

# Reasonable Accommodation Ordinance City of Santa Rosa

Ordinance 3582

This chapter 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.

## **20-02.310 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 zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. 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 is intended to apply to those persons who are defined as disabled under the Acts.

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. Requests for reasonable accommodation shall be made in the manner prescribed by Section 20-02.320 (Application Requirements).

## **20-02.320 Application Requirements.**

(A) Application. Requests for reasonable accommodation shall be submitted on an application form provided by the Community Development Department, or in the form of a letter, to the Director of Community Development 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.
- (5) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.
- (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

(B) Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to; conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the information required by Subsection A together for concurrent review with the application for discretionary approval.

### **20-02.330 Review Authority.**

(A) Director of Community Development. Requests for reasonable accommodation shall be reviewed by the Director of Community Development (Director), or his designee if no approval is sought other than the request for reasonable accommodation.

(B) Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

### **20-02.340 Review Procedure.**

(A) Director Review.

The Director, or his designee, shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section 20-02.350 (Findings and Decision).

(B) Other Reviewing Authority.

The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with Section 20-02.350 (Findings and Decision).

### **20-02.350 Findings and Decision.**

(A) Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

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

(2) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

(3) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.

(4) 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 and zoning.

(5) Potential impact on surrounding uses.

(6) Physical attributes of the property and structures.

(7) Alternative reasonable accommodations which may provide an equivalent level of benefit.

(B) 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 by Subsection A above.

**20-02.360 Appeal of Determination.**

A determination by the reviewing authority to grant or deny a request for reasonable accommodation may be appealed to the Planning Commission in compliance with Article 6 (Appeals) of Section 20-02.260 of the Zoning Code."

Section 4. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This ordinance shall take effect on the 31<sup>st</sup> day following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 15<sup>th</sup> day of October, 2002.