

Chapter 18.54

REQUESTS FOR REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACTS

Sections:

- 18.54.010 Purpose and intent.
- 18.54.020 Applicability.
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18.54.010 Purpose and intent. The purpose of this chapter is to provide persons with disabilities seeking equal access to housing under the Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–3619) and the California Fair Employment and Housing Act (California Government Code, Title 2, Division 3, Part 2.8) (together the “Acts”) a formal procedure to request reasonable accommodation 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. (Ord. 631 (part), 2012).

18.54.020 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.

This Chapter applies only to those persons who are defined as disabled under the Acts. (Ord. 631 (part), 2012).

18.54.030 Review and approval procedures.

(a) Application. A request for reasonable accommodation shall be filed with the town planner on forms prescribed by the town planner, along with any plans or additional information required and the fee as established by a resolution of the town council.

(b) Review and Approval Authority. The town planner shall review and approve, conditionally approve, or deny an reasonable accommodation application in writing within 30 days of accepting the application as complete if no approval is sought other than the request for reasonable accommodation. If the request for reasonable accommodation is associated with a larger project that requires 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 acted upon by the town council at the same time as the related applications.

(c) Criteria for Approval. A reasonable accommodation application shall be approved if it will be consistent with the Acts and the following factors:

- (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 accommodation would not impose an undue financial or administrative burden on the Town.

(4) The requested accommodation would not require a fundamental alteration in the nature of the Town's land use and zoning program.

(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 Town's applicable rules, standards and practices.

(7) The accommodation would not alter the significance of a historic structure.

(d) Terms and Conditions. In granting a request for reasonable accommodation, the town may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the criteria in Subsection (c) above. 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. 631 (part), 2012).

18.54.040 Appeal. Any decision by the town planner to grant or deny a request for reasonable accommodation under this chapter may be appealed to the town council pursuant to chapter 18.60. (Ord. 631 (part), 2012).