

Resolution of The Board of Directors of Clearbrook
Community Association, Inc. Adopting Protocol
for Responding to Resident Requests for "Reasonable
Accommodation" to Disabilities

WHEREAS, Clearbrook Community Association, Inc. (the "Association" or "CCA") is a New Jersey corporation subject to the federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.; the "FHAA") and is a "housing provider" as defined pursuant to the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.; the "NJLAD") and governed by the regulations promulgated thereunder; and

WHEREAS, the NJLAD and FHAA require that the CCA as a housing provider consent to a resident's request for "reasonable accommodation" if the resident establishes to the CCA's satisfaction the existence of a legally recognized "disability" and right to "reasonable accommodation" to aid in mitigating the effect of the disability to permit them to make full use and enjoyment of the CCA "common property"; and

WHEREAS, the Association as a housing provider has the right to obtain relevant medical information from applicants in order that the Board, not being comprised of medical professionals, may determine whether the applicant is "disabled" and has a right to "reasonable accommodation"; and

WHEREAS, the Board of Directors, in order to obtain sufficient reliable medical information, has the right to obtain the opinion(s) of the applicant's competent medical services provider(s) identifying the resident's disability; why a reasonable accommodation is medically necessary; the medical necessity for the specific accommodation(s) requested; and regarding whether there are acceptable alternative accommodations (except in cases where the disability and need for specific accommodation is obvious) that do not impose an undue burden on the Association; and

WHEREAS, the Board of Directors has determined that it is in the Association's best interests to adopt a uniform protocol to analyze and respond to disabled residents' requests for "reasonable accommodation" as the best means of ensuring equal treatment of all residents without discrimination in order that all may make equal use of the Clearbrook Community Association "common property"; and

WHEREAS, the Board of Directors has conferred with and obtained the opinion of its corporate counsel regarding its duty to provide "reasonable accommodation"; and

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WHEREAS, the Board of Directors pursuant to Article III, Section 3.17 of the Association's By-Laws possesses the power to administer the Association's affairs; and

WHEREAS, the Board desires to establish a protocol to ensure that all such requests are treated fairly, equally and without discrimination and in compliance with the FHAA and NJLAD.

NOW THEREFORE BE IT RESOLVED as follows:

1. A resident who requests "reasonable accommodation" to a legally recognized disability must file a written request with management;
2. Management shall acknowledge its receipt of a request within five (5) days by certified mail, return receipt requested, addressed to the resident's last known address as listed in CCA records.
3. Management within five days of receipt of a request shall forward the request to the CCA Board and the Association's legal counsel for review.
4. Counsel within 10 days of receipt shall review the request and respond to the Board and to management with its initial recommendations including any recommendation for immediate action(s) that may be taken. Counsel's recommendation(s) shall include a request that the Board direct counsel to respond to the resident by letter:
 - a. conveying that the Board has decided to grant or deny the request based on the information provided by the resident to the Board; or
 - b. requesting that the resident within 30 days provide (additional) supporting medical or other relevant information to counsel in the event the Board finds that the initial submission provided is inadequate to afford it a reasonable basis upon which to grant or deny the request; such information may be provided by the resident in
 - (1) any form the resident or his medical provider(s) choose; or
 - (2) a form "Medical Provider Confidential Certification Letter" provided by the

Association's counsel to the applicant;
or

- c. requesting that the resident consult with management regarding resolution of the request.
4. The Board within a reasonable period of time of receipt of counsel's recommendation shall review the request and inform the resident whether the Board is granting or denying the request or, in the alternative, requesting that the resident confer further with the managing agent.
5. The CCA's managing agent is directed to implement this Protocol and is hereby authorized to adopt any necessary procedures to implement this Protocol, subject to Board approval, in order to achieve the purpose of affording reasonable accommodation.

For the purposes of this resolution, the term "resident" shall include the record owner or other person(s) permanently residing in the unit who are otherwise legally entitled to occupancy pursuant to CCA's and each respective association's governing documents, including, but not limited to, tenants who occupy a residence pursuant to a written lease properly filed with and approved by the management office.

For the purposes of this resolution, the term "common property" shall mean the real property owned by Clearbrook Community Association as it is defined in Article I, Section 1.3(I) of the By-Laws of Clearbrook Community Association, Inc.

Vote of Board of Directors to Approve Resolution

<u>Roll Call</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Lou Caron, Pres. - Does not vote				
Anne Corey	X			
Sara Hornichter	X			
Jack Silver				X
Larry Foss	X			
Charles Gausten	X			
Richard Piccirillo	X			
Seymour Wegbreit	X			
Charles J. Wildman	X			

The undersigned, Secretary of the Clearbrook Community Association, Inc. certifies that the foregoing is a true copy of the Resolution adopted on the 29th day of August, 2012, by a roll call vote by the Board of Directors at a regularly scheduled Board meeting held upon proper notice to each Board member, at which a quorum was present and at which the requisite number of Board members present voted in favor; and the undersigned further certifies that the vote of each Director was as shown above.



Sara Hornichter, Secretary