



NADIA PILLON

## Can We Compel the Board to Explain The Work Being Done to Our Building?

I live in a condominium in Passaic County, N.J., where the board recently authorized the replacement of all the balcony railings in our building. Was this a safety issue? A cosmetic fix? No one seems to know, and the board is not providing more information. The job was estimated to last three months, but it's been seven months and the work continues. We live with loud construction noise and dust and dirt in our units, and the board has said our maintenance fees are going up. What can we do to compel the board to give us more information, and to finish the work? Do we have to pay maintenance fees while the work goes on?

The board should be sharing the purpose of the project so that you and your neighbors aren't left in the dark.

Condo associations must make available to unit owners a record of all receipts and expenses. New Jersey law requires that these records are kept in accordance with generally accepted accounting principles (or GAAP), and that they be open for inspection by unit owners. Check your association's governing documents for more

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information. Typically, you should be able to see the signed contract for the work, if not daily work reports.

Of course, maintaining safe balcony railings, especially in high-rise buildings, is extremely important. In 2024, New Jersey enacted a structural integrity and reserve law, which requires condominiums with certain types of structures, such as balconies, to be inspected by a structural engineer.

"The railings constitute a critical safety component, and if the board reasonably believed their replacement was required, it would be difficult to challenge," said J. David Ramsey, chair of the New Jersey community association practice group at Becker & Poliakoff, in Morristown, N.J.

Construction delays can create inconveniences for building residents, but they are common, unfortunately. Whatever happens, don't withhold any maintenance fees. "New Jersey case law makes it abundantly clear that maintenance fees cannot be withheld for any reason," said Christopher Lugara, a lawyer who practices condominium law with Hill Wallack in Princeton, N.J.

Your building needs these fees to operate. Withholding them might provoke your association to take action against you, such as imposing late fees, initiating collection efforts, recording a lien against your property, or filing a complaint for the money you owe, Mr. Lugara said.

JILL TERRERI RAMOS

### CORRECTIONS

The Hunt feature Dec. 22, 2024, about Tabitha Jones and her search for a family home, misstated the fee charged by Auction.com on the purchase of her house in Stamford, Conn. It was 5 percent, not 8 percent.

The On the Market feature Dec. 15, 2024, misidentified a reporter who provided additional reporting. It was Jill P. Capuzzo, not Alicia Napierkowski.