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## Remodeling Work During the Three Weeks and the Nine Days

**Question:** We are remodeling our kitchen. My wife ordered and signed a contract for work to be done on cabinets and other things that is supposed to start on 23 Tammuz. May work continue during the Nine Days [before and including Tish'a b'Av] or must it be stopped?

**Answer:** The gemara<sup>1</sup> says that from the beginning of the month of Av until after Tish'a b'Av, one should lessen his business dealings and his building activities. The gemara does not specify the types of business transactions and building it refers to, nor does it clarify what “lessen” means. However, in the context of restrictions that apply on fast days that are established in response to a drought, the gemara<sup>2</sup> refers to

“building of joy” and gives the example of the house in which one’s son will be married. The Yerushalmi<sup>3</sup> gives a counter example of a type of construction that is permitted: when a wall needs support to prevent its collapse. What is the halacha in cases between these two extremes?

The poskim arrive at the following basic consensus. If there is a fear of collapse, one can do what is required even for the needs of a “building of joy”.<sup>4</sup> In general, however, any type of construction whose purpose is to enhance and not for a necessity should not be performed during the Nine Days.<sup>5</sup> This would apply to most cases of kitchen renovations, which usually take a functional kitchen and make it more attractive or more convenient. There is an opinion that this is forbidden even from the beginning of the Three Weeks.<sup>6</sup> However, one has the right to be lenient on the matter before the Nine Days, especially if she already made an agreement with workers.

This brings us to what may be a major point of leniency in your situation. Several poskim<sup>7</sup> say that if one hired a non-Jew before the Nine Days to do the work in a manner in which he is

<sup>1</sup> *Yevamot* 43b.

<sup>2</sup> *Ta’anit* 14b.

<sup>3</sup> *Ta’anit* 4:6.

<sup>4</sup> *Shulchan Aruch, Orach Chayim* 551:2.

<sup>5</sup> *Mishna Berura* 551:12.

<sup>6</sup> *Maharil, Tisha B’Av* 8.

<sup>7</sup> *Maharil ibid.*, cited by the *Bach, Orach Chayim* 551, *Eliya Rabba* 551:3, and *Mishna Berura* 551:12.

paid by the job (as opposed to according to time), the job is in the province of the non-Jew and may be done during the Nine Days. However, some of these poskim<sup>8</sup> add the proviso that if the worker will accept a small fee to delay the work, the owner should prefer that option. Another scenario in which it is not required to push off the work is when the delay will cause a significant loss.<sup>9</sup> Some examples include when the work or materials will be more expensive later or a case in which an interim setup would be difficult to maintain given that the work has already begun.

Essentially, there are three ideas that motivate us to refrain from certain types of acquisitions and construction during the period of national mourning. One is that the mazal of Bnei Yisrael is low at that time (which is something you may want to consider). Another is that one should avoid doing the type of activities that are considered overly happy. The third idea is that the entire Three Weeks is a time that is historically tragic for us and we are therefore not supposed to recite the b'racha of SHEHECHYANU, which includes the phrase LAZ'MAN HAZEH (“to this time”).<sup>10</sup> If you plan to recite

Shehecheyanu on the renovations (which itself is a good question that is beyond our present scope),<sup>11</sup> it should not be done during this period. Consequently, it would be problematic to have the job finished before midday of the 10th of Av.<sup>12</sup> Even if you do not contemplate making the beracha, it is still proper that the project not be completed during the Nine Days, as this affords greater joy than the interim progress on the work does. Therefore, in the event you have little choice but to have the workers do the bulk of the work during the Nine Days, try to have some of the overall job finished afterwards. Additionally, no work should be done on Tish'a b'Av itself.



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<sup>8</sup>. Maharil and *Mishna Berura* op. cit.

<sup>9</sup>. *Mishna Berura* 551:13.

<sup>10</sup>. *Shulchan Aruch, Orach Chayim* 551:17.

<sup>11</sup>. See *Mishna Berura* 223:11-12.

<sup>12</sup>. See parallel discussion in *Igrot Moshe, Orach Chayim* III:80.