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Why Paying Late Should Be Avoided

By JAY ROMANO

I live in a condominium in Long Beach, N.Y. Our management bills us \$275 monthly for the common charge and imposes a \$25 fee if the payment is late. I think this is excessive.

Please advise if this is legal and what limit is allowed by law.

“As is frequently the case in condominium buildings, the answer lies in the documents governing the condominium association,” said Todd Soloway, a Manhattan co-op and condominium lawyer.

“If the bylaws provide for the imposition of a late fee or if a late fee has been duly adopted by the board of managers pursuant to a resolution, then a late fee can certainly be charged,” he said, adding that there is no legal limit to such a fee.

At the same time, however, if the late fee was not properly adopted or included in the bylaws, then the reader can challenge the charge in court.

But, Mr. Soloway cautioned, “wrongful failure to pay an appropriately imposed late fee may provide the board of managers with the right to file a lien against the condominium unit. The board can sue for payment of the fee, and it may be able to include its legal expenses in the suit.”