

My Co-op Is Overcharging Me, Possibly on Purpose. What Can I Do?

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Leni Cummins is quoted in a New York Times “Ask Real Estate” column responding to a question regarding erroneous charges on a co-op account. If a shareholder receives a notice to cure based upon non-payment of erroneous charges, the shareholder should promptly respond and provide proof of errors in accordance with procedures outlined in the co-op’s governing documents. As to the alleged misapplication of paid funds, Leni advised, “If you cannot prove that you told the co-op to apply your monthly payments to your regular maintenance fees rather than these other charges, you may not be able to challenge how the co-op’s billing staff allocated the funds. If you do have documentation showing that you wanted your payments to be applied to your monthly charges, include that evidence when you respond to the board.”

She continued, “If the financial dispute gets to court, the burden of proof will be on the co-op to show that it is properly charging you. You’ll have an opportunity to respond to the co-op’s claims and provide evidence of the errors. If you are victorious, the co-op could be required to pay your legal fees. If not, you may have to pay building’s legal fees. Before this escalates to litigation, both you and the co-op will need to thoroughly review your records to confirm the strength of each position. You may be correct that the board is retaliating against you, but proving it could be difficult. What kind of evidence do you have? Are you aware that other shareholders in a similar situation were treated differently?”

To read more, [click here](#). (subscription required)

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