



Front of balconies projecting need for maintenance and related costs: who pays what?

Front of balconies in condominium, maintenance work, competence and division of expenses.

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The balconies, between the parts of the building, are the ones that raise the biggest problems in relation to identifying the ownership structures and consequently sharing the costs for maintenance interventions.

The **front panels of the balconies**, in the context of disputes concerning the costs for their maintenance even more.

The question, therefore, should not be looked at considering the balcony structure in its entirety.

A **staircase** can be shared or not. The **balconies**, on the other hand, can only be partially owned, **or not shared at all**. The front of a balcony can be a condominium, the flooring on the floor, never.

This does not say the law, because the law, with it meaning the rules specifically dedicated to the condominium in buildings, never mention balconies; nor, needless to say, **string courses, fronts, shafts and all those elements** that the jurisprudence on the balconies constantly shows us.

The typing of the parts of the balconies as elements in **exclusive property**, or in condominium ownership, has been traced to date by jurisprudence.

The content of the **judgments**, made more or less critically by scholars and experts, indicates how to evaluate the parts of the artefacts in question, both in light of the type of balcony and of their intrinsic utility.

The front panels represent one of the cases with respect to which there is greater uncertainty. We will see, because, to get there it is useful to start from a general vision of the artifact.

Overhanging balconies, sunken balconies and parts in condominiums

To date, the dominant interpretation is the one clearly photographed in a ruling rendered by the Supreme Court of Cassation in January 2000.

Here a first and fundamental distinction has been drawn between projecting balconies, i.e. protruding from the facade of the building, and sunken balconies, i.e. those that do not protrude from the aforementioned facade.

Given this first differentiation, the stoats with sentence no. 637/2000, creating a furrow that followed over the years, albeit **with some deviations that turned out to be a dead end**, specified that the jutting balconies are not necessary for the existence or use of the building and it cannot even be said that are intended for the use or service of the entire building, that is to say they have a functional and accessory destination typically characterizing the common parts.

It is evident, it was said, "that there is no common function of the balconies (**projecting n.d.A**), which normally are intended for the service of only the floors or portions of the floor, which they access".

Turning to the **built-in balconies**, the judges said "the balconies can be considered the same as the attics, which also belong to the owners of the two floors (superficial) to each other above and whose expenses are incurred by each of them half of it (art. 1125 of the Italian civil code). In truth, it is possible to apply, by means of an extensive interpretation, the discipline established by the aforementioned rule pursuant to art. 1125 to the not contemplated hypothesis of balconies only when the same ratio exists. Well, the rationale consists in the function, that is to say in the fact that the balcony - like the ceiling, the vault and the attic - simultaneously acts as a support for the upper floor and as a cover for the lower floor "(Cass. 21 January 2000 n. 637).

Therefore: while the **overhanging balcony** is the exclusive property of the owner of the apartment who uses it, the balcony recessed in the proprietary consideration of the horizontal parts of the building contrasts with the overhanging one since it must be considered jointly owned by the owners of the apartments. one the other above, with application of art. 1125 c.c.

Front panels, maintenance and expenses

The faceplate, as it is defined in the vocabulary of the Italian language, is that "vertical band of small height, which sometimes finishes a horizontal projecting structure on the forehead" (source: on-line vocabulary from Treccani).

In **recessed balconies**, the front part of which is often a unique element with the perimeter walls, the problem does not arise: usually there is not even a front panel and in any case, even if there was it, it is certainly part of the facade and consequently of this follows in expenditure regime.

More complex and uncertain, however, is the issue concerning the **overhanging balconies**. At the time of carrying out maintenance work, in fact, one wonders who the costs for interventions on the so-called front that represents the external part of the balcony parapet.

In this regard, the jurisprudence is constant in believing that the decorative elements that characterize the front part of the overhanging balcony "must be considered common property to all, when they are inserted in the prospect of the building and contribute to make it aesthetically pleasing" (thus Cass. 30 July 2004 no. 14576). In the sense of always considering the front panels as condominiums, see Cass. March 2, 2018 n. 5014.

Mind you: the judgments always talk about the **decorative elements** (e.g. stuccos) placed on the faceplate and not the faceplate (understood in its structural connotations) which is why they are the first and not the second to be in common ownership, except for the structural connotations cannot make this difference: very difficult fact. In this case the whole part must be considered common.

This being the case and bearing in mind that pursuant to the **first paragraph of art. 1123 c.c.** the costs of conservation of common things must be divided among all the condominiums on the basis of the thousandths of ownership it is possible to conclude in the following way: the costs for the maintenance of the front panels, for the parts that are inserted in the prospect of the building, connoting the decoration of the building must be distributed among all the condominiums on the basis of thousandths of ownership.

Those for structural interventions, **provided that it is possible to make this distinction**, will be borne by the owner of the balcony.

Source: <https://www.condominioweb.com/le-spese-per-la-manintenance-dei-frontalini.487>

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