

CHAPTER 19.63

REASONABLE ACCOMMODATION

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19.63.010 PURPOSE

The purpose of this Chapter is to establish a procedure for an individual with a disability seeking equal access to housing to request reasonable accommodation as provided by the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (Acts).

19.63.020 DEFINITIONS

1. **Acts** – The Federal Fair Housing Amendments Act of 1988 (42 U.S.C. §§3601-3619) and the California Fair Employment and Housing Act (Govt. Code §§12900-12996).
2. **Individual with a Disability** – As defined under the Acts, a person who has a physical or mental impairment that limits one or more major life activities, anyone who is regarded as having that type of impairment, or anyone who has a record of that type of impairment.
3. **Reasonable Accommodation** – The act of providing flexibility in the application of land use and zoning regulations, including modification or waiver of certain requirements to accommodate the needs of an individual with a disability.

19.63.030 PROCEDURE

1. **Approval Authority** – The Director shall have the authority to review and approve or deny requests for reasonable accommodation, based on the required findings. The Director may refer the matter to the Planning Commission or the Historic Preservation Commission if the project requires another discretionary action, or as appropriate.
2. **Application Review and Decision** – A request for reasonable accommodation shall be made in writing by an individual with a disability or his or her representative, or a developer or provider of housing for an individual with a disability. The request shall identify the project, the standard that presents a barrier to reasonable accommodation, and the disability that requires reasonable accommodation. The Director may request additional information necessary for making a determination, consistent with the Acts and considering privacy rights of the individual. Prior to issuance of permits issued for construction including a reasonable accommodation, the Director may require recordation of a disclosure to inform future property owners of the granting of the reasonable accommodation, and whether or not the approval will run with the land.

19.63.040 APPLICABILITY

Reasonable accommodation is granted to the individual with a disability. Approval of a reasonable accommodation shall not run with the land unless the Director determines that (A) The modification is physically integrated with the structure and not easily removed or altered to comply with the Code; or (B) The accommodation is to be used by another individual with a disability.

19.63.050 FINDINGS

A request for reasonable accommodation shall be granted only if all of the following findings are made:

1. The subject housing will be used by an individual with a disability as defined under the Acts.
2. The requested accommodation is necessary to make specific housing available to an individual with a disability.
3. The requested accommodation would not impose an undue financial or administrative burden on the City.
4. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning.

19.63.060 APPEALS

The decision of the Director may be appealed to the Planning Commission, and a Planning Commission decision may be appealed to the Mayor and Common Council, pursuant to Chapter 19.52 Hearings and Appeals.