

# CasePrepPlus

## HUMAN RIGHTS LAW, COOPERATIVES AND ANIMAL LAW

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NYS State Division of Human Rights' Determination That the Disabled Cooperative Shareholder Was Discriminated Against When She Was Prohibited From Keeping a Dog in Her Cooperative Apartment Confirmed by the Court of Appeals, Reversing the Appellate Division.

The Court of Appeals, over a two-judge dissent, in a brief memorandum that did not recite the facts, reversed the Appellate Division and confirmed the NYS Division of Human Rights (SDHR) determination that petitioners had discriminated against the disabled complainant, a cooperative shareholder, by prohibiting her from keeping a dog in the cooperative apartment. *Matter of Delkap Mgt., Inc. v. New York State Div. of Human Rights*, 2019 N.Y. Slip Op. 02260, CtApp 3-26-19

Summary of the Facts From the Appellate Division's Decision (Which the Court of Appeals Reversed Here): "The complainant testified that, since obtaining the dog, her cardiac arrhythmia, which caused her to have rapid heart rate and experience palpitations, had significantly decreased; her ability to sleep had improved, resulting in her feeling less tired during the day; her discomfort due to her rheumatoid arthritis had improved because she was more physically active with the dog; and the dog decreased her stress, helping to improve the symptoms caused by her rheumatoid arthritis and cardiac arrhythmia. Sometime after the hearing concluded, the petitioners directed the complainant to immediately remove her dog from her apartment contending, erroneously, that the SDHR had issued a final order in their favor. The complainant thereafter moved out of her apartment with the dog. In a recommendation and findings ... an administrative law judge (hereinafter ALJ) of the SDHR determined that the Coop had discriminated against the complainant in the terms, conditions, and privileges of her housing on the basis of her disability, and that she should have been allowed to keep the dog in her apartment as a reasonable accommodation for her disability. The ALJ also determined that the respondents retaliated against the complainant for opposing the discrimination and filing a complaint with the SDHR. The Acting Commissioner of the SDHR adopted the ALJ's recommendation and findings and directed the petitioners to pay \$5,000 to the complainant in compensatory damages for mental anguish and \$10,000 in punitive damages, assessed a \$5,000 penalty upon each petitioner payable to the State, and directed the petitioners to create and implement standard policies and procedures to evaluate shareholders' requests for reasonable accommodations and to develop and implement training to prevent unlawful discrimination."

