

# Sunrise Solar Solutions Unveils a Back-Up Solar Power System for Both Homes and Businesses

WHITE PLAINS

Sunrise Solar Solutions LLC recently unveiled the long-awaited sonnenBatterie battery back-up solar power system.

The release was at the recent Fall Westchester Home Show in White Plains. To ensure power reliability and cost efficiency, the battery features a unique power detection system that will sense outages in real-time and will automatically switch over to battery power, officials said.

The sonnenBatterie is available as a separate purchase. However, Sunrise has also created a more cost-efficient option with its special value-added offer that combines a complete solar system installation-and-battery package, including a 30 percent federal tax credit.

According to reports, the majority of home and business owners experience anxiety related to losing power, especially as it affects their ability to perform daily household and business tasks. Many say that portable generators are not reliable enough to alleviate their worries as they often break down, and require gasoline to run, some reports have stressed.

After Hurricane Katrina in 2005, studies found that 30-to-50 percent of people who survived suffered from Post-Traumatic Stress Disorder (PTSD). After Hurricane Sandy, more than 20 percent of residents reported PTSD, 33 percent reported depression and 46 percent reported anxiety, according to Fortune Magazine.

## Specifics

The sonnenBatterie is a 24/7 home energy storage solution that uses intelligent software to manage the energy needs of a home, every minute of every day, season after season. Officials said that, practically speaking, this means that homes are not only covered throughout the day, but that they are also able to use solar power at night.

And, should a power outage occur, sonnenBatterie has the capacity to keep users “humming along,” even during extended grid failures, officials added. The program is user-friendly and even features a downloadable sonnenApp where users can check their energy usage and production, anytime and from anywhere. Users, therefore, can monitor, analyze and take control from their smartphones or tablets, as much, or as little, as they like.

Said Sunrise President and Chief Executive Officer Douglas Hertz: “We have customers that have been asking and asking for the power assurance of a battery, and here we are! We’re really excited to be able to offer this now, and especially with such great savings included with the federal tax credit.”

Hertz added: “In addition to eliminating worries about getting caught in the dark or shivering in the cold, adding battery backup to solar installations is an important step to increasing grid resiliency and furthering the move toward clean energy.”

Further information can be obtained at [www.sunrisesolarllc.com](http://www.sunrisesolarllc.com), or by calling (914) 762-7622.

Sunrise Solar Solutions, headquartered in Briarcliff Manor, is the largest locally-owned and operated solar company in Westchester and the Hudson Valley, including northern New Jersey and Connecticut, officials said. Sunrise offers sales, design, and installation of state-of-the-art solar energy systems for both homes and businesses, officials added.

# FMG Awarded for Its Achievements in Property Management

By Jeff Hanley, IMPACT Editor

NEW YORK

Ferrara Management Group (FMG) of Armonk and New York recently received one of the most prestigious awards for companies involved in the property management sector.

The Greater New York Chapter of The Institute of Real Estate Management (IREM) awarded FMG with its “Accredited Management Organization of the Year Award” on Jan. 25. FMG received the award during IREM’s Annual Dinner and Awards Ceremony at 230 Fifth.

The Accredited Management Organization of the Year Award is issued by IREM on an annual basis to real estate management firms with a Certified Property Manager (CPM) in an executive position. The award is given to property management firms who achieve and display company-wide excellence in their daily operations, IREM officials said.

IREM officials added that firms who are selected to be honored at the annual event not only help advance the management industry by starting and sharing innovative business practices and initiatives, but also deliver “exceptional service and value” for their clients. Officials added that the awards “go hand-in-hand with IREM’s philosophy of maximizing real estate investment value, while promoting ethical business practices and superior management.”

Robert Ferrara, president and chief executive officer of FMG, accepted the award before more than 200 representatives of the building and realty industry.

FMG is a member of The Advisory Council of Managing Agents (ACMA) of The Building and Realty Institute of Westchester and The Mid-Hudson Region (BRI). Ferrara is a member of ACMA’s Board of Directors.

FMG officials said that its management team is comprised of dedicated experts “who are proactive, attentive, and responsive.” Officials added that each management associate at FMG shares Ferrara’s value of, and commitment to honesty, integrity, transparency and accountability.”

