

#### **18.84.110 Reasonable accommodation.**

This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

(a) **Applicability.** A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a requirement of this title or other ~~city~~City requirement, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or developmental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the ~~Acts~~fair housing laws.

- (1) A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- (2) A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the property.
- (3) A reasonable accommodation may be granted in compliance with this chapter without the need for the approval of a variance.

(b) **Application Procedure.** Requests for reasonable accommodation shall be submitted to the ~~community~~Community development~~Development department~~Department and shall contain the following information:

- (1) The applicant's name, address, and telephone number.
- (2) Address of the property for which the request is being made.
- (3) The current actual use of the property.
- (4) The basis for the claim that the individual is considered disabled under the ~~Acts~~fair housing laws.

(5) The zoning ordinance provision, regulation, or policy from which reasonable accommodation is being requested.

(6) Why ~~the reasonable~~reasonable accommodation is necessary to make the specific property accessible to the individual.

a. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

b. Any request for reasonable accommodation in regulations, policies, practices, and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. Reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

c. If an individual needs assistance in making the request for reasonable accommodation, the jurisdiction will provide assistance to ensure that the process is accessible.

(~~ecf~~)— Review.

~~(1) Minor Use Permit. Requests for reasonable accommodation shall be reviewed by the city planner or his/her designee if no approval is sought other than the request for reasonable accommodation. The written determination to grant, grant with modifications, or deny the request for reasonable accommodation shall be made following a public hearing and in accordance with the findings and decision as established below.)~~ -The city planner or his/her designee shall issue a written decision on a request for reasonable accommodation within thirty (30)-days of the date of the application.

(2)—Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with ~~another~~ discretionary land use applications shall be reviewed by the authority responsible for reviewing the discretionary land use application. The ~~written determination to~~written modifications or grant, grant with modifications, or deny the request for reasonable accommodation shall be made in accordance with the findings and decision as established below.

(3) If necessary to reach a determination of the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws. The request shall specify in detail the information that is required. In the event that a request for additional information is made, the thirty (30) day period to issue a decision is stayed until the applicant responds to the request.

~~(34)G~~ Findings and Decision Required Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts fair housing laws and shall be based on consideration of the following factors:

- (A) Whether the housing, which is the subject of the request, will be used by an individual considered disabled under the Acts fair housing laws.
- (B) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts fair housing laws.
- (C) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.
- (D) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use or zoning, ~~or the local coastal program~~.
- (E) ~~Potential impact on surrounding uses.~~
- ~~(F) Physical attributes of the property and structures.~~
- (G) Alternative reasonable accommodations that may provide an equivalent level of benefit.

~~((4) Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall be rescinded in the event that the person for whom the accommodation was requested no longer resides on the property. (Ord. 1372 § 8, 2015).~~

#### 5)4.- Written Decision on the Request for Reasonable Accommodation

(A)- The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth above. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.

(B)- The written decision of the reviewing authority shall be final unless an applicant appeals it to the jurisdiction's planning commission.

(C)- If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30)-day time period allotted by Section (c)(1) above, ~~-6-~~the request shall be deemed granted.

(-D)- While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(6) ~~Sec. 9-~~Appeals.

(A)- Within thirty (30) days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing.

(B)- If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide aid to ensure that the appeals process is accessible.

(C)- All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

(D)- Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.