

# Building Knowledge with the BRI Now On WVOX 1460 AM



Jeff Hanley, BRI

An IMPACT Staff Report

## NEW ROCHELLE

One of New York State's leading business groups recently introduced its official radio show.

"Building Knowledge with The Building and Realty Institute (BRI)" made its debut on Friday, Jun. 2, on WVOX 1460 AM. The show - which will highlight members of the association and their respective contributions to the building, realty and construction industry - will run on Fridays from 11:30 a.m. to 12 noon, BRI officials said. Jeff Hanley, associate executive director of the BRI, is serving as the host of the program.

"We are very excited about the show and the opportunities it offers our members, as well as

our organization," said Albert Annunziata, executive director of the BRI, also known and operating as The Builders Institute (BI). "We are grateful to WVOX for giving us this great opportunity."

Annunziata added that many members of the BI/BRI have made significant contributions to the building, realty and construction industry, as well as to the overall business community of the Westchester and Mid-Hudson Region.

He said those achievements will be cited on the program.

"And, from time-to-time, the show will also feature representatives of the overall business sector of our area," Annunziata said.

The BI-BRI is a building, realty and construction industry membership organization. The association, based in Armonk, 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 industry, association officials said.

## Co-op and Condo Corner, Continued from p. 2

Please know that it is a pleasure, a true "labor of love" for the CCAC's Board of Directors to plan the events of our association.

And please know that our board - and our staff - truly appreciates the continued support of the CCAC and BRI memberships. The CCAC's Membership Meetings in recent years have produced a series of impressive records for member attendance. For that, and for all of the support that the respective CCAC and BRI memberships has issued at our programs and to the CCAC, here is most sincere thank you.

Our board wishes you all a happy, healthy and productive summer. As always, you will hear from us on all key matters in the days ahead!

## The Vendor Showcase of the BI-BRI Is Set for Oct. 5, Continued from p. 1

every membership sector of the BI-BRI, a building, realty and construction industry membership organization with more than 1,800 members in 14 counties of New York State.

BI-BRI spokesmen said that the 2016 showcase was the first of its kind in the 70-year history of the organization, since it featured many sectors of the association's diverse building, realty and construction industry membership base. More than 40 Vendors wishing to promote their services and products to that membership base participated in the event. The showcase was termed as a tremendous success by most vendors and attendees, BI-BRI officials added.

Maggie Collins, event coordinator of the showcase and the director of membership for the BI-BRI, said details on the 2017 event will consistently be sent to members of the organization in the weeks ahead.

"We urge companies wishing to exhibit at this year's event to respond as soon as possible," Collins said. "The response to the 2016 showcase was tremendous. We expect the same to happen this year."

## Details

BRI officials said the fees for Exhibitors are:

**\$325 for BI-BRI Members; \$525 for Non-BI/BRI Members;**

After Aug. 15, the fees are:

**\$350 for BI-BRI Members; \$550 for Non-BI/BRI Members.**

Further information can be obtained by calling Collins at the BI-BRI offices, at (914) 273-0730. Those interested can also contact Collins at maggie@buildersinstitute.org.

Based in Armonk, the BI-BRI was formed in 1946. Members of the association are involved in virtually every sector of the building, realty and construction industry, association officials said.

## Counsels' Corner

### Legal Support for an Emotional Support Animal Request - Part One

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

#### WHITE PLAINS

It is a rare Cooperative, or Landlord, who has not received a request for an exception to the ordinary "no pet" or "no dog" policy set forth in most leases by reason of an alleged necessity due to the tenant / shareholder / resident's need for an emotional support animal.

An emotional support animal is to be distinguished from a "service" animal, such as a seeing-eye dog which has virtually unanimous acceptance wherever requested. This article will not deal with that situation, but is limited to emotional support animals.

Unfortunately, a "cottage industry" has developed where for the payment of a relatively minor sum of money, a person wanting a pet can get a letter that for their "anxiety," or "depression," or other claimed "emotional" need, for a minimal payment to various professionals and non-professionals holding themselves out to be qualified to opine as to the necessity for an emotional support pet they can obtain a letter, or opinion, that they meet the legal requirements for the "reasonable accommodation" for an emotional support animal.

Some of these letters are legitimate with reference to treatment for valid conditions and others are merely a ploy. The difficulty, of course, is determining which is which.

Frequently, after the first letter from the resident, the Board of Directors/ Landlord will reject the application predicated on nothing more than enforcement of the "no pet" policy. We believe that this "knee-jerk" reaction is unfortunate because there are legitimate reasons for declining, but generally only after further investigation.

