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## When Apartment Listings Are Misleading

*Inaccurate Listing Information; Fire Hazards; Combined Apartments*



### **Guarding Against Inaccuracies**

*During my recent search to buy an apartment, I came across many misleading listings on websites. Many studios were listed as one-bedrooms. And even some one-bedrooms were listed as two-bedrooms. The square footage was frequently incorrect, with different numbers on different websites. I found that the common charges and taxes cited were also unreliable. Are there regulations against such poor standards?*

*Upper West Side, Manhattan*

“Welcome to New York City real estate,” said Paul Purcell, a managing director at the New York City office of William Raveis. “Given that we have no multiple listing service or central source for information, we are at the mercy of garbage in and garbage out. And then that misinformation gets duplicated as it gets picked up by various sites scraping other sites for information.”

New York City does not have a single, centralized location for real estate listings like the national multiple listing service, which is widely used in other markets. Nor is there a standard form that all brokers use, leaving plenty of room for error. Apartment hunters are at the mercy of brokers to update a listing when the price changes or the unit goes into contract. To make things even more confusing, co-ops measure square footage differently from condominiums. And then, of course, one person's Junior Four is another's two-bedroom.

"Room counts also range," said Patrick Lilly, an associate broker for CORE. "For example, a windowed alcove studio with a wall up is called a one-bedroom legally."

But brokers are not supposed to make things up. "Nearly every regulatory body involved with real estate does have rules against intentionally misleading the consumer," said Doug Perlson, the president of the Manhattan Association of Realtors and the founder of RealDirect.

Both the National Association of Realtors and the Real Estate Board of New York have codes of ethics for members. The New York Department of State has laws requiring brokers to give honest and accurate descriptions of the properties they list. The department has the authority to revoke or suspend a broker's real estate license. If you see a listing that is patently inaccurate, you could start by alerting the listing broker to the error. If you suspect the misinformation was intentional, report the listing to the manager of the office, the Real Estate Board or the Department of State, where you can file a complaint online or by phone at (518) 474-4429.

Brokers insist the industry is no Wild West. The dreaded comments section on many websites helps keep brokers in line. "The days of the bait and switch, those don't really happen anymore," said Adam Ginder, chief operating officer of MNS, a brokerage firm.

### **Confronted With a Fire Hazard**

*I own a 10th-floor apartment in a 12-story building constructed in 1910. The building, now a condo, is in a landmark neighborhood and has no sprinkler system. Apartments such as mine have no fire escape or means of emergency egress other than the central stairway. The board recently instituted a policy for all residents to put household rubbish in that central stairway for daily pickup by a building porter. I've pointed out to the board that the policy violates the city fire code. The board has responded with deaf ears; the same is true of the city fire department. What, if anything, can I do, short of bringing a lawsuit against the board?*

*Gramercy Park, Manhattan*

A condo board wields substantial power over how a building is run, but its members cannot endanger the safety of residents or blatantly disregard the law. "Boards mistakenly believe that they can do whatever they want because of a legal rule known as the Business Judgment Rule," said Leni Morrison Cummins, a Manhattan real estate lawyer, referring to the state rule that gives condo and co-op boards wide latitude when making decisions about a building.

In this case, the board has crossed a line. Write a letter to the board and the managing agent, detailing the situation and including photographs. Most condo bylaws include provisions that require boards to maintain the common elements and rectify illegal conditions. Be sure to point to these provisions in your letter. Send the letter certified mail, with a return receipt requested.

You should also report the situation to the city. You can lodge a complaint with the Bureau of Fire Prevention by calling directly at (718) 999-2541 or calling 311. The bureau would then instruct your local fire company to inspect the building. An inspector could issue the building a violation, or possibly even a criminal summons, according to Ms. Cummins. The board would then need to resolve the violation and might face fines.

But, “this is a double-edged sword,” Ms. Cummins said. As a unit owner, you would have to pay a proportionate share of the fines, even if you were the whistle-blower.

### **Combining Apartments**

*I own two contiguous units in a co-op that I combined into one. The city has not asked me to change my certificate of occupancy, nor have I requested to have it changed. I pay two maintenance and utility bills. Should I request a certificate of occupancy update from the city? What are the pros and cons of doing so?*

*East Midtown, Manhattan*

Changing the certificate of occupancy is not a matter of choice. It is dictated by the city’s building code and depends on how the apartments were combined. Your architect or your engineer should know if your renovated apartment is in compliance with the law — and if that requires changing the certificate of occupancy, according to a Buildings Department spokesman.

Frequently co-ops do not approve renovation plans that trigger a change in the certificate of occupancy. “Buildings are loath to let anyone mess with their certificate of occupancy, for fear that an inspection may turn up issues that have nothing to do with the work at hand,” said Mauricio Salazar, a principal of Salazar Architecture.

If your plans did not increase the number of bedrooms, for example, you may simply need a letter of completion from the city’s Department of Buildings. Call your architect or engineer to ensure the paperwork was completed. As for simplifying your maintenance and utility bills, ask the managing agent about combining the two stock certificates and leases into one.