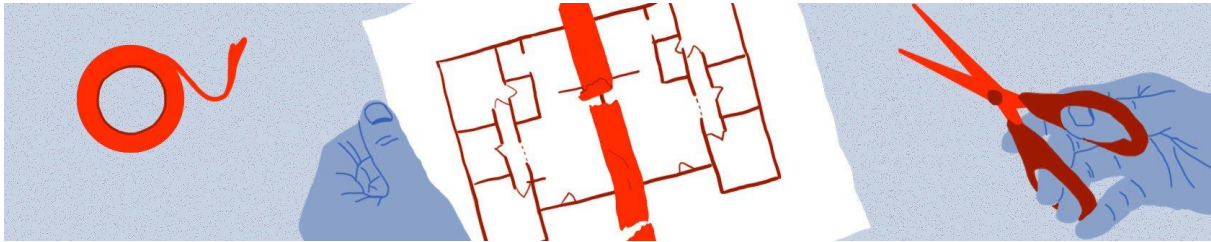


# The New York Times

December 30, 2017

## Can I Divide My Apartment Into Two?



Nadia Pillon

**Q.** *My wife and I have lived in a prewar co-op on the Upper West Side since 1985. In 1996, we purchased the neighboring unit, combining the two apartments to enlarge our living space. We are both seniors now and no longer need so much space. Are there any city laws or codes that would prohibit us from redividing the apartments and returning them to their original configurations so that we could sell one and remain in the other?*

**A.** Taking on a major renovation is not easy. If the original modifications were straightforward — you took out a kitchen and opened a wall to connect the two apartments — undoing that work could be bearable. But “where things can get tricky is if major plan modifications have been made,” said Mauricio Salazar, a New York City architect. If that is the case, the restored apartment needs to be brought back into compliance with city building codes and New York state’s Multiple Dwelling Law.

Even a modest renovation means getting permission from the co-op board to do the work, a process that can be anything but simple. “There may be many hoops to jump through,” said Andrew P. Brucker, a real estate lawyer and partner in the New York City office of Montgomery McCracken Walker & Rhoads.

For example, you may need to obtain a letter stating that the share allocation between the two apartments is fair. And most proprietary leases require shareholders to sign an alteration agreement with the board. Even a new kitchen “can be a major undertaking” in a co-op, Mr. Brucker said.

If you did not amend the building’s certificate of occupancy when you combined the apartments, you probably will not need to do so when you redivide them, saving you a bureaucratic headache. Nevertheless, given the other potential pitfalls ahead, you should hire an experienced architect or engineer with an expeditor on staff to help you navigate the process.

You may ultimately find that renovation is less stressful than the alternative. If you sell your longtime home, you will have to find another one in a competitive real estate market. By dividing your space, you may avoid having to pack up your life or having to endure another co-op board application. You may even come out ahead, as smaller apartments, particularly updated ones, are in high demand. "Sometimes, the parts are worth more than the whole," said Emily Beare, an associate broker with CORE.