

CHAPTER 30.52 – REASONABLE ACCOMMODATION

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30.52.010 – Purpose

- A. The purpose of this ordinance is to establish a formal procedure for an individual with a disability, or developers of housing for individuals with disabilities, to seek reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities as provided by the federal Fair Housing Amendments Act of 1988 and California’s Fair Employment and Housing Act, herein known as the “Acts”.
- B. Reasonable accommodation means providing an individual with a disability, or developers of housing for individuals with disabilities, flexibility in the application of land use and zoning regulations or policies, including the modification or waiver of certain requirements, when necessary to eliminate barriers to housing opportunities.

30.52.020 – Applicability

A request for reasonable accommodation allows an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities to seek relief from any land use regulation or procedure found in Title 16 or Title 30 of the Municipal Code that may be necessary to ensure equal access to housing for an individual with a disability.

30.52.030 – Authority

Requests for reasonable accommodation shall be reviewed by the Zoning Hearing Officer. The Zoning Hearing Officer may grant, grant with conditions, or deny a request for reasonable accommodation.

30.52.040 – Procedures

Requests for reasonable accommodation shall be in writing on a form provided by the Community Planning Department, or in another manner deemed acceptable to the Director of Community Planning, by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability.

30.52.050 – Findings

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall include the following findings:

- A. That the dwelling, which is the subject of the request for reasonable accommodation, will be used by an individual with a disability protected under the Acts;
- B. That the requested accommodation is necessary to make the dwelling available to an individual with a disability protected under the Acts;
- C. That the requested accommodation would not impose an undue financial or administrative burden on the City and;
- D. That the requested accommodation would not require a fundamental alteration in the nature of the City's overall land use and zoning program.
- E. If the Zoning Hearing Officer grants, or grants with modifications, the request, the request shall be granted to an individual and shall not run with the land unless the Hearing Officer also finds that the modification is physically integrated into the structure and cannot be easily removed or altered to comply with City's zoning regulations or policies.

30.52.060 – Decision of the Zoning Hearing Officer

- A. The Zoning Hearing Officer shall issue a written decision on a request for reasonable accommodation.
- B. The 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.
- C. Notice of the decision shall be provided to the applicant.
- D. Prior to the issuance of any permits relative to an approved reasonable accommodation, the Zoning Hearing Officer may require the applicant to record a covenant in the County Recorder's Office acknowledging and agreeing to comply with the terms and conditions established in the decision. The covenant shall be required only if the Zoning Hearing Officer finds that a covenant is necessary to provide notice to future owners that a reasonable accommodation has been approved.

30.52.070 – Appeals

For appeal procedures, see Chapter 30.62.

30.52.080 – Resubmittal of Applications

No request for reasonable accommodation which has been denied in whole or in part shall be filed again within six (6) months from the date of such denial except upon proof of changed conditions or by permission of the Zoning Hearing Officer.

30.52.090 – Duration of Reasonable Accommodation

- A. The reasonable accommodation may continue to be used and maintained by the individual with a disability for the duration of his or her tenancy in the dwelling subject to the finding in Section 30.52.050(E).
- B. Within 60 days of the termination of the tenancy, the reasonable accommodation shall be removed unless the Zoning Hearing Officer has determined that the reasonable accommodation may remain as provided in Section 30.52.050.