



## **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 only if it can prove, based on an individualized fact-sensitive assessment, that the request is unreasonable under the particular circumstances. Factors to be considered in determining whether a request is unreasonable include, but are not

limited to, whether 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.

### **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.
  - Although a person with a service or guide dog cannot be required to pay extra for having a service or guide dog on the premises, they can be held liable for any damage that the dog causes to the premises.
  - 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.

Other than requiring payment for any specific damage done to the premises, it is unlawful to charge a person with a disability an extra fee to keep a guide or service dog or an emotional support, therapy or assistance animal.

### **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 (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.

### **Contact Us**

To file a complaint or get more information, contact us at the nearest DCR office, or visit our web site at [www.NJCivilRights.gov](http://www.NJCivilRights.gov)

Atlantic City Regional Office:  
1325 Boardwalk, Atlantic City, NJ 08401  
Phone: (609) 441-3100  
Fax: (609) 441-3578  
TDD#: (609) 441-7648

Camden Regional Office:  
One Port Center, 4th Floor, Suite 402  
2 Riverside Drive, Camden, NJ 08103  
Phone: (856) 614-2550  
Fax: (856) 614-2568  
TDD# (609) 757-2958

Newark Regional Office:  
31 Clinton Street, Newark, NJ 07102  
Phone: (973) 648-2700  
Fax: (973) 648-4405 / (973) 648-7582  
TDD# (973) 648-4678

Trenton Regional Office:  
140 East Front Street / P.O. Box 090  
Trenton, NJ 08625-0090  
Phone: (609) 292-4605  
Fax: (609) 984-3812  
TDD# (609) 292-1785