FMG is also a member of IREM, The Hudson Gateway Association of Realtors (HGAR), The New York State Association of Realtors (NYSAR), The National Association of Realtors (NAR), The Bronx Realty Advisory Board (BRAB), The New York Association of Realty Managers (NYARM) and The Hudson Valley Chapter of The Community Associations Institute (CAI).

Ferrara, a licensed New York State Real Estate Broker, said that he keeps FMG staff members well-informed of current trends, regulations and issues in the field of property management. He added that his firm “is committed to ethical and fair business practices.”

IREM is a property management membership association with 20,000 members. The organization, an affiliate of NAR, is dedicated to the advancement of real estate management, association officials said. Through training, professional development and collaboration, IREM officials said that the organization supports its members and others in the property management industry through every stage of their respective careers.

## Counselors’ Corner

# The Legal Issues as to an Emotional Support Animal Request – Part Three

By Kenneth J. Finger, Esq., Carl L. Finger, Esq. and Daniel S. Finger, Esq., Finger and Finger, A Professional Corporation, Chief Counsel, Builders Institute (BI)/Building and Realty Institute (BRI)

WHITE PLAINS

In regard to the New York State Human Rights Law, in order to establish a violation of that law, the complainant(s) must demonstrate that they are disabled and that because of their disability, it is necessary for them to keep the animal in order for them to use and enjoy the apartment.

In *Kennedy Street Quad, Ltd. v. Nathanson*, the Court said that it must be specifically demonstrated that “because of their disability it is necessary for them to keep the dog in order for them to use and enjoy the apartment....” In the case of *One Overlook Ave. Corp. vs. The Division of Housing and Community Renewal (DHCR)*, the court held:

“To show that a violation of the Human Rights Law occurred and that reasonable accommodation should have been made, the complainant must demonstrate that her son was disabled, that he was otherwise qualified for the tenant, that because of his disability it was necessary for him to use and enjoy the apartment, and that reasonable accommodations can be made to allow him to keep the dog.... Here, the complainant failed to demonstrate through either medical or psychological expert testimony or evidence that her son required a dog in order for him to use and enjoy the apartment. Accordingly, the respondent’s determination was not supported by substantial evidence.”

## Specifics

Thus, a Landlord can contend that the evidence must be that the dog is “essential” for the use of the apartment. See also *Contello Towers II Corp. V. N.Y.C. Dept. of HPD*. The Fair Housing Act and the Federal Regulations are noted herein. 24 CFR part 5, and the Department of Housing and Urban Development (HUD) Regulations in regard to HUD-assisted housing (PHA), provide that:

“Under both the Fair Housing Act and Section 504, in order for a requested accommodation to qualify as a reasonable accommodation, the requester must have a disability, and the accommodation must be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the person’s disability.”

Therefore, it is legitimate to argue that the Fair Housing Act PHA requirements also support the position that there must be at least an allegation or claim, and possibly proof that the accommodation is necessary for the use and enjoyment of the premises. Many complaints that we have seen ignore this requirement and merely argue that the dog is necessary to relieve anxiety, or help the person deal with “depression,” among other things.

As to the supporting medical/psychological /mental health support for the request, it is legitimate for a landlord/co-op to ask for the records of treatment as to the alleged condition to see if the mental health or other professional has been treating this person or if this is just a ploy where the tenant has paid a sum of money and obtained a letter /report which indicates the necessity for an emotional support pet.

And, sad to say, the internet is replete with those who, for a sum of money, whether they are professionals or not, will write a report to support the alleged “necessity” for an emotional support animal or dog, as the case may be.

As to the Fair Housing Act itself (Title VIII of the Civil Rights Act of 1968) it states that a landlord must make a “reasonable accommodation in the rules, policies, practices, or services when such accommodation may be necessary to afford such person equal opportunity to use and enjoy a dwelling” (emphasis added).

## A Local Case

In *Matter of Leibowitz vs. the Westchester County Human Rights Commission (WCHRC)*, a Westchester County case, after an extensive hearing after the WCHRC found “probable cause,” the ALJ found that “the Respondents did not engage in unlawful discriminatory conduct in relation to failing to grant Complainant’s request for permission to keep and maintain an emotional support animal in his apartment....” The WCHRC had found it had jurisdiction and that the Complainant “made out a prima facie case under the FHL....”

