

**ATTACHMENT #4 –
EXAMPLES FROM OTHER JURISDICTIONS**

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Chapter 18.112 REASONABLE ACCOMMODATION

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18.112.010 Purpose.

It is the city's policy to provide individuals with disabilities reasonable accommodation in regulations and procedures to ensure equal access to housing, and to facilitate the development of housing. The purpose of this chapter is to provide a procedure under which a disabled person may request a reasonable accommodation in the application of zoning requirements.

This chapter is based on requirements of the federal and state fair housing laws, and implements the housing element of the city's general plan. It is distinct from the requirements for a variance set forth in Government Code section 65906 and PHMC Chapter 18.110, Variances. (Ord. 838 § 1, 2009)

18.112.020 Definitions.

In this chapter:

Disabled person means a person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in California Government Code section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term "disabled person" does not include a person who is currently using illegal substances, unless he or she has a separate disability. (42 U.S.C. § 3602(h).)

Fair housing laws means (1) the Federal Fair Housing Act (42 U.S.C. § 3601 and following) and (2) the California Fair Employment and Housing Act (Govt. Code § 12955 and following), including amendments to them.

Reasonable accommodation means providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the city

or (2) require a fundamental alteration in the nature of the city's land use and zoning program.¹ (Ord. 838 § 1, 2009)

18.112.030 Requesting reasonable accommodation.

A. Request. A disabled person may request a reasonable accommodation in the application of the city's land use and zoning regulations. Such a request may include a modification or exception to the requirements for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers. A reasonable accommodation cannot waive a requirement for a conditional use permit when otherwise required or result in approval of uses otherwise prohibited by the city's land use and zoning regulations.

B. Availability of information. Information regarding this reasonable accommodation procedure shall be prominently displayed at the public information counters in the planning division, advising the public of the availability of the procedure for eligible applicants, and be made available in any other manner as determined by the director.

C. Assistance. If an applicant needs assistance in making the request, the planning division will endeavor to provide the assistance necessary to ensure that the process is available to the applicant.

D. Balancing rights and requirements. The city will attempt to balance (1) the privacy rights and reasonable request of an applicant for confidentiality, with (2) the land use requirements for notice and public hearing, factual findings and rights to appeal, in the city's requests for information, considering an application, preparing written findings and maintaining records for a request for reasonable accommodation. (Ord. 838 § 1, 2009)

18.112.040 Application requirements.

A. Application. The applicant shall submit a request for reasonable accommodation on a form provided by the planning division. The application shall include 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 name and address of the property owner, and the owner's written consent to the application;
4. The current actual use of the property;
5. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations;
6. The rule, policy, practice and/or procedure of the city for which the request for accommodation is being made, including the zoning code regulation from which reasonable accommodation is being requested;
7. The type of accommodation sought;
8. The reason(s) why the accommodation is reasonable and necessary for the needs of the disabled person(s). Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation;

9. Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation; and
10. Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws.

B. Review with other land use applications. If the project for which the reasonable accommodation is being requested also requires some other discretionary approval (such as conditional use permit, architectural review, general plan amendment, zoning amendment, subdivision map), then the applicant shall submit the reasonable accommodation application first for a determination by the zoning administrator, before proceeding with the other applications.

C. Fee. The fee for an application for reasonable accommodation shall be established by resolution of the city council. (Ord. 838 § 1, 2009)

18.112.050 Approval authority – Notice – Decision.

A. Approval authority.

1. Zoning administrator. The zoning administrator has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, except as noted in subsection A.2 of this section. The zoning administrator may refer the matter to the planning commission or architectural review commission, as appropriate.
2. Planning commission. The planning commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the zoning administrator or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.
3. Architectural review commission. The architectural review commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the zoning administrator.

B. Notice. No advance notice or public hearing is required for consideration of reasonable accommodation requests by the zoning administrator. Requests for reasonable accommodation subject to review by the planning commission or architectural review commission shall require advance notice and a public hearing pursuant to the requirements of PHMC § 18.80.030.

C. Decision. The zoning administrator shall render a decision or refer the matter to the planning commission or architectural review commission within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in PHMC § 18.112.060. The decision shall be in writing and mailed to the applicant and to all residents and property owners within 300 feet of the project site.

If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the zoning administrator, unless the reasonable accommodation request

has been referred by the zoning administrator to the planning commission or architectural review commission for consideration.

If the application for reasonable accommodation is referred to, or reviewed by, the planning commission or architectural review commission, a decision to approve, approve with conditions or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth in PHMC § 18.112.060. (Ord. 838 § 1, 2009)

18.112.060 Findings – Other requirements.

A. Findings. The reviewing authority shall approve the application, with or without conditions, if it can make the following findings:

1. The housing will be used by a disabled person;
2. The requested accommodation is necessary to make specific housing available to a disabled person;
3. The requested accommodation would not impose an undue financial or administrative burden on the city; and
4. The requested accommodation would not require a fundamental alteration in the nature of a city program or law, including land use and zoning.

