

The Record

THE TRUSTED LOCAL SOURCE

November 8, 2009
Impressions: 401,990

SUNDAY, NOVEMBER 8, 2009

REAL ESTATE

THE RECORD R-3

SHARED SPACES

What to do about noisy neighbors

The law is on your side if all else fails

By **DONNA ROLANDO**
SPECIAL TO THE RECORD

James lives in a Westwood rental with thin walls, which makes his neighbor's habit of slamming the front door quite a nuisance. Like a great many apartment and condo dwellers, James has a noisy neighbor.

Deciding that the door slamming had "gone on long enough," James says he approached the problem calmly.

"I felt that a direct confrontation was unwise," James says, so he documented the case and brought it to the property manager.

Now he believes he is on the road to peace and quiet.

When faced with oppressive noise, James says, tenants should review their lease to see how it deals with trouble of this type. "Framing it in terms of the lease is probably a good approach to keeping it professional," he says.

James further suggests writing a letter to the property manager that is a "rational list of grievances." The advantage is that "putting it in writing starts a chain of evidence in case you need to use it to break a lease early," he says.

Another tenant, Teresa of Hackensack, found that her neighbor was unwilling to pipe down until her mom called the police. She says the officers did not make any arrests but served as a sign to the neighbor of potential consequences ahead. Experts say that calling the police is one way to document a problem in case it does end up in court.

Excessive noise is a common gripe from tenants, says Cindy Arone of the Bergen County Housing Coalition.

The Millbridge Apartments v. Linden court case "set up the idea that loud noise is a habitability issue and the tenant may be set up for rent abatement as a result of it," Arone says. She says her office

Before the headaches begin ...

- Talk to other tenants during your first visits to a rental property — before you move in — to see whether noise is a problem, suggests Peggy Abke-meier, president of Rent.com. "Firsthand information from other renters could give you insight as to whether the building will be a good fit for you," she says.

- Ask the landlord about tenants who live near the unit you are considering. If a nearby renter is a musician who constantly practices at home, that may not be a situation you'd like to live around 24/7. If your new neighbor has noisy children, that may be a red flag, too.

- Get familiar with the complex's rules on noise, if any.

has seen cases in which judges "recognize that tenants have a right to quiet enjoyment."

Although a landlord might not want to intervene in tenant battles, Arone says, "the landlord is responsible for providing quiet enjoyment."

One way to approach the problem, Arone says, is to ask an impartial party, such as the coalition, to mediate.

"There are various steps you can take," she says. "If it's really extreme, the tenant might withhold their rent." This could land the tenant in court. That's why documentation of the problem is important.

Although landlord-tenant court is always an option, New Jersey eviction law empowers landlords to deal with excessive noise, says Lisa Ryan, state Department of Community Affairs (DCA) spokeswoman. "The landlord may give a disorderly tenant a notice to

cease any conduct that destroys the peace and quiet. ... If the disorderly conduct continues, the landlord may file a suit to evict the disorderly tenant," she says.

Like the coalition, the DCA hears often from victims of noisy neighbors, including people who say their landlord refuses to help. In such cases, Ryan says, the DCA will recommend checking with the local municipality to find out if there is a noise ordinance.

She says the courts have opened the door for a tenant to break the lease based on a landlord's refusal to address repetitious and excessive noise. However, she says, there are no cases in New Jersey of a tenant winning on these grounds.

While James decided that confronting his neighbor would trigger tensions, in most cases the starting point is informing your neighbor in a polite, direct and non-accusatory manner, says Peggy Abke-meier, president of Rent.com. "Allow them to respond so you can determine if it was something temporary or more of an ongoing activity that is creating the noise."

Give the neighbor time to adjust the behavior, but if the noise persists, write a reminder and let the person know that your next step is telling the landlord, she says.

Andrew Sroufe, speaking on behalf of Apartments.com, suggests that tenants check their leases for a noise-level clause.

"If your lease includes a noise clause," he says, "contact the leasing office first to verify if this specific situation violates the clause. The noise may be not only annoying but in violation of a building rule."

Finally, do what you can to absorb noise inside and outside your apartment with easy fixes like heavy draperies, carpets and rugs, he says.

E-mail: rolando@northjersey.com



BILLY BECERRA/STAFF ARTIST