

A NOTE FROM OUR CHIEF OPERATING OFFICER



May 29th, 2020

Conducting Board Interviews
During COVID-19

Dear Boards,

Please see below a communication from **Diana Diaz, Argo's Director of Closings** :



During these unusual times, cooperative Boards must still conduct interviews for prospective purchasers and subtenants. Many of these interviews are being conducted from home, through video-conferencing, and the interview can now feel more informal than normal which may lead to Board members moving away from their scripted questions to ask questions that can become litigious down the line.

Below is an example of those types of questions that a Board should never ask when conducting a video interview (these questions are provided as a basis to frame your questions when conducting an interview):

1. **Is that a cross on your wall?** (If the applicant is subsequently denied they can raise a claim of discrimination due to religion, which is a protected class.)
2. **You have a very energetic child. Does he always run around like that?** (If the applicant is subsequently denied this can lead to a claim of discrimination due to familiar status, which is a protected class.)
3. **I see a wheelchair in the background is someone in your family disabled?** (Again, if the applicant is subsequently denied this can lead to a claim of discrimination due to disability, another protected class.)

Questions that should and can be asked:

1. **Tell us about yourself. Where do you live now?** You should already be familiar with much of this information from the application materials. This question is a softball—a warm-up to ease into the interview.
2. **Have you ever served on a Board? Would you be interested in serving on the Board or one of its committees?** The answer may be especially important in a small and/or self-managed building that relies on actively involved shareholders.
3. **What do you do when you're not working? What are your hobbies and interests? Are you involved in any volunteer organizations?** This is a good way to get a read on who the person is—what is important to them, how they spend their time.

4. **Do you plan on doing a lot of socializing or having frequent visitors?** This is a convenient segue into building policies on guests, large parties, quiet hours, etc. With regard to frequent visitors, you should confirm that the prospective buyer is going to occupy the apartment (ask who, if anyone, will be occupying the apartment with them), to ensure this isn't a parent buying for a child.
5. **Are you planning on doing any renovations?** If the answer is "Yes, a gut rehab," this is an opportunity to review key renovation policies—for example, the fact that only 3 renovations are allowed per year and the buyer won't be able to start for 18 months, that central air conditioning is not permitted, etc.
6. **Do you plan any musical instruments? What are they and do you plan on playing them in the apartment?** Pianos or drums aren't necessarily cause for a turndown, but this is an opportunity to be clear about quiet hours, sound-dampening techniques, and paper-thin walls.
7. **Will this be your primary residence?** A pied a terre may be fine with your building... so long as the owner can afford it. Accordingly, if the buyer is financing a large percentage of the purchase, this could be a red flag.
8. **Do you have pets or do you plan on getting one in the future?** Better that the buyer know now that only one dog per apartment is allowed, and dogs must ride the service elevator.
9. **Why did you pick this building and this neighborhood?** "Because Tribeca is cool" paints a different picture than "the public elementary school is fantastic."

Below please find the list of protected classes in housing, which you can use as a reference when framing your interview questions:

- Age
- Alienage or citizenship status
- Color
- Disability
- Gender (including sexual harassment)
- Gender Identity
- Marital status and partnership status
- National origin
- Pregnancy and Lactation Accommodations
- Race
- Religion/Creed
- Sexual orientation
- Status as a Veteran or Active Military Service Member
- Status as a Victim of Domestic Violence

We hope all of this information helps you in conducting your interviews. If you have any questions please feel free to reach out to Diana Diaz at dianad@argo.com.

Best,

Julie Zuraw
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