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**That Broken Intercom in Your Apartment Is Illegal. Here's
What to Do.**

Stephen Lasser · Wednesday, January 31st, 2024

ASK REAL ESTATE

That Broken Intercom in Your Apartment Is Illegal. Here's What to Do.



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Q: I live on the sixth floor of a 54-unit co-op building in the West Village. Five years ago, during renovations in the apartment below mine, a wall was removed and I lost my connection to the building's intercom system. It has never been restored. The building's architect is supposed to review and approve all renovations, but apparently didn't catch this problem. I have notified building management several times, to no avail. The regular doormen are aware of the problem and call my cellphone if necessary, but when others are on duty, I miss deliveries and visitors. What should I do?

A: A working intercom isn't just a convenience when visitors or food deliveries arrive — it's a legal requirement. Under the state's multiple dwelling law, buildings built or converted after 1968 with eight or more units must have a two-way voice intercom system linking the front door to each apartment. The city's housing maintenance code also requires a functioning intercom.

"As a result, the co-op has a legal obligation to repair or replace the intercom," said Nancy Kourland, a partner who handles real estate litigation with Lasser Law Group, based in Manhattan. Moreover, Ms. Kourland said, courts have found that intercoms are an essential service and that failing to maintain them is a breach of the warranty of habitability under state law because it affects the habitability and security of an apartment.

You can consult your proprietary lease to be sure, but it's very unlikely that repairs to the intercom system as you describe would be the responsibility of a shareholder. Write a letter to the co-op board notifying them that you haven't had a working intercom since 2019, and that it needs to be repaired immediately. You can add that if it isn't repaired, you will take further action.

If the board is not responsive, you can seek a repair by making a complaint to 311, or by starting an HP proceeding in housing court.

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