It is noted that the physician’s letter in *Leibowitz* which was presented to the Landlord’s attorney stated that the Complainant suffered from a medical condition and that the emotional support animal might alleviate his condition. A second letter from the doctor stated that the Complainant had a condition as defined in the ADA and that he prescribed the emotional support animal to help alleviate his difficulties and limitations regarding social interaction and coping with stress and anxiety. At the hearing, *Leibowitz’s* doctor testified that, among other things, the complainant suffered from a “major depressive disorder associated with moderate anxiety.” The ALJ cited the case of *Du Bois v. Assn of Apartment Owners of 2987 Kalakaua*, where the Court held, among other things, that to prove that a housing provider failed to reasonably accommodate a disability, a Complainant must prove, among other things, that 1) he suffers from a disability within the meaning of the FHA; 2) that the Landlord knew of the or reasonably should have known of the disability; and most importantly for this case, 3) the requested accommodation may be necessary to afford “an equal opportunity to use and enjoy the dwelling.”

While the “use and enjoyment” of the housing dwelling appears to be the linch-pin of a determination, that does not even deal with the issue of whether or not the alleged impairment “substantially limits one or more major life activities,” which one can contend also has to be shown and proven. The ALJ also cited *Auburn Woods I Homeowners Assn. vs. Fair Employment and Housing Commission* where the Court found that there was not “abundant evidence” that a dog would improve Complainant’s use and enjoyment of his home. In the *One Overlook* case, the Court found that:

Here, the complainant failed to demonstrate through either medical or psychological expert testimony or evidence that her son required a dog in order for him to use and enjoy the apartment... (see *Matter of Lahey vs. Kelly*, 71 N.Y.2d 135, 524 N.Y.S.2d 30, 518 N.E.2d 924; 300 Gramatan Ave. Assoc. vs. State Div. of Human Rights, 45 N.Y.2d 176, 180, 408 N.Y.S.2d 54, 379 N.E.2d 1183).



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Continued on p. 4

# NAHB Commends Trump's Infrastructure Plan

By Jeff Hanley, IMPACT Editor

WASHINGTON, D.C.

The National Association of Home Builders (NAHB) recently commended President Trump's \$1.5 trillion infrastructure plan to rebuild and revitalize what is consistently termed as "the nation's aging transportation network."

The approval came from NAHB on Feb. 12.

"This package includes a number of provisions that are designed to spur economic and job growth that will also boost the housing sector," said NAHB Chairman Randy Noel, a custom home builder from LaPlace, La. "Specifically, it will streamline the regulatory and permitting process to get new projects off the ground, place an emphasis on vocational training and delegate authority back to state and local governments."

NAHB officials said that the plan expedites environmental reviews by giving the Army Corps of Engineers primary authority to make jurisdictional determinations under the Clean Water Act (CWA) and removing the Environmental Protection Agency's (EPA's) authority to veto a CWA Section 404 Permit.

Improvements to the CWA Section 404 Permit Program are particularly important to home builders that rely on them to authorize impacts to wetlands and streams as a result of residential developments, utility lines and linear transportation projects, among other activities, NAHB officials added.

The proposal, NAHB spokesmen said, also contains a number of initiatives to help to alleviate the severe labor shortage in the residential construction industry. It would expand Pell Grants (a federal program that provides need-based grants to low-income undergraduate and certain post-baccalaureate students to promote access to post-secondary education). It would also alter the Carl D. Perkins Career and Technical Education Program to increase funding to high schools "to promote strategies such as apprenticeship, work-based learning and dual-enrollment," NAHB officials said.

"A robust transportation system that enables people to live near where they work will benefit housing and the economy," said Noel. "We urge Congress to support the president's infrastructure initiative."

## A Local Look

Officials from The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region recently announced that the association's Mar. 8 General Membership Meeting will feature a panel discussion on infrastructure issues in the region.

The meeting is scheduled for a 6 p.m. start. It will be at The Crowne Plaza Hotel in White Plains. Panel members scheduled to appear at the program include Ross Pepe, president of The Construction Industry Council of Westchester and The Hudson Valley (CIC), as well as Professional Engineers (PE's) Dolph Rotfeld and Ed Plotkin.

