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Real Estate Q&A

Expert Advice for Owners and Renters



The Consequences of Unpaid Water Bills

By JAY ROMANO

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Q. *I live in a condominium with three units and a single water meter. I have always paid my share of the water and sewer bills for the building, but the other two tenants have not. The city is threatening to place a lien on the building for delinquent water and sewer bills. Is there any way that I can protect my interest?*

A. **Adam Leitman Bailey**, a Manhattan real estate lawyer, said the Water Board can both impose a lien on the property and shut off the water if there are unpaid bills more than two years old. “But the water may not be shut off until at least 15 days after notice is mailed to each occupant of a building with more than two units,” he said.

The city can also foreclose on its lien and have the building sold at auction. Even if there is no foreclosure, he noted, the writer wouldn’t want to have a lien impairing the property’s value.

“If the writer cannot resolve this after talking with her fellow owners, the safest thing for her to do is pay the bill herself and sue the board of managers and the other owners to refund it to her,” **Mr. Bailey** said.

He added that the writer could probably accomplish this through small claims court. If she gets such a judgment, she can take it as a credit against her association dues. This will have the effect of passing the proportional share along to her neighbors.