

Can a Resident of a Housing Development Force All His Neighbors to Contribute to a Fence Around His Pool?

Rav Shmuel Honigwachs

Question: Reuven lives in a development where the houses are situated fairly close together and everyone has windows that face each other's yards. One day, he decides that he wants to install a swimming pool in his backyard. Can he force all of his neighbors to either seal their windows or contribute towards the building of a fence?

Answer: We previously discussed a case where two people purchase a property from one person, and they split the property into two. We mentioned that there is a disagreement between the Mechaber and Rema whether one of them can force the other to close off his windows due to *hezek riya*. We said that although the Rema rules that they can force each to close off any windows facing into their courtyards, we cannot force people today to do so since *hezek riya* is not such a concern for contemporary backyards.

Regarding swimming pools, however, where there is a genuine concern of *hezek riya*, it stands to reason that the Rema's ruling could be enforced and the neighbors could be forced to seal their windows or contribute towards the building of a mechitzah.

This may seem like an interesting conclusion, and truth be told I have not seen this ever being enforced, but that seems to be the halacha.