The BI-BRI is a building, realty and construction industry membership organization. The association has more than 1,800 members in 14 counties of New York State. Those members are involved in virtually every sector of the building, realty and construction sector, association officials said.

## Report: Housing Market Makes Modest Gains Even as Permits Slip, Continued from p. 1

have shown an improvement year over year, the study added.

NAHB officials cited that two of the three individual components of the LMI registered healthy readings. Employment is at 98 percent of normal activity and home price levels are well above normal at 158 percent. Single-family permits, however, are running at only 56 percent of normal activity, according to the report.

## A Good Indicator

In an encouraging sign, the study said, employment levels are at, or above, normal activity in 128 markets, a 8.5 percent rise over last quarter. But, the report added, permit levels are at, or above normalcy, in only 62 markets and dropped 7.5 percent from the third quarter of 2017.

"The number of markets on this quarter's LMI at or above 90 percent has risen to 274, more than 81 percent of all metro areas," said Kurt Pfothenhauer, vice chairman of First American Title Insurance Company, which co-sponsors the LMI report. "This shows that the overall market continues to make modest, but consistent gains."

## Key Data

Baton Rouge, La., continues to top the list of major metros on the LMI, with a score of 1.71, or 71 percent better than its historical normal market level, the report said. Other major metros leading the group include Austin, Tex.; Honolulu; Oxnard, Cal.; and Provo, Utah. Rounding out the Top 10 are San Jose, Cal.; Nashville; Spokane, Wash.; Los Angeles; and Salt Lake City.

Among smaller metros, Odessa, Tex. has an LMI score of 2.15, meaning that it is now at more than double its market strength prior to the recession of 2008-2009. Also at the top of that list are Midland, Tex.; Walla Walla, Wash.; Florence, Ala.; and Gadsden, Ala., the study said.

**"This package includes a number of provisions that are designed to spur economic and job growth that will also boost the housing sector. Specifically, it will streamline the regulatory and permitting process to get new projects off the ground, place an emphasis on vocational training and delegate authority back to state and local governments."**

— NAHB Chairman Randy Noel

NAHB officials said that the LMI examines metro areas to identify those that are now approaching and exceeding their previous normal levels of economic and housing activity. Approximately 340 metro areas are scored by taking their average permit, price and employment levels for the past 12 months and dividing each by their annual average over the last period of normal growth.

For permits and employment, both the 12-month average and the annual average during the last period of normal growth are also adjusted for the underlying population count, NAHB spokesmen said. For single-family permits and home prices, 2000-2003 is used as the last normal period. For employment, 2007 is the base comparison. The three components are then averaged to provide an overall score for each market. A national score is calculated based on national measures of the three metrics. An index value above one indicates that a market has advanced beyond its previous normal level of economic activity, NAHB officials added.

## The Local Scenario

Representatives from the building, realty and construction industry of the Westchester and Mid-Hudson Region said some components of the report reflect conditions in their region.

"Builders remain somewhat upbeat as some areas of our region continue to experience steady work levels," said Albert Annunziata, executive director of The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and The Mid-Hudson Region. "But there are negatives that are definitely continuing to affect our region - labor shortages, the rising prices of materials, the lack of land and anti-industry regulations."

## Housing Will Continue to Gain Ground in 2018, Continued from p. 1

Home remodeling, meanwhile, is posting strong market conditions, due in part to strong demand in the wake of the terrible hurricane and wildfire season in 2017. Residential remodeling activity is expected to register a 7 percent gain in 2018 over last year, NAHB officials said.

## Healthy Housing Markets

Delving beneath the national numbers, David Berson, senior vice president and chief economist at Nationwide Insurance, said the vast majority of local housing markets are healthy and faring well.

Berson lists 324 markets as positive, 69 as neutral and just seven as negative. While job gains, household formations and mortgage markets still look good, he noted that rapid price increases are concerning.

Comparing current conditions with the housing boom a decade ago, Berson noted that the market is supply constrained today, but wasn't during the boom. And mortgage credit, while more readily available than just a few years ago, remains far limited relative to the market peak in 2007, he said.

While he anticipates a slightly more rapid rise in mortgage interest rates this year, Berson said it should not hurt housing activity.

