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Q & A; When the Heater Stops Working

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Q. *I am a renter in a condominium. The building is new and just over 50 percent owned at this point. I have a lease with the owner of my unit. My problem is that the heating system has not been working for four or five out of every seven days since October. The conditions are unbearable, especially since I have a 2-year-old who is constantly getting sick. The management says the problem will be fixed soon, but I have lived this way for three months. I have been told that the warranty of habitability does not apply to condominiums. Am I stuck in the cold?*

A. **Adam Leitman Bailey**, a Manhattan real estate lawyer, says that the writer is mistaken in assuming that the warranty of habitability does not apply to condominium units.

“It is true that the warranty does not extend from the board of the condo to the unit owner,” he said, “but there is no such exemption for the unit owner who rents it out to a tenant.”

“In situations like this,” **Mr. Bailey added**, “the person renting the unit can expect a reduction in rent for every day of missed heat during the heating season.”