



Hoarder Headaches

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The governing documents for all condominium buildings in New York provide that unit-owners may not bring about “nuisances” or “disturbances” to the building and to other unit-owners. We represented a condominium building in which one of the unit-owners was a hoarder. The unit-owner was elderly and had been using his apartment solely to hoard personal items for over a decade. The board was aware of this and neglected to address the issue until vermin began to circulate through the building and tear holes in the wall of the unit. Leaks soon began occurring in the unit as well. The unit-owner did not live in the building and was not easily accessible.

In light of this, the board decided to enter the unit without the unit-owner’s consent or prior written notice and dispose of some of the unit-owner’s personal belongings. The board contacted our office after the fact and wanted to force the unit-owner to dispose of all personal belongings and have the unit and parts of the building remediated from the pest and vermin issues.

This matter actually imposed liability on the board as it had neglected the issue for years and the nuisances caused several unit-owners to be unable to rent out their

units and affected the habitability of other unit-owners. The unit-owner contested the board’s actions and refused to comply with the board’s request (although reasonable) because the board had entered into the unit improperly and disposed of some of the unit-owner’s personal belongings.

Legal Lesson

The board was in fact required to provide written notice to the unit-owner to cure the issue and if the unit-owner failed to do so, then it should have obtained a court order to seek forceful entry into the unit and dispose of the personal items that were causing the nuisance. At minimum the board should have kept the belongings in an outside storage facility and added the cost to the unit-owner’s common charges. This way the unit-owner could not allege that the board had disposed of something of value and pursue damages against the board. ■

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Clients: Where They Are

Co-ops/Condos Represented	20
New York City	100%

Legal Niche

Co-op/Condo Specialists	6
Total Legal Staff	7

Rates: Expertise by the Hour

Partner	\$375
Associate	\$275
Paralegal	\$150