



Disability Accommodation Rights

for Owners and Occupants of Condos, Cooperatives, and Other Common Interest Communities Governed by a Homeowners' Association or Similar Entity

The New Jersey Division on Civil Rights (DCR) enforces the New Jersey Law Against Discrimination (LAD), which makes it illegal for those involved in the ownership, operation, or management of condominiums or cooperatives (e.g., landlords, sellers, condominium associations or boards, cooperative associations or boards, homeowners' associations or boards) to discriminate against someone with a disability.

Examples of Illegal Conduct

- Discriminating against a prospective or actual buyer, renter, owner, or occupant because of that person's disability or because of the disability of someone associated with that person.
- Refusing to make reasonable accommodations to the rules, policies, practices, or services, when such accommodations would give someone with a disability an equal opportunity to use and enjoy the property, including public and common areas.

Example: If an occupant has a disability that makes walking difficult, a reasonable accommodation might be to give the occupant a reserved parking space closest to the entrance of his or her unit, even though parking is generally unreserved.

- Refusing to allow reasonable modifications of existing premises if such modifications may be necessary to give the person with a disability full enjoyment of the premises.

Examples of reasonable modifications might include installing an entry ramp, lowering the threshold of a unit, widening doorways, or installing grab bars.

A board or association may require the owner or occupant to provide a reasonable description of the proposed modifications, as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

The owner or occupant is responsible for the cost of any modifications or equipment. However,

it would be illegal for a board or association to charge an extra fee for reasonable modifications or accommodations for someone with a disability.

An owner or occupant who requests a disability accommodation or requests approval to make modifications to the premises must show that they may be necessary to give a person with a disability an equal opportunity to use and enjoy the premises. The board, association, or other housing provider may deny the request if it can prove that the request is unreasonable because the accommodation or modification would impose an undue administrative or financial burden on the board or association, or would fundamentally alter the nature of the board or association's operations. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations that would effectively meet the requester's disability-related needs.

Assistance Animals Under the LAD

Sometimes, people with disabilities must rely on service or guide dogs, or emotional support animals to assist them because of the limitations arising from their disabilities.

- 1. Service dogs and guide dogs.** It is unlawful to deny full and equal access to a person with a disability simply because he or she is accompanied by a service or guide dog.

A **“service dog”** means any dog individually trained to the requirements of a person with a disability. For example, such dogs may be trained to perform minimal protection work or tasks such as pulling a wheelchair, retrieving dropped items, or alerting or assisting a person with epilepsy or another seizure disorder.

A **“guide dog”** means a dog used to assist deaf or hard of hearing people, or people with visual impairments. Guide dogs must be trained by an organization generally recognized by agencies involved in the rehabilitation of the deaf or blind as reputable and competent in providing this type of training to dogs.

Trained service or guide dogs are not pets. Thus, any “no pets” policy cannot be applied to prohibit an occupant with a disability from having a service or guide dog on the premises.

- 2. Emotional support animals.** For an occupant with a disability whose medical provider prescribes an emotional support, therapy or assistance animal, reasonable accommodations may include granting an exception to a policy that bans pets or imposes weight or size restrictions. However, a housing provider may impose reasonable conditions on approvals for emotional support, therapy, or assistance animals, such as requiring that they not be permitted to roam the premises unsupervised, or that the occupant or another responsible person clean up after the animal.

In housing matters, an emotional support, therapy, or assistance animal does not need to be specially trained to serve a person with a disability. And although these animals are often dogs, other animals can also function as emotional support, therapy or assistance animals.

Persons with a service or guide dog or emotional support animal cannot be required to pay extra for having the animal on the premises. However, they can be held liable for any damage that the animal causes to the premises.

Filing a Complaint Under the LAD

When it appears that a board, association, or other housing provider has violated the LAD, there are two options for filing a complaint:

1. Administrative complaints:

An administrative complaint can be filed with the DCR within **180 days** of the act of discrimination. Any person who has been injured by discrimination based on disability (or any other characteristic protected by the LAD) or believes that such discrimination is about to occur, can contact the DCR to speak to an investigator. If DCR has jurisdiction to address the problem, DCR staff will take a written complaint,

serve it on the respondent (i.e., the person or entity charged with violating the LAD), and obtain a written answer from the respondent. DCR will then investigate the allegations. If an investigation shows enough evidence to support the complaint, and the complaint cannot be settled, a hearing will be held in the Office of Administrative Law. After that hearing, the DCR Director will issue a final decision as to whether unlawful discrimination has been proven. If discrimination has been proven, the Director will order appropriate remedies.

2. Court complaints:

As an alternative, a person can file a civil complaint in the Superior Court of New Jersey within **2 years** of the act of discrimination.

Available Remedies

The DCR and Superior Court of New Jersey may order equitable relief, compensatory damages, and attorney fees. The Superior Court may also award punitive damages. The DCR may impose civil penalties to be paid to the State government.



NJ Office of the Attorney General

CIVIL RIGHTS

The Department of Law & Public Safety, through its Division on Civil Rights, is responsible for enforcing the law. To file a complaint, contact or visit the office nearest you:

South Shore Regional Office:

1325 Boardwalk, Tennessee Ave. & Boardwalk
Atlantic City, NJ 08401
Phone: **(609) 441-3100** • Fax: (609) 441-3578

Southern Regional Office:

5 Executive Campus, Suite 107
Cherry Hill, NJ 08034
Phone: **(856) 486-4080**

Northern Regional Office:

31 Clinton Street, Newark, NJ 07102
Phone: **(973) 648-2700** • Fax: (973) 648-4405

Central Regional Office:

140 East Front Street / P.O. Box 090
Trenton, NJ 08625-0090
Phone: **(609) 292-4605** • Fax: (609) 984-3812

Visit our web site at **www.NJCivilRights.gov**