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Q & A

How to Resuscitate an Owners' Association

By THE NEW YORK TIMES

Q We own a three-family house in Brooklyn that is part of a 140-building homeowners' association. We have not had an annual meeting for more than five years. Two months ago, we asked the board for a special meeting as outlined in the bylaws, but we have not received a response. What can we do now?

A Steve Troup, a Manhattan real estate lawyer, said most co-ops, condominiums and homeowners' associations have annual meetings that are used primarily to elect members of the board of directors or board of managers. So, he said, if the association has not had a meeting or an election for five years, the letter writer should prepare a petition formally requesting a meeting and the election of directors, have as many owners as possible sign it, and then present it to the board.

"If this doesn't get the desired result, the owners may retain counsel to commence a lawsuit against the association," Mr. Troup said. The suit, which should be filed with the State Supreme Court in Brooklyn, should seek an order directing the board to hold a meeting and an election of a board of directors as required by the bylaws.

"If the board fails to comply with the court order, which is unlikely, it will be in contempt of court," he said. "And if that happens, the court can fine the board for each day that it fails to comply."

The amount of the fine, Mr. Troup said, would be up to the court. "Typically the commencement of an action is enough to get a board doing what it should be doing," he said.

Address questions to Real Estate Q&A, The New York Times, 229 West 43rd Street, New York, N.Y. 10036, or by e-mail to: realestateqa@nytimes.com. Answers can be given only through the column.

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