

STATE OF NEW JERSEY  
 DEPARTMENT OF LAW & PUBLIC SAFETY  
 DIVISION ON CIVIL RIGHTS  
 DOCKET NUMBER: HQ14CC-66789  
 HUD NUMBER: 02-189511-8

Nathan Reiss,

Complainant,

-vs-

The Enclave at The Fairways  
 Home Owners Association Inc.,

Respondent.

NEGOTIATED SETTLEMENT  
 AGREEMENT

**WHEREAS**, the named Complainant, Nathan Reiss filed a Verified Complaint with the New Jersey Division on Civil Rights alleging that the named Respondent, The Enclave at the Fairways Home Owners Association Inc., has committed unlawful housing discrimination, in that Complainant asserts that he is being denied a religious accommodation of having the Damiano Way pedestrian gate unlocked during the Sabbath and religious holidays. Complainant also alleged that Respondent has a guest policy that requires day-of-visit notice to the guard house for temporary guests, which would not allow him to advise Respondent of his guest(s) during the Sabbath.

**WHEREAS**, the named Respondent, The Enclave at the Fairways Home Owners Association Inc, is a not for profit corporation registered in the State of New Jersey having a facility located at .65 Enclave Boulevard, Lakewood, New Jersey and as such is subject to the provisions of N.J.S.A. 10:5-1 et seq.; and

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**WHEREAS**, the named Respondent does not admit and expressly denies that an act of unlawful discrimination occurred; and

**WHEREAS**, the Director of the Division on Civil Rights has not made any findings based upon the merits of this matter; and

**WHEREAS**, both parties desire to resolve the matter without the necessity of further litigation and enter this agreement voluntarily.

**NOW THEREFORE**, it is on this 27<sup>th</sup> day of Feb 2019 agreed between the parties heretofore mentioned that:

1. Respondent, The Enclave at Fairways Home Association, Inc, shall continue to comply with the provisions of N.J.S.A. 10:5-1 et seq.
2. Respondent agrees that within ten days of the complete execution of this agreement it will unlock the Damiano Way pedestrian gate as follows and as set forth in Schedule A attached hereto:
  - a. On Fridays, from one (1) hour before sunset until 12:00 a.m. midnight.
  - b. On Saturdays, from 4:00 a.m. until two (2) hours after sunset.
  - c. Except as set forth in sub-section (d) immediately below, on Jewish Holy Days from one (1) hour before sunset until 12:00 a.m. midnight on the day prior to the first day of the holiday, from 4:00 a.m. until 12:00 a.m. midnight on the first day of the holiday, and from 4:00 a.m. until (2) hours after sunset on the final day of the holiday. If the day prior to the first day of the holiday is a Saturday, then regular

Saturday hours as outlined in (b) shall control, and the rest of the holiday will adhere to the Holy Days schedule as outlined herein. If the second day of the holiday is a Saturday, then regular Saturday hours as outlined in (b) shall control, and the rest of the holiday will adhere to the Holy Days schedule as outlined herein. On Yom Kippur, which is a one-day holiday, the gate shall be unlocked from one (1) hour before sunset on the day prior to Yom Kippur until 12:00 a.m. midnight, and from 4:00 a.m. until two (2) hours after sunset on Yom Kippur. The Jewish Holy Days for 2019 will take place on the dates listed below. Plaintiffs or their designee will provide an updated list of dates for the Jewish Holy Days each year.

d. The gate shall be unlocked until 2:00 am on the night preceding the "First Days" of Pesach, and on the following evening.

e. During daylight savings time, when many of the Plaintiffs begin the Sabbath early, the gate shall be unlocked at the earlier of 6:00 p.m. or (1) hour before sunset.

3. Respondent also agrees that within ten days of the complete execution of this agreement, it will communicate to the Association members that guests of Association members who have not been previously registered may be permitted to enter through the main gate on Massachusetts Avenue and or the Damiano Way Pedestrian Gate if they are attempting access in observance of the Sabbath or the Jewish holidays as outlined in paragraph 3 above, thereby allowing an exception of their same day notice policy.

## SCHEDULE A

### Sabbath and Holiday Pedestrian Damiano Door Opening and Closing Times

<i>Sabbath</i>	Pedestrian Door Open	Pedestrian Door Close
Friday	One hour prior to sunset*	Midnight
Saturday	4:00am	Two hours after sunset

#### *Yom Kippur*

Day prior	One hour prior to sunset*	Midnight
Day of	4:00am	Two hours after sunset

#### *Two day holiday*

Day prior to onset	One hour prior to sunset*	Midnight
First day	4:00am	Midnight
Second day	4:00am	Two hours after sunset

#### *Sabbath followed by two day Holiday*

Friday	One hour prior to sunset*	Midnight
Saturday	4:00am	Midnight
Sunday (First day of holiday)	4:00am	Midnight
Monday (second and last day of holiday)	4:00am	Two hours after sunset

#### *Two day holiday followed by Sabbath*

Wednesday	One hour prior to sunset*	Midnight
Thursday (First day of holiday)	4:00am	Midnight
Friday (Second and last day of holiday)	4:00am	Midnight
Saturday (Sabbath)	4:00am	Two hours after sunset

#### *First day of holiday on Sabbath*

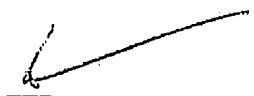
Friday	One hour prior to sunset*	Midnight
Saturday (Sabbath and first day of holiday)	4:00am	Midnight
Sunday (Second and last day of holiday)	4:00am	Two hours after sunset

#### *First day of holiday on Sabbath*

Pesach - First Days	4:00am	2:00a.m.
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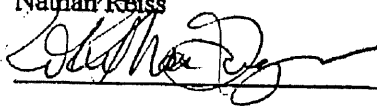
\* or 6:00pm during DST - Whichever is earlier

This Negotiated Settlement Agreement shall operate as a complete and final disposition of the aforesaid Verified Complaint, and the complaint filed with the U.S. Department of Housing and Urban Development.

  
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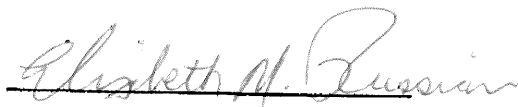
DATED 2-26-19

Nathan Reiss

  
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DATED 2-26-19

The Enclave at The Fairways Home  
Owners Association.

  
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DATED 2-27-2019

Elizabeth Russian, Housing Unit Manager