"Mortgage rates are expected to rise from 4 percent to 4.5 percent by the end of the year," he said. "However, housing demand remains strong and wages are solid, and this will more than offset the negative effects from rising rates."

## Home Prices Up, Affordability Down

CoreLogic Chief Economist Frank Nothaft also expects mortgage interest rates and home prices to post moderate increases in 2018, which, in turn, will lessen housing affordability.

Like Berson, Nothaft expects that the benchmark 30-year fixed-rate mortgage will average 4.5 percent by the end of the year.

"Higher rates are not just a gradual erosion of affordability, but also impact owner mobility," said Nothaft. "That has implications on the overall inventory for sale. Supply has been tight and for-sale inventory will continue to remain tight."

The ongoing tight inventory in the housing market will cause home and rent price growth to outpace inflation, he added, with nationwide home prices rising an average five percent and rental prices posting a three percent increase.

The biggest growth for new home sales are occurring in the South and West, where many of these metro areas have good job growth, good affordability and good weather. Nothaft listed Houston, Dallas, San Antonio, Austin, Phoenix, Atlanta and Charlotte as the top seven major markets in terms of new home sales.

Nothaft also reported that overall mortgage delinquency and foreclosure rates are at their lowest levels in more than a decade, but that is a different story for markets pummeled by last year's devastating hurricanes.

"Houston's delinquencies almost doubled year-over-year and that is due almost entirely to Hurricane Harvey," he said.

## The Legal Issues as to an Emotional Support Animal Request - Part Three, Continued from p. 3

### Current Trends

At this time, the case law as interpreted in Leibowitz favors the Landlord or Cooperative. However, the various agencies charged with processing complaints take the position that they are not bound by that case and will apparently, for the time being, continue to ignore the "use and enjoyment" of the dwelling requirement and lean over backwards for a party claiming the necessity of an emotional support dog.

For a landlord or a cooperative, it then becomes a business decision as to whether or not to fight a case that it knows is not one where the person truly needs an emotional support animal or capitulate to the demand. More cases will surely follow.

*Editor's Note: The authors are with Finger and Finger, A Professional Corporation. The firm, based in White Plains, is Chief Counsel to The Builders Institute (BI)/Building and Realty Institute (BRI) of Westchester and the Mid-Hudson Region.*

## The CCAC Offers A Solution to the "Wish Lists" of Board Members of Our Area's Co-ops and Condos!, Continued from p. 2

with government officials to stay informed of any laws, regulations or proposals that may affect co-ops and condos.

◆ **Education** – The CCAC is proud of its continuing efforts to educate board members in every aspect of governing and managing co-ops and condos. Experts in real estate, law, insurance and utilities participate in our many programs. The CCAC has sponsored hundreds of membership meetings and seminars in recent years. They are very well-attended, with usually more than 70 members of the CCAC/BRI in attendance. Our programs consistently receive positive reviews.

◆ **Negotiations with Service Workers** – Many co-ops and condos in our area draw heavily on the services of union workers. Board members of co-ops and condos are often called upon to deal with those workers in an effort to provide efficient, well-running services for the residents of the co-op or condo community. The CCAC is well equipped to negotiate with Local 32/B-J Service Employees International Union (SEIU), which represents building superintendents, handymen and porters. The CCAC/BRI retains experts in labor negotiations to help those efforts. Your building or complex can join with more than 400 buildings and complexes in the unified negotiating unit of the BRI. The unit will represent your building or complex in an experienced and cost-efficient manner.

All of the previous content leads me to my next question – why is your co-op or condo not a member of the CCAC? There is no better investment that your facility can make (the Annual Membership Fee is \$300, plus \$.50 per unit). That investment will allow you access to the CCAC/BRI, an experienced and valuable resource, on a virtual 24/7 basis.

The following quote from Kathleen Jensen-Graham, a member of the CCAC and a member of the CCAC's Board of Directors, says it all: "The entire BRI/CCAC staff is the most knowledgeable, efficient and affable group of people, and I am fortunate to be associated with all of them. Albert Annunziata (executive director) and Jeff Hanley (associate executive director) are definitely my go-to guys."

I have a few further words for non-members of the CCAC – join today and you will be able to discard those "Wish Lists!"