

Q & A**'Warehoused' Apartments**

Q I live in a rent-stabilized apartment in a seven-unit building in Manhattan. The landlord has emptied the four apartments above me, and he lives in two apartments below me. For the last three years, he has warehoused the upstairs apartments, which had been rent-stabilized, but has allowed friends and religious students to stay there rent-free. Is he allowed to do this?

A "If a landlord chooses not to rerent vacant apartments, that is the landlord's prerogative," said Joel E. Abramson, a Manhattan real estate lawyer. "Of course, if the landlord does rerent the units, and they are still subject to rent stabilization, they must be rented in accordance with those regulations."

Mr. Abramson noted that if the landlord permitted friends and students to stay in the apartments as his guests, and there was no rental arrangement, this would also be within his rights. In a recent decision by the Appellate Division, First Department of State Supreme Court, which has jurisdiction over Manhattan and the Bronx, the court held that a landlord could take over an entire multiple-unit building for his own use as a personal residence.

So, Mr. Abramson said, while the letter writer's landlord seems to be acting contrary to his own monetary interests, such conduct is permissible given the facts presented in the question.

Can Religious Symbols Be Publicly Displayed?

Q I live in a two-family house in which both apartments are rented. One family is Catholic, and the other is Jewish. Is it permissible for a tenant to display a religious symbol in the window — a cross or a menorah

— that is visible from the outside?

A "I don't see any reason why not," said William J. Gribben, a Manhattan lawyer who represents tenants. Mr. Gribben said that as long as the symbol was inside the tenant's window and not affixed to or draping over the outside of the building, it was highly unlikely that the landlord (or the other tenant, for that matter) could require it to be removed.

Mr. Gribben noted at least one court case that upheld a tenant's right to place signs in a window calling for a rent strike. "And if a rent strike sign is protected," he said, "how could a religious symbol not be protected?"

What Rules Apply On Bicycle Spaces?

Q I own a Manhattan co-op and have paid for a bicycle space through the end of the year. I have moved, and I have been told by the building's management company that I cannot sublet my bike space and that I cannot get a refund. This doesn't seem right to me.

A Eric D. Sherman, a Manhattan real estate lawyer, said that in some co-ops such spaces are included as part of the apartment in the proprietary lease. In others, apartment owners have the right to rent such space if it is available, and in still others, leasing such a space is governed entirely by a separate agreement.

Mr. Sherman said that in any of these cases, the co-op can prohibit subletting the space and can probably decline to reimburse the shareholder a pro-rata amount for the remainder of the year.

He said that the writer should check the document under which the space was rented to determine what rules apply.

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