

Chapter 20.85

Requests for Reasonable Accommodation under the Fair Housing Acts

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20.85.010 Purpose. The purpose of this chapter is to provide a formal 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, and to establish relevant criteria to be used when considering such requests.

20.85.020 Applicability. In order to make specific housing available to an individual with a disability, any person may request 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.

A person with a disability is a person who has a physical or mental 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 applies only to those persons who are defined as disabled under the Acts.

20.85.030 Application Requirements.

A. Requests for reasonable accommodation, in a form approved by the Director of Planning and Building, together with the appropriate fee, as established by resolution adopted by the City Council, and other required information, shall be filed in the office of the Department of Planning and Building.

B. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval under this Title (including but not limited to a conditional use permit, design review, variance, general plan amendment or zone change), the application shall be submitted and reviewed at the same time as the related applications.

20.85.040 Review Authority.

A. If an application under this chapter is filed without any accompanying application for another approval, permit or entitlement under this Title, it shall be heard and acted upon by the Zoning Administrator.

B. If an application under this chapter is filed with an application for another approval, permit or entitlement under this Title, it shall be heard and acted upon at the same time and in the same manner as such other application, and shall be subject to all of the same procedures.

20.85.050 Findings and Decision.

A. Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled under the Acts.

2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.

4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.

6. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.

B. 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 by Subsection (A) above.

20.85.060 Appeal Determination. Any decision on an application under this chapter shall be subject to appeal pursuant to Section 20.100 of the Municipal Code.

20.85.070 Rescission of Grants of Reasonable Accommodation Any approval or conditional approval of an application under this chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances. (Ord. 1209, November 21, 2005.)

Chapter 20.90

Residential Second Units

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