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Real Estate Q&A

Expert Advice for Owners and Renters

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Subletting Your Co-op Can Cost You

By [JAY ROMANO](#)

Q. I own a co-op in Manhattan and recently went through the process of subletting it. On the management company's Web site it states that the owner must pay a monthly sublet fee equal to half of the monthly maintenance. When I began the application process, I was told that the fee was now 75 percent of the maintenance. When I asked why, I was told that if I'm making money, so should they. Is this legal?

A. Alexander Suslensky, a Manhattan co-op and condo lawyer, says most co-op proprietary leases provide that subletting is not allowed without the consent of the board. Some proprietary leases also provide that consent to subletting may be subject to any conditions imposed by the board. "Such conditions may include fees," Mr. Suslensky said, "and those fees are subject to change." He noted that the board had most likely increased the fee without updating the Web site.

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