B. Other requirements.

1. An approved request for reasonable accommodation is subject to the applicant's compliance with all other applicable zoning regulations.
2. A modification approved under this chapter is considered a personal accommodation for the individual applicant and does not run with the land.
3. Where appropriate, the reviewing authority may condition its approval on any or all of the following:
 - a. Inspection of the property periodically, as specified, to verify compliance with this section and any conditions of approval;
 - b. Removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists;
 - c. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists;
 - d. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;
 - e. Measures to reduce the impact on surrounding uses;
 - f. Measures in consideration of the physical attributes of the property and structures;
 - g. Other reasonable accommodations that may provide an equivalent level of benefit and/or that will not result in an encroachment into required setbacks, exceedance of maximum height, lot coverage or floor area ratio requirements specified for the zone district; and

h. Other conditions necessary to protect the public health, safety and welfare. (Ord. 838 § 1, 2009)

18.112.070 Appeal.

A decision by the zoning administrator may be appealed to the planning commission and a decision of the planning commission and/or architectural review commission may be appealed to the city council in accordance with the appeal procedures of PHMC Chapter 18.130. (Ord. 838 § 1, 2009)

¹Govt. Code § 12927(c)(1), (l) and § 12955(l); 42 U.S.C. § 3604(f)(3)(B); 28 C.F.R. § 35.150 (a)(3).

The Pleasant Hill Municipal Code is current through Ordinance 875, passed June 3, 2013.

Disclaimer: The City Clerk's Office has the official version of the Pleasant Hill Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Santa Rosa City Code

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[Title 20 ZONING](#)

[Division 6 Zoning Code Administration](#)

Chapter 20-63 REQUESTS FOR REASONABLE ACCOMMODATION

20-63.010 Purpose of Chapter.

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.

(Ord. 3677 § 1 (part), 2004)

20-63.020 Applicability.

A. 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.

B. 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. A request for reasonable accommodation shall comply with Section 20-63.030 (Application Requirements).

(Ord. 3677 § 1 (part), 2004)

20-63.030 Application requirements.

A. Application. A request for reasonable accommodation shall be submitted on an application form provided by the Department, or in the form of a letter, to the Zoning Administrator, 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; and
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 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.

(Ord. 3677 § 1 (part), 2004)

20-63.040 Review authority.

A. Zoning Administrator. A request for reasonable accommodation shall be reviewed by the Zoning Administrator if no approval is sought other than the request for reasonable accommodation.

B. Other review authority. A request 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.

(Ord. 3677 § 1 (part), 2004)

20-63.050 Review procedure.

A. Zoning Administrator review. The Zoning Administrator shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in compliance with Section 20-63.060 (Findings and Decision).

B. Other review 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 compliance with Section 20-63.060 (Findings and Decision).

(Ord. 3677 § 1 (part), 2004)

20-63.060 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; and
7. Other reasonable accommodations that 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.

(Ord. 3677 § 1 (part), 2004)

20-63.070 Appeal of determination.

A determination by the review authority to grant or deny a request for reasonable accommodation may be appealed to the Commission in compliance with Chapter 20-62 (Appeals).

(Ord. 3677 § 1 (part), 2004)

Chapter 20.85

Requests for Reasonable Accommodation under the Fair Housing Acts

Sections:

20.85.010	Purpose.
20.85.020	Applicability.
20.85.030	Application Requirements.
20.85.040	Review Authority.
20.85.050	Findings and Decision.
20.85.060	Appeal Determination.
20.85.070	Rescission of Grants of Reasonable Accommodation.

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

Sections:

20.90.010	Purpose.
20.90.020	Definitions.
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20.90.040	Development standards.
20.90.050	Maximum floor area and off-street parking standards for applications to legalize existing Residential Second Units filed before the expiration of the Amnesty period
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San Jose, CA Code of Ordinances

Chapter 20.160
REQUESTS FOR REASONABLE ACCOMMODATION

Sections:

- 20.160.010 Purpose.
- 20.160.020 Application.
- 20.160.030 Required information.
- 20.160.040 Notice of request for accommodation.
- 20.160.050 Grounds for accommodation.
- 20.160.060 Notice of proposed decision.
- 20.160.070 Director's hearing.
- 20.160.080 Notice of director's decision.
- 20.160.090 Appeal to planning commission.

20.160.010 Purpose.

It is the policy of the City of San José to provide reasonable accommodