

ASK REAL ESTATE

Can I Force My Landlord to Install Window Boxes for Air-Conditioners?

It sounds like a simple enough request, but few things about New York City's rent regulation rules are simple.



By Ronda Kaysen

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Q: I live in a ground-floor, rent-stabilized apartment in Harlem, with a window in the living room and another in the bedroom. For years, the security bars on both windows lacked emergency egress and space for a window-unit air-conditioner. I requested emergency egress for the bedroom window and a gate to accommodate air-conditioning in the living room, but when the landlord replaced the building's windows, he put an emergency gate in the living room window and standard bars in the bedroom window, so neither accommodates air-conditioning. I'm stuck with a portable air-conditioner, which is much more expensive than a window unit. Can I compel the landlord to install bars that allow for air-conditioning?

A: Your request might seem straightforward: If the landlord is installing new gates for the windows, why not simply install the type the tenant has requested? But few things about New York's rent regulation rules are simple.

"The law makes it difficult for the landlord to accommodate the tenant's request," said Peter A. Schwartz, a real estate lawyer who specializes in rent stabilization and rent control, and a partner in the Manhattan law firm Graubard Miller.

Because you live in a rent-stabilized apartment, your landlord is not allowed to take away any service that you previously received without compensating you, and he is not required to add any service unless the law requires it, Mr. Schwartz said.

So, if you had bars on your windows before, the landlord would have to restore them. And if you never had bars designed to accommodate a window unit, he probably wouldn't want to add them because it would mean that, going forward, he would always have to install them. Your landlord probably heeded your request for the emergency gate because that poses a safety risk and is a potential violation of the city fire code. But he likely looked at your request for the air-conditioning and saw a headache down the line.

Unfortunately, you may be in a situation where your best option for cooling is the portable air-conditioner, despite its added cost. I know that's disappointing as the city experiences high temperatures.

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