, as well as possibly specific examples of how the candidate handled specific problems or issues (technical or otherwise).

#### NEXT STEPS

Whether it is a new hire or an existing superintendent, the key to making a building run well is effective communication and teamwork among the superintendent, management and the board. It's these ingredients, and the people involved, and all in the right proportions, that make a building run well.

The superintendent usually has the responsibility of an entire building crew and therefore is at the top of the maintenance operations food chain; however he still reports to a higher authority: the property man-

ager. On occasion the board is also in direct communication with the superintendent and for this reason, communications and a clear chain of command is essential to avoid confusion, conflicting orders, etc. A clear chain of command will establish and maintain the proper flow of information.

Generally, an effective chain flows from the board, to the board president, to the managing agent, then to the super. Once the chain is established it should not be subverted, unless under special or unusual circumstances, e.g. an emergency situation. The goal is to have the superintendent, management and board on the same wavelength. We recommend to our clients that superintendents attend monthly board meetings, or at a minimum, provide a status report to the board on a monthly basis.

At the end of the day, a super's success or failure will be determined by the day-to-day operation of the property he manages. He should be qualified, motivated and involved in the decision making process and made a part of the team. ◀

## LEGISLATIVE UPDATE: SPRINKLER SYSTEMS

As many of you are already aware, effective December 3, 2014 all residential leases in New York State require a notice to the tenant about the presence or absence of sprinkler systems in the leased premises. This new law is broad and sweeping (and quite ambiguous in certain respects) and applies to every residential house, apartment, coop and condo lease and sublease, including renewals. Section 1 of the law requires every lease to contain a “conspicuous notice in bold face type as to the existence or non-existence of a maintained and operative sprinkler-system in the leased premises” and Section 3 of the law requires that “if there is a maintained and operative sprinkler system in the leases premises, the residential lease agreement shall provide further notice as to the last date of maintenance and inspection.” Notably, while stating what must exist, the law has no enforcement mechanism on its face, no penalty stated for non-compliance, and raises many questions which, until further guidance is provided, remain unanswered. Our firm is investigating the many unanswered questions. We believe that given the extent of ambiguity in this law, it is very likely that corrective legislative action will be taken. ◀

## IN THE NEWS...

We are pleased to report that Kimball Brooklands Corporation, a City of Yonkers cooperative housing corporation and long-time client of the Firm, is the featured article in the February 2015 issue of Habitat magazine. The article is very informative and discusses the bureaucratic and other hurdles faced by the Corporation in connection with the necessary approvals and now construction of its flood control project, which includes the erection of a flood wall along the Sprain Brook. Our Firm is general counsel to the Corporation and also represented it in connection with the flood control project and its obtaining the required approvals in connection with the project. [Please click on this link to read the entire article.](#) ◀

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