

Model Mediation Provision for Cooperative Proprietary Lease or Condominium Bylaws

The Cooperative and Condominium Law Committee of the New York City Bar Association recognizes that disputes among neighbors in a co-operative or condominium community occur frequently; that it is often beneficial to resolve such disputes promptly; and that a court may lack meaningful ways to resolve such disputes. Therefore, the Committee encourages the use of mediation in such disputes as an appropriate method of resolving them and suggests the adoption and inclusion of the following provision as part of the Proprietary Lease or Bylaws of a Condominium in order that such disputes be promptly resolved in a manner which fosters a greater sense of community. Mediation is a non-binding process which provides an opportunity for two or more participants, with the assistance of a neutral third party, to negotiate the issues in dispute in an effort to reach an acceptable resolution which may result in an enforceable agreement. The mediation process is particularly applicable to disputes which would benefit from the parties having an opportunity to create personalized solutions to issues and in which the relationship between the parties continues after the dispute is resolved such as in co-operative and condominium living.

Model Mediation Provision For Adoption By Boards As A House Rule Or Rule And Regulation Of A Co-op Housing Corporation Or Condominium Association, Respectively.

It is Board policy that all disputes between or among residential unit owners or occupants be submitted to non-binding mediation. Parties are encouraged to speak with their respective insurance companies and may engage legal counsel. All parties are required to act in good faith including attendance by an individual with full settlement authority at the initial session of mediation for up to one full business day. Any written agreement entered into between or among the parties shall be enforceable in accordance with its terms provided it does not conflict with the proprietary lease or condominium by-laws.