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Q & A

Who Removed the Asbestos?

By **THE NEW YORK TIMES**

Q I am in the process of buying a house and hired a home inspector. His report stated that asbestos in the basement should be removed by a licensed contractor. My lawyer added this to the contract, which was accepted and signed by the seller.

After six weeks, the asbestos has been removed, but the seller still has not yet produced the contractor's license. What recourse do I have?

A "According to the question, the seller has a contractual obligation to provide evidence of the contractor's license," said Alexander Suslensky, a [Manhattan](#) real estate lawyer. "And if the seller fails to comply with this obligation, the letter writer may sue the seller for breach of contract."

What that means, in practice, is that the buyer can either require the seller to comply with the terms of the contract — and provide evidence that the asbestos was removed by a contractor qualified to do the job — or refuse to go through with the sale if the seller does not provide the necessary information.

"Asbestos removal is subject to strict federal, state and city regulations," Mr. Suslensky said. For example, he said, in [New York City](#), a contractor must be certified as an "asbestos handler" by the city's Department of Environmental Protection, and owners are responsible for the asbestos work of their contractor. The department's penalties for violations range from \$1,000 to \$10,000.

Address questions to Real Estate Q&A, The New York Times, 229 West 43rd Street, New York, N.Y. 10036, or by e-mail to: realestateqa@nytimes.com. Answers can be given only through the column.

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