If the request is not supported by proper medical / mental health professional verification and specific information as to the need, a further inquiry might be called for. Our office has developed a questionnaire and information request which could lead to a legitimate acceptance and/or refusal.

If there is an "automatic" rejection (without such further required details), the next contact may be after a complaint from the resident, either to the federal, state or county government, from the Westchester County Human Rights Commission, established under the Westchester County Fair Housing Law. The WCHRC takes the position (rightly or wrongly) that standards are more lenient and favor the complainant in the case of an emotional support animal matter and the WCHRC only requires that the complainant furnish a letter from a health care provider regarding the mental disability in question.

Under those circumstances, the WCHRC has been known to take the matter further and would likely make a finding of probable cause of disability discrimination if the matter is not conciliated. This involves a formal legal complaint, answer and possibly a hearing, if there is no conciliation.

Conciliation, of course, would give the Landlord/Cooperative the opportunity to work out a mutually satisfactory resolution, which, of course, would in some fashion provide for the resident to have an animal as requested. An alternative might even be to terminate or buy out the lease, but in such cases the WCHRC has to be a signatory to such an agreement.

Certainly, given the substantial legal consequences, any entity facing this issue should consult with its legal counsel as to an appropriate response. This, of course, presumes that the entity has a no pet policy, which in Westchester has to be exercised within 90 days of the date of knowledge of the existence of the pet. Presuming that legal action is timely commenced, the entity should then engage the above recommendations.

## No Pet Clauses

New York Courts have long recognized the validity of "no-pet clauses" in leases, and harboring a pet when a lease contains a "no-pet clause" constitutes a substantial breach of the lease agreement.

Acceptance of the rent over a period of time after discovery of the pet still does not render the "no-pet clause" unenforceable. Landlords may also selectively enforce the "no-pet clause." However, in Westchester, as well as in New York City, a legal action has to be brought within 90 days after the Landlord is on notice that there is a pet in an apartment in violation of the lease clause.

## New York State Human Rights Law

To show that a violation of the New York State Housing Rights Law (NYSHRL) occurred and that a reasonable accommodation should have been made with respect to a residence, the complainant must demonstrate through either medical or psychological expert testimony or evidence that she is qualified for the tenancy, that because of her disability it is necessary for her to keep the dog in order for her to use and enjoy the apartment, and that reasonable accommodations can be made to allow her to keep the dog.

By law, a landlord is required to make "reasonable accommodations" to its rules so that disabled persons have "equal opportunity to use and enjoy" the rented premises (Exec Law § 296 [2-a][d][2]). Failure to do so is an unlawful discriminatory practice (Exec Law § 296 [2-a]). See also the Fair Housing Act, and the Americans with Disabilities Act (42 USC § 12112[d][2][A]). The definition of "disability" in the Americans with Disabilities Act is the same as the definition of "handicap" under the Fair Housing Act (compare 42 USC § 12102[2][A] with 42 USC § 3602[h][1]).

There are basically two key inquiries. The first is as to whether or not the person is actually disabled within the meaning of the law. The second is whether the dog or service animal is necessary for the "disabled person" to use and enjoy the apartment."

In Part 2, to be published in the next issue of Impact, we will discuss the Westchester County Human Rights Law, the finding of a "disability," and further aspects of the Emotional Support Animal Request.

**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.



Ken Finger



Carl Finger



Dan Finger



**Robert Brake**  
Commercial Investment Associate

**T SQUARE PROPERTIES, INC.**  
56 Lafayette Avenue  
White Plains, NY 10603

Phone: (914) 328-7511  
Cell: (914) 417-8249  
robert@tsquareproperties.com  
www.tsquareproperties.com

Commercial Real Estate Services

Construction Management, General Construction, Site Development

OFFICE: 914.345.6799 | CELL: 914.806.1562  
297 Knollwood Road | White Plains, NY 10607

**VICTORIA BRUNO**  
BUSINESS DEVELOPMENT  
MANAGER

WINNERS OF Inc 5000

WWW.KINGSCAPITALGROUP.COM

VICTORIA@KINGSCAPITALGROUP.COM

**MID-WESTCHESTER SEWER & DRAIN**

- Power snaking
- High velocity sewer jetting
- Camera inspections
- Underground pipes located
- Problem lines diagnosed

Veteran owned & operated since 1976.

24 Hour Emergency Service  
**(914) 478-4375**  
www.YourLocalDrainMan.com

- Sewer line maintenance
- Flooded basements pumped
- Frozen pipes thawed
- Fully insured