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Ask Real Estate

By RONDA KAYSEN MARCH 5, 2016

New Four-Legged Neighbors

Our co-op building has a “no pets” policy. But a board member told me that there is a loophole to this rule: If an owner adopts a new pet — in our case, someone has adopted a dog — and the board does not take any action during the first 21 days, it becomes “legal.” Is this true?

Bay Ridge, Brooklyn

Silence is its own answer. And the city takes a co-op board’s silence about a new pet to mean “yes.” But the board must remain mum for three months, not three weeks.

The rule applies to co-ops, rentals and some condominiums. It kicks in if the landlord or board knew about, or should have known about, the pet. Since your board is aware of the situation, it has three months to start a lawsuit against the shareholder if it wants to evict the pooch.

Your building could take this as an opportunity to reassess. What do residents actually want? Do they recoil at the sight of a furry creature in the elevator? Or are they fond of four-legged neighbors? Buildings must also accommodate residents with disabilities for whom a pet is medically helpful, regardless of the policies. Darryl M. Vernon, a Manhattan lawyer who represents apartment owners and handles disability matters, said: “I recommend that you have a reasonable policy that reflects the needs of unit owners.”