

**THE IMPACT OF THE FAIR HOUSING ACT*
ON DEED RESTRICTIONS AND RULES AND
REGULATIONS WITHIN COMMON INTEREST
OWNERSHIP HOUSING COMMUNITIES**

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A. Background

I. REASONABLE ACCOMMODATIONS IN RULES, POLICIES, PRACTICES, OR SERVICES WHEN SUCH ACCOMMODATIONS MAY BE NECESSARY TO AFFORD A HANDICAPPED PERSON EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING:

- A. Section 804 of the Fair Housing Amendments Act
- B. The starting point for determining what constitutes a reasonable accommodation under the Act
- United States v. Cohen-Strong & California Mobile Home Park Management Co. 29 F.3rd 1413, 63 USLW 2056, G.A.D.D. 175.
- C. Establishing a prima facie case of discrimination under the Act
- D. United States v. California Home Management Co., 107 F.3rd 1374, 1380 (9th Cir. 1997); Schantz v. The Village Apartments, 998 F. Supp. 784, 791 (E.D. Mich. 1998); 994 F. Supp. at 1255.
- E. Pets as an Accommodation Under the Act
- Pillsbury v. Bayshore Condominium Association, Inc., 637 So.2d 51 (Fla. 4th DCA 1979)
 - Pines v. Boca Barwood Condominium Association, Inc. V. Cavouti, 605 So.2d 984 (Fla. 4th DCA 1992).

- § 25, 145 HUD v. Dutra, No. HUD ALJ 90-93-1753-8, (HUD Office of Administrative Law Judges 11-12-96).
- § 25, 080 HUD v. Riverbay, NO HUD ALJ 02-93-0320-1, (HUD Office of Administrative Law Judges 9-8-94).
- Bronk v. Ineichen, 54 F. 3d 425 (U.S. 7th Circuit Court of Appeal, May 11, 1995), Paragraphs [3][4].

F. Parking, Accommodations Under The Act.

1. Gittleman v. Woodhaven Condominium Association, Inc. 972 F. Supp. 894 (D. N.J. 1997)
2. Shapiro v. Cadman Towers, Inc., 51 F. 3d 328 (2nd Cir. 1995).
3. Jankowski Lee & Associates, et al v. Cisneros, 91 F. 3rd 891(7th Cir. 1996). **and** HUD v. Jankowski, No HUD Alt 05-93-0517-1 (HUD Office of Admin. Judges 6-30-95).

G. Rules Regulating Children

1. HUD v. Paradise Gardens, Section II, HUD ALJ 04-90-0321-1 HUD ALJ 04-90-0726-1; Decided: October 15, 1992.
2. *News-Journal* Wire Service, August 1, 1998
3. Fair Housing Congress v. Weber No. CU 96-8640-LGB (Jgx) (C.D. Cal. 12-8-97)

H. Special Circumstances.

Marathon v. Maple Grove Condominium Association, 101 F.Supp. 2d (04) Illinois

II. REASONABLE MODIFICATIONS OF EXISTING PREMISES IF SUCH MODIFICATION MAY BE NECESSARY TO AFFORD HANDICAPPED INDIVIDUALS FULL ENJOYMENT OF THE PREMISES

- A. HUD v. Ocean Sands, Inc. No HUD DALJ 04-90-0231-1 (HUD Office of Admin. Law Judges 9-3-93).
- B. Doral II Condominium Association v. Pennsylvania Human Relations Commission, 779 A.2d 605; 2001 PA. Comm. W. Lexis 440