

With the arrival of the Jewish holiday of Sukkot, questions arise about the permissibility and advisability of allowing observant residents to construct sukkahs (outdoor eating facilities) in the common areas of co-ops and condos during the weeklong celebration.

We are not aware of any legal restrictions that would prohibit individuals from erecting a sukkah, but a co-op or a condo may have limitations on the use of common elements in the by-laws.

Other thoughts:

- The questions of responsibility, liability and indemnification must all be addressed in the interest of maintaining fiduciary responsibility to the corporation.
- Employees should not be required to construct or maintain the sukkah during their regular work hours.
- The question of possible damage from naturally occurring events such as we witnessed recently when hurricanes unexpectedly tore through our area must be embraced and proper precautions taken with the construction design and materials used in building the sukkah.
- If a board decides to permit the construction of a sukkah, it should be certain to require that the responsible resident-owners carry insurance for the event and
 - sign an agreement to indemnify the board and officers, employees and agents specifically against liability arising out of the construction and usage of the sukkah; and
 - might also include in the agreement a requirement of a deposit to cover any minor damage or clean-up costs.
- And of course, in allowing the observance of one religious celebration, the coop or condo should consider that it may thus be obligated to have similar consideration for other religions – e.g. a creche at Christmas.