

My Co-op Banned My E-Bike, Which I Need. Can They Do That?

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Q: My New York City co-op building has voted to ban my electronic bike, which I use to get my child to and from medical appointments. I have filed for a request for an accommodation under the Fair Housing Act, with letters from my son's doctor and from mine. The co-op board won't reverse the ban, nor did it offer an alternative. They asked that future communications be made by my lawyer. This ban would add at least an hour each day to my commute, and I cannot afford a car. Do I have options? Can the building just ignore my request?

A: Your co-op can make rules to protect the safety of people in the building, and deadly fires sparked by the batteries in electric bikes have led to similar bans all over New York City. While [UL certified e-bikes](#) and batteries have undergone rigorous safety testing, other lithium-ion batteries have not. In 2023, battery fires [killed 18 people](#) in the city and injured 150 others.

A challenge to the ban on the grounds that your e-bike is a reasonable accommodation under fair housing laws has not been tested in court, said [Daniel Flanzig](#), a New York lawyer who is involved in bicycle advocacy.

But you should know that if you pursue a lawsuit, your case may be weak. The situation you describe does not appear to satisfy key elements required of a housing discrimination case, said Andrew Lieb, a discrimination lawyer in New York.

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The need to get to a doctor's appointments is not a statutorily recognized disability, though the underlying condition that necessitates the appointment could qualify as one. It depends on the facts of the case, explained Mr. Lieb. Your requested accommodation is simply preferable to you because it makes treatment for your disability more affordable.

"The co-op has a very strong position in denying this accommodation," he said.

There are other avenues you can pursue. Make sure the e-bike ban comports with your building's bylaws. If the board implemented the ban improperly, you could have grounds to overturn it.

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"The board cannot ignore your request," said Leni Morrison Cummins, chair of the condominiums and cooperatives practice at Cozen O'Connor in Manhattan. "But they don't have to offer you an accommodation."

You can continue to try to work with the board. If your bike is UL certified and meets the city's safety standards, provide evidence of this and explain that not all e-bike batteries present the same risks.

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