

New Jersey Law Against Discrimination Protects Autism Non-Profit in Land Dispute

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The New Jersey Appellate Division, in a landmark ruling — [Oasis Therapeutic Life Centers, Inc. v. Wade et al.](#), (December 10, 2018) — upheld a real estate purchaser’s right to assert a claim under New Jersey’s Law Against Discrimination (the LAD) against the purchaser’s prospective neighbors who discriminated against the purchaser because of the disability of the person intending to live on the premises, even if the purchaser (e.g., a charitable entity created to assist members of the protected class) does not fall within the protected class itself.

The decision paves the way for Proskauer lawyers [Alychia Lynn Buchan](#), [Maryssa A. Mataras](#), [Evelyn Pang](#) and I to continue litigating this matter, which was previously dismissed.

Our client, Oasis Therapeutic Life Centers, Inc. (Oasis), is a nonprofit organization providing residential and vocational opportunities and training to autistic individuals. Oasis also creates temporary and long-term group homes in farm-like settings for autistic young adults, where these individuals can live and work.

Oasis’s proposed amended complaint alleges a campaign by a group of neighbors to block Oasis from acquiring a certain property in Middletown, New Jersey, based on their stated fear that allowing autistic individuals in “their neighborhood” would lower their property values and make the area unsafe. In particular, the complaint alleges that the neighbors (a) sabotaged Oasis’ effort to obtain a \$600,000 grant to offset the purchase price of the property, (b) induced the property owner to terminate his initial contract to sell the property to Oasis, (c) pressured the property owner to terminate his renewed offer to sell the property to Oasis, and (d) engaged in a host of retaliatory actions against Oasis when it successfully purchased the property, including dumping hundreds of pounds of manure on the property and other acts of vandalism.

On an issue of first impression, the Trial Court dismissed Oasis' LAD claims on a variety of grounds, including standing, failure to state a claim, and that the neighbors' conduct was protected speech under the First Amendment and the Noerr-Pennington doctrine. In short, the Trial Court held that the LAD was not intended to and did not apply to what it characterized as a "neighbor-on-neighbor" dispute.

The Appellate Division unanimously reversed the Trial Court's ruling and reinstated Oasis' LAD claims as well as its tortious interference claims. Quoting from Proskauer's brief, the Appellate Court stated that "[w]e agree with Oasis that '[w]hile [d]efendants are free to get up on their proverbial soapbox and make public their negative views about people afflicted with autism, such expression loses its First Amendment protection when it is used as [a] vehicle for discriminatory conduct that violated the LAD and the State's interest in eliminating discrimination.'"

This decision is significant for the Court's clarity in defining the LAD's "overarching goal" as "nothing less than the eradication of the cancer of discrimination," and for its application nationwide — under the individual states' respective anti-discrimination statutes — against those trying to prevent members of a protected class from moving next door.

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