

# Time Out

## New York

### Q&A

**I practice guitar before 10pm and yet my downstairs neighbor regularly comes up to say I'm disturbing the peace. He threatens to take it to the landlord. Is there a way to agree on this?—R. Harrison, Upper West Side**

Assuming your guitar isn't turned up to death-metal decibels (if it's electric), there's a good chance you're within your rights. "Playing an instrument that's audible next door is a protected activity provided

it's not *unreasonably* loud or done at unreasonable hours," says real-estate lawyer Sam Himmelstein. The bounds of this issue are largely subjective, and Himmelstein recommends seeking a practical rather than legal solution. "If soundproofing can be installed, that's cheaper and more effective than a court battle," which would entail having a sound tester visit your neighbor to measure your audible volume. If you are, in fact,

china-rattlingly loud, the landlord could potentially start a nuisance eviction case against you—though he's likely to drop it if you agree to play more quietly (or at different hours). As Himmelstein puts it, "When you choose to live in an apartment in a crowded city, you have to accept a certain amount of noise."—*Kate Lowenstein*

→ Have an apartment question? E-mail us at [home@timeoutny.com](mailto:home@timeoutny.com).