

HUD'S FAIR HOUSING DECISION UPHELD BY FIRST CIRCUIT COURT OF APPEALS

San Juan, Puerto Rico, Condo Association Discriminated Against Resident with Disabilities

WASHINGTON - The U.S. Department of Housing and Urban Development announced today that it has won an important Fair Housing Act victory in the United States Court of Appeals for the First Circuit. The decision upheld a Final Order of the Secretary of HUD following a trial before an administrative law judge that a condominium association discriminated against a resident with disabilities by refusing to allow him to keep an emotional support animal. **The First Circuit's decision is available here.**

The Fair Housing Act requires that housing providers, including condominium and homeowners associations, grant reasonable accommodations to rules, policies, or practices when such accommodations are necessary to afford a person with disabilities an equal opportunity to use and enjoy housing. This includes waiving "no pet" rules to allow emotional support animals.

"The decision is a victory for HUD, but an even greater victory for people with disabilities," said Gustavo Velasquez, HUD Assistant Secretary for Fair Housing and Equal Opportunity. "Not only does the decision reaffirm HUD's authority to vigorously enforce the Fair Housing Act, it also reinforces the importance of protecting the rights of residents with disabilities to have the reasonable accommodations they need."

In October 2014, HUD found that the Castillo Condominium Association, located in San Juan, Puerto Rico, violated the rights of a homeowner with disabilities by refusing to allow him to keep an emotional support animal as a reasonable accommodation to the Association's "no pets" policy. HUD ordered the Association to pay \$20,000 in damages to the victim, who was forced to sell his condominium and find alternative housing as a result of the Association's discriminatory conduct. HUD also ordered the Association to pay a \$16,000 civil penalty.

The Association appealed the order to the First Circuit. On May 2, 2016, the Court of Appeals ruled against the Association, affirming HUD's finding that the Association violated the Fair Housing Act and ordering the Association to pay the damages and penalty.

In fiscal year 2015, disability was the most common basis of fair housing complaints filed with HUD and its partner agencies, being cited as a basis for 4,548 complaints, or nearly 55 percent of the overall total.

Read HUD's notice regarding service or companion animals.

People who believe they have experienced discrimination may file a complaint by contacting HUD's Office of Fair Housing and Equal Opportunity at (800) 669-9777 (voice) or (800) 927-9275 (TTY). Housing discrimination complaints may also be filed by going to **www.hud.gov/fairhousing**, or by downloading HUD's Fair Housing mobile app, which can be accessed through Apple and Android devices.