

## AGING

# The Importance of Monitoring

### THE LOW-DOWN

As people are getting older in this country, they're facing challenges with declining cognitive abilities, loss of mobility, and the inability to take care of themselves. Boards need to recognize the issues presented by people aging in their buildings, and they have to deal with them on a proactive basis – not only for the benefit of the aging shareholders and unit-owners, but also for the benefit of the other residents.

There are situations where people leave burning pots on stoves, wander the hallways (not necessarily on their floor), and/or get distracted and allow bathtubs to overflow, causing significant damage to neighboring apartments and the common areas.

### THE WEIGH-IN

If someone is leaving pots unattended on a stove and allowing water to overflow, and other things like that, you can put automatic shutoff valves on gas or electric stoves. If you have a motion detector on a stove and if someone is not there for a certain number of minutes, the stove will automatically shut off. You can put overflow alarms on bathtubs and sinks. They will not necessarily shut off the water – that's very expensive – but there are alarms that are very shrill. You can also install louder CO<sup>2</sup> or smoke detectors with flashing lights.

We're also finding that hoarding is becoming more prevalent, along with bed bugs, vermin, and rodents. Some elderly residents live with the condition until it spills over into common areas or neighboring apartments. By then, it can be out of control.

### THE OUTCOME

Most proprietary leases give boards the authority to gain access to a shareholder's apartment for the purposes of inspection, or for having workmen come in to perform work in the apartment. If a shareholder refuses to furnish access, that can be grounds for the service of a 30-day notice to cure. If he or she does not provide access

within the 30 days, you can then terminate the proprietary lease and go to housing court to seek his or her eviction. Obviously, the goal is not to evict the person, the goal is to be able to inspect the apartment.

### THE TAKE-AWAY

We recommend that boards have the managing agent or superintendent be a little more proactive in terms of monitoring situations, keeping records of what's going on in a particular apartment, and perhaps appointing floor captains in buildings. These individuals take on the responsibility to engage with their neighbors and be the eyes and ears of the board.

When all else fails, you may have to go the litigation route. Again, the goal is generally not to evict the shareholder, the goal is to get that person the help he or she needs so that this does not recur, whether that involves some people coming in to visit, or getting family members engaged who were not otherwise aware of the situation. Sometimes the court process can achieve that. We've been recommending that boards be more proactive and not go the landlord-tenant route, but bring a petition in Supreme Court for the appointment of a guardian, someone who can get this person the needed help. ■



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