

Writer's Direct Dial (609) 734-6349

November 14, 2014

Michael Marano, President  
Clearbrook Regency Village Condominium Association No. 17  
831 C Ardmore Road  
Monroe Township, NJ 08831

Re: Resolutions

Dear Mr. Marano and Members of the Board:

Enclosed for your review are the resolutions for generators and for reasonable accommodation to disabilities. If you have any questions or want to make any changes, please let me know.

Very truly yours,



RONALD L. PERL

RLP/lm  
Enclosure

Prepared by:

RONALD L. PERL, ESQ.

**ADDENDUM TO MASTER DEED AND BY-LAWS OF  
CLEARBROOK REGENCY VILLAGE  
CONDOMINIUM ASSOCIATION NO. 17**

---

THIS ADDENDUM to the Master Deed and By-Laws is made this 11 day of Dec. 2014, by the Clearbrook Regency Village Condominium Association No. 17, Inc., a New Jersey nonprofit corporation, located in the Township of Monroe, County of Middlesex and State of New Jersey (hereinafter referred to as "Section 17").

The Association does hereby add the following resolution as an addendum to the Master Deed and By-Laws recorded in the Office of the Middlesex County Clerk on June 16, 1987 in Deed Book 3622 at Page 031 et seq. and the Amended By-Laws were recorded in the Office of the Middlesex County Clerk on August 3, 2007 in Deed Book 05852 at Page 0011 et seq. This Addendum shall supersede any previously adopted regulations with regard to resident requests for "reasonable accommodation to disabilities".

Record and Return:  
Ronald L. Perl, Esq.  
HILL WALLACK LLP  
202 Carnegie Center  
P.O. Box 5226  
Princeton, New Jersey 08543-5226

**Resolution of The Board of Directors of Clearbrook Regency Village  
Condominium Association No. 17**

**Adopting Protocol for Responding to Resident Requests for  
"Reasonable Accommodation to Disabilities"**

**WHEREAS**, Clearbrook Regency Village Condominium Association No. 17 (Section 17) 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 Section 17 as a housing provider consent to a resident's request for "reasonable accommodation" if the resident establishes to Section 17'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 Section 17's "common elements"; and

**WHEREAS**, Section 17 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 Section 17 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 Section 17; and

**WHEREAS**, the Section 17 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 Section 17's "common elements"; and

**WHEREAS**, the Section 17 Board of Directors has conferred with and obtained the opinion of its corporate counsel regarding its duty to provide "reasonable accommodation"; and

**WHEREAS**, the Section 17 Board of Directors pursuant to the Amended By-Laws Article V, Section 1 of the Association's By-Laws possesses the power to administer the Association's affairs; and

**WHEREAS**, the Section 17 Board of Directors 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 Section 17 Board of Directors;
2. Section 17 Board of Directors 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 Section 17's records.
3. Section 17 Board of Directors within five days of receipt of a request shall forward the request to the Section 17's legal counsel for review.
4. Counsel within 10 days of receipt shall review the request and respond to the Section 17 Board of Directors 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 Section 17 Board of Directors direct counsel to respond to the resident by letter:

- a. conveying that the Section 17 Board of Directors 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 Section 17 Board of Directors 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) the form "Medical Provider Confidential Certification Letter" provided by the Section 17 Board of Directors counsel to the applicant; or
  - c. requesting that the resident consult with Section 17 Board of Directors regarding resolution of the request.
5. The Section 17 Board of Directors within a reasonable period of time of receipt of counsel's recommendation shall review the request and inform the resident whether the Section 17 Board of Directors is granting or denying the request or, in the alternative, requesting that the resident confer further with the Section 17 Board of Directors.
  6. Section 17 Board of Directors 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 Section 17'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 elements" shall mean the commonly owned real property within Section 17 as it is defined in Article I, Section 4(m) of the Amended By-Laws of Clearbrook Regency Village Condominium Association No. 17.

Now, therefore on this, the 11 day of DEC 2014, BE IT HEREBY  
RESOLVED AS FOLLOWS:

- 1.) Applications for the installation and operation of portable or standby generators will not be accepted by Section 17 unless those applications are submitted in conjunction with an application for a reasonable accommodation of a disability or handicap as covered under the FHAA and NJLAD and has met all requirements of the CCA's Architectural Review Committee and certified engineering specifications/inspections.
- 2.) Under no circumstances will generators be permitted to be installed in or on any common element or resident's property unless approval has been made for its use to aid in a reasonable accommodation for persons qualifying as disabled or handicapped under the FHAA and NJLAD and has met all requirements of the CCA's Architectural Review Committee and certified engineering specifications/inspections.
- 3.) Applications for installation and operation of a generator in connection with an application for a reasonable accommodation for a disability covered under the FHAA and NJLAD will be evaluated by Section 17 in accordance with the protocol authorized in "Resolution of The Board of Directors of Clearbrook Regency Village Condominium Association No. 17 Adopting Protocol for Responding to Resident Requests for "Reasonable Accommodation" to Disabilities" and "Resolution of the Board of Directors of the Clearbrook Community Association, Inc. Regarding the Installation and Use of Back-Up Generators by Residents" adopted June 25, 2014.
- 4.) Members who applied for installation and operation of a back-up generator in connection with a reasonable accommodation and whose application has been granted will be solely responsible for the cost of the generator equipment, installation, the required engineering inspections, operation maintenance of said generator unit and the cost of restoration of common elements either when a reasonable accommodation no longer exists or prior to the sale of a unit.
- 5.) Members who applied for installation and operation of a back-up generator in connection with a reasonable accommodation and whose application has been granted shall indemnify and hold Section 17 and its Board of Directors harmless for any and all damage and/or injury resulting from installation and operation of said generator.

IN WITNESS WHEREOF, the Clearbrook Regency Village Condominium Association No. 17 has affixed its hand and seal the day and year first above written.

ATTEST:

Richard Florio  
Richard Florio, Vice President

Michael Marano  
Michael Marano, President

ACKNOWLEDGMENT

STATE OF NEW JERSEY :  
SS  
COUNTY OF MIDDLESEX :

I certify that on 12/11/, 2014, Richard Florio personally came before me and acknowledged under oath, to my satisfaction, that he/she is the Vice President of the Clearbrook Regency Village Condominium Association No. 17. is the attesting witness to the signing of this document by the proper corporate officer who is Michael Marano, the President of the corporation; This document was signed and delivered by the corporation as its voluntary act duly authorized by a proper Resolution; he/she knows the proper seal of the corporation which was affixed to this document; and he/she signed this proof to attest to the truth of these facts.

Subscribed and sworn to, before me, this 11th day of December 2014.

Jaya G Patel  
A Notary Public of New Jersey  
My Commission Expires: \_\_\_\_\_

JAYA G PATEL  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES MAR. 23, 2016  
I.D.# 23/2131

12-11-2014