

On May 2, 2018, the Board of Directors of Newport Gardens Condo Association sent a letter to [REDACTED]. The letter reminded [REDACTED] that a majority of owners voted to approve the rule restricting renters to one pet after lengthy discussion and all owners were notified of its enactment.

The letter also stated that both [REDACTED] and Complainant signed the pet registration document that accompanied the rule and advised [REDACTED] that he was in violation of the by-laws because Complainant kept two pets. The board concluded the letter by giving [REDACTED] thirty days to comply with the rule before the imposition of fines. [REDACTED] thereafter informed Complainant that she could only have one pet in the apartment.

Complainant subsequently requested an accommodation by providing [REDACTED] with a letter from her doctor on or about May 17, 2018. The doctor, [REDACTED], examined Complainant, described her [REDACTED], and attested to her need for the animals. The letter also said that [REDACTED] had earlier told Complainant that both animals were allowed. The letter confirmed that Complainant [REDACTED] and stated that Complainant “cannot bear the idea of being without her pets.” [REDACTED] concluded, “The animals are important to [Complainant’s] [REDACTED] and it would be detrimental [REDACTED] to have to relinquish either of these pets.”²

[REDACTED] forwarded Complainant’s letter to Respondents. In a letter dated July 11, 2018 from April Winchester, the Assistant Property Manager with Thompson Realty Company, to [REDACTED], Respondents refused. The letter stated that [REDACTED] was required to provide Complainant with a legal notice that she was required to remove one of her pets, and, if Complainant failed to do so, [REDACTED] was required to “take proper legal action” against Complainant. The letter asked [REDACTED] that provide to Thompson Realty a copy of this “proper legal notice” by July 27, 2018.

In their Answer to the complaint, Respondents denied Complainant’s allegations of disability discrimination. The Answer stated that the letter Complainant submitted from her doctor did not constitute either a request for a reasonable accommodation or a basis for claiming that both pets were necessary as emotional support animals. Respondents also told DCR that they do not have a “set reasonable accommodation policy.” Respondents said they did not communicate with Complainant on the matter because she was a tenant.

[REDACTED] attended a Special Meeting of the owners of Newport Gardens on July 21, 2018 and dictated a memo about same on July 26, 2018. The memo recounted a discussion during the meeting about Complainant. [REDACTED] asked those present if Complainant presented any problems. One person spoke to say Complainant allowed her dog to defecate outside. When the meeting turned to discussing the two-pet issue, [REDACTED] said that he was unwilling to violate state laws against discrimination and referenced the letter from Complainant’s doctor describing her need for the animals. According to his memo, [REDACTED] recollected that the Association seemed adamant about enforcing the rule and did not appear to “care what the State says.”

² Complainant submitted to DCR an additional medical evaluation, dated July 12, 2018, from [REDACTED], diagnosing Complainant with [REDACTED]

accommodation be made in a specific manner or at a specific time or that any magic words be used. Also contrary to Respondents' assertion, the letter does provide support for Complainant's request. It explains Complainant's disability, and why the animals are necessary to allow her an equal opportunity to use or enjoy the dwelling: they are important to her [REDACTED]. If Respondent believed that the information provided by Complainant was somehow lacking, there is no indication that it sought further information or clarification from Complainant, [REDACTED] or [REDACTED] prior to summarily denying Complainant's request. And indeed, Complainant could have provided additional documentation, as she provided DCR with an additional medical evaluation, dated July 12, 2018, from [REDACTED], diagnosing Complainant with [REDACTED]."

Respondents did not assert that granting Complainant an accommodation from their "one pet for renters; two pets for owners" policy would constitute an undue burden on its operations, possibly because they already allowed owners to maintain two pets.

The Director finds there is **PROBABLE CAUSE** to believe that Respondents violated the LAD in failing to grant Complainant a reasonable accommodation for her disability, and the matter should proceed to the next step on the road to an adjudication on the merits.



Rachel Wainer Apter, Director
NJ Division on Civil Rights

Date: August 12, 2019