

The Cuddle Effect

By: Matthew Dietz



Cuddles, the Persian cat, was worth a million dollars to Izak Teller and his wife, Barbara. Because of Cuddles, they were rejected from the ability to live in a fully renovated unit overlooking the Intercoastal in Palm Beach, and bought a less desirable unit that they were required to renovate. The matter settled, and the Tellers received a settlement of \$275,000 to vindicate their rights under the Fair Housing Act. This equates to an amount that is worth twice of Cuddles' weight in gold.

Cuddles was Barbara's emotional support animal. For over 20 years, Barbara suffered from spinal injury which caused her extreme pain and limited her mobility. This caused her significant pain, depression and anxiety. She found that having Cuddles reduced her anxiety and depression, and lessened her reliance on psychotropic medication. In 2011, Izak Teller was diagnosed with stage three colon cancer, and while recovery from stage three cancer is difficult, with the support of Cuddles, Izak pulled through and was cured.

In 2011, Izak and Barbara wanted to live at the Cove, a luxury apartment in Palm Beach. The apartment was fully renovated and move-in ready, with a cabana. It was the deal of a lifetime and too good to pass up, but it had a no pets rule. Izak and Barbara contracted for the apartment and advised the condominium association, as they had done in previous apartments, that Cuddles was Barbara's support animal, and permitted under the Fair Housing Act. Cuddles did not leave the apartment, and as demonstrated above, slept for much of the day. He was a house cat.

However, an owner, an attorney from New York, who lived on the same floor said no. She did not want Cuddles, and since she was allergic to cats, if Cuddles was allowed to move in, then she was going to sue. The Cove Condominium Association was in a difficult position - between a cat and a New York lawyer. The condominium sided with their resident under threat of a lawsuit and said no to the Tellers. The Tellers lost the deal and bought a condominium without a cabana in

Palm Beach, and spent a considerable sum renovating the condominium. Izak Teller did much of the renovation himself, despite being treated for stage four cancer, but they still were with Cuddles.

While the Cove was in an unenviable position – between a house cat and a New York lawyer—the Fair Housing Act requires a housing provider to make reasonable accommodations in no pet rules when it is necessary to afford the person an equal opportunity to use and enjoy a dwelling. The only defense a housing provider can have is if the accommodation would be a fundamental alteration of the housing provider's programs or services or if it would be an undue financial or administrative burden. There is no determination of whether the housing provider intentionally discriminated based on the person's disability.

The neighbor who threatened to sue admitted to exposing herself to cats, cat dander and cat hair when she visits a friend's apartment and when a friend who owns a cat visits her in her home. The neighbor takes an antihistamine which alleviates her symptoms and she has not had adverse side effects. As such, Cuddles the Cat would not have an undue burden to her or any other resident of the Cove Association. However, even if the neighbor was highly allergic to cats, the Tellers explained that Cuddles is a house cat, and that because each apartment had an individual air condition unit that is separate from the building air conditioning, the cat hair or dander would not affect any other tenant. Further, the cat will be brought to the unit in a closed carry case and will stay in the unit with Mrs. Teller; and any allergist would not be able to testify with reasonable medical certainty that the board member's allergies could be affected under these circumstances.

On or about February 28, 2012, Plaintiffs filed a complaint with the Palm Beach County Office of Equal Opportunity ("OEO") and the U.S. Department of Housing and Urban Development ("HUD") related to this matter. On October 26, 2013, the Palm Beach County Office of Equal Opportunity and HUD issued a finding of Cause against The Cove. Subsequently, the Disability Independence Group, and the law offices of Herb M. Milgrim, P.A. brought an action on behalf of the Tellers in Palm Beach Circuit and obtained a \$275,000 settlement through mediation.

In November, Cuddles passed away after her own illness, and he will be fondly remembered by all who knew her.