

Emotional Support Animal Complaint Settles After Battle with Condo Association

By Housing Opportunities Project for Excellence

HOPE is pleased to announce that a settlement has been reached in a disability complaint that HOPE filed with HUD on behalf of two of our clients, the Johnsons.

In February 2017, Mrs. Johnson contacted HOPE for assistance with a reasonable accommodation request made for her husband to have an emotional support animal (ESA). She also sought help regarding fines imposed by the condominium association because of the ESA. The Johnsons reside at a condominium community in Lauderhill, Florida. Mr.

Johnson is a person with a disability who requires an emotional support animal.

The ESA was acquired on November 6, 2011. At the time the condominium community was pet- friendly. After a no-pet resolution was passed by the condo association board in April 2015, the association granted Mr. Johnson an exemption to the pet policy with the condition that they would comply with the association's pet rules. These rules included a prohibition against walking the dog



Main Picture, left to right: Mr. and Mrs. Johnson pose with Luxmy Panzardi, HOPE Intake and Investigations Coordinator for Broward.

on the premises and a requirement to hand-carry the dog while on elevators and staircases.

With HOPE's assistance, the Johnsons' sent a reasonable accommodation request for the ESA to the condo board. The Johnsons never received a response from the condo regarding the reasonable accommodation and the association continued fining the Johnsons for walking the ESA on the community premises. The association fined the Johnsons a total of \$1,100 for repeated violations to the condo pet rules.

HOPE filed a HUD fair housing complaint on behalf of the Johnsons on March 2017. The complaint was assigned by HUD to the Broward County Human Rights Section which conducted an investigation into the discrimination allegations. Throughout the investigation the Johnsons continued to be fined and harassed by the condo association.

In May 2018, a cause finding was issued by the Broward County Human Rights Section against the condo association for discrimination on the basis of disability and retaliation.

With the assistance of HOPE and attorney Matt Dietz (Disability Independence Group), the parties reached a settlement in July 2018. The settlement ensures that the Johnsons are allowed to walk the ESA anywhere within the property and that all of the fines are dismissed. In addition, the Johnsons will receive monetary compensation in the amount of \$10,000.

Housing discrimination against people with disabilities is a very important issue in fair housing. The percentage of complaints based on disability continues to be on the rise, and HOPE is committed to fighting disability discrimination through education and enforcement activities. This settlement is yet another victory in our fight against housing discrimination.