

DISTRICT OF COLUMBIA COURT OF APPEALS

Rutland Court Owners, Inc. v. Taylor

997 A.2d 706 (D.C. 2010) · No. 09-CV-46 · Decided July 8, 2010

SUMMARY

The District of Columbia Court of Appeals affirmed a judgment denying possession of a cooperative apartment after the cooperative revoked the shareholder-tenant's shares. The court held that the Fair Housing Act required consideration of a reasonable accommodation for the tenant's mental disabilities, including additional time and professional assistance to clean and exterminate his unit. Because the accommodation was ultimately implemented with court assistance and the cooperative failed to show an unmanageable health or safety threat, the judgment was affirmed.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | District of Columbia Court of Appeals                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Nebeker, Senior Judge; Reid, Associate Judge; Kramer, Associate Judge                                                                                                                                                                              |
| JURISDICTION          | District of Columbia                                                                                                                                                                                                                               |
| DECIDED               | July 8, 2010                                                                                                                                                                                                                                       |
| DOCKET                | 09-CV-46                                                                                                                                                                                                                                           |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Rutland Court Owners, Inc. appealed after a bench-trial judgment denying its action for possession of Taylor's cooperative apartment. The trial court concluded that Taylor was entitled to a reasonable accommodation under the Fair Housing Act. |
| STANDARD OF REVIEW    | Legal determinations are reviewed de novo; factual findings are accepted unless clearly erroneous. The judgment based on the facts will not be disturbed unless plainly wrong or unsupported by evidence.                                          |
| PRECEDENTIAL VALUE    | published opinion                                                                                                                                                                                                                                  |
| PARTIES               | Rutland Court Owners, Inc. v. William Taylor                                                                                                                                                                                                       |

TOPICS

- reasonable accommodation
- ada / disability
- landlord tenant
- eviction
- appellate procedure

## PRACTICE AREAS

Fair Housing Act    disability discrimination    reasonable accommodation    cooperative housing  
possession and eviction

## QUESTIONS PRESENTED

1. Whether Taylor established a Fair Housing Act defense based on the denial of a reasonable accommodation for a disability.
2. Whether a request for reasonable accommodation must be made in a particular form or include a detailed proposal.
3. Whether the Fair Housing Act's direct-threat exception defeated Taylor's reasonable-accommodation defense.
4. Whether the trial court erred in denying possession after the cooperative revoked Taylor's shares.

## HOLDINGS

1. Taylor established the elements of a reasonable-accommodation defense: disability, the cooperative's knowledge of the disability, necessity of the accommodation, reasonableness, and refusal by the cooperative.
2. A request for a reasonable accommodation need not be made in any particular form and need not contain a detailed proposal for the accommodation.
3. The direct-threat exception does not eliminate the duty to provide a reasonable accommodation until the court evaluates whether an accommodation could sufficiently protect the health, safety, and property of others.
4. The judgment denying possession was proper because the cooperative's failure to provide the reasonable accommodation constituted a discriminatory act, and the accommodation was ultimately accomplished.

## KEY QUOTATIONS

*"To establish a defense claim to an eviction based on the denial of reasonable accommodation under the Fair Housing Act, the tenant must show (1) a disability, (2) that the landlord knew or should have known of the disability, (3) that an accommodation is necessary for the use and enjoyment of the apartment, (4) that the accommodation is reasonable, and (5) that the landlord refused the accommodation."* (997 A.2d at 711)

*"However, as the trial court noted, the request for an accommodation need not be in any particular form."* (997 A.2d at 712)

*"On these facts, it is disingenuous to argue that the accommodation could not reasonably be granted when it has already been fully implemented under the guidance of the court."* (997 A.2d at 713)

## FACTUAL BACKGROUND

Taylor had occupied a cooperative apartment since 1972 and suffered from bipolar disorder, post-traumatic stress disorder, and mood instability that impaired his motivation, organization, concentration, and ability to complete

tasks. After a bedbug infestation arose in the building, Taylor expressed concerns about the proposed extermination, had difficulty cleaning and preparing his cluttered apartment, and requested additional time and assistance. The cooperative revoked his shares and sought possession without providing the requested accommodation, while the trial court ultimately supervised cleaning and extermination over several months, enabling Taylor to return to the unit.

## PROCEDURAL HISTORY

The cooperative revoked Taylor's shares after disputes concerning access to and preparation of his apartment for bedbug extermination and then sued for possession. After a bench trial, the Superior Court of the District of Columbia denied possession, finding that Taylor was protected by the Fair Housing Act and that additional time and professional assistance to clean and exterminate the apartment constituted a reasonable accommodation. The court later supervised cleaning and extermination efforts, after which Taylor returned to the unit. The Court of Appeals affirmed.

## DISPOSITION

affirmed

## CASES CITED

- Lawlor v. District of Columbia, 758 A.2d 964, 974 (D.C. 2000)
- Langon v. Reilly, 802 A.2d 951, 953 (D.C. 2002)
- Douglas v. Kriegsfeld, 884 A.2d 1109, 1115-16, 1119, 1121-22, 1125, 1129, 1131 (D.C. 2005)
- Radecki v. Joura, 114 F.3d 115, 116 (8th Cir. 1997)

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