# The COOPERATOR®

## The Co-op & Condo Monthly

*cooperator.com*

## Focus on...
## BUDGET & FINANCE

**FINANCIAL RECORD-KEEPING**
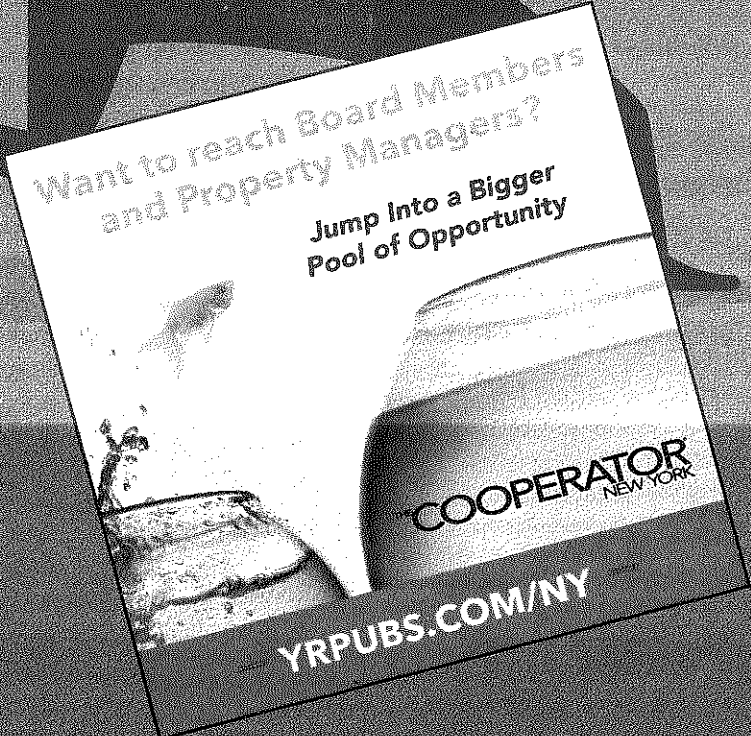*Following the Money*

**SHOW ME THE MONEY**
*Collections, Foreclosure & Evictions*

**COLLECTING ARREARS**
*When Residents Don't Pay*

**SPOTTING FINANCIAL IRREGULARITIES**
*Red Flags Every Board Member Should Know*

## Addition by Subtraction

**Q** If the particular bylaws of a condo community are continuously not followed, does the bylaw that is continuously misused become a LEGAL bylaw? Do we have any legal precedence here?

—Concerned in Chelsea

**A** The bylaws of a condominium are a legal document and are an exhibit to the Declaration of Condominium," says Eric M. Goidel, a senior partner with the Manhattan-based law firm of Borah Goldstein Altschuler Nahins & Goidel, P.C.

"The Declaration is the instrument which forms the condominium and is recorded in the real property records of the county in which the condominium is formed. In New York City, the Declaration is filed with the New York City Register. Bylaws can only be amended by requisite vote of the unit owners. Typically an amendment requires a supermajority vote of the common interest (and on occasions also a supermajority of all units) in the condominium. The fact that a Board of Managers has "not followed" a particular bylaw provision does not serve to void that provision. Nor does it mean that a practice of the Board of Managers taking some action contrary to the bylaw provision would somehow make that practice legal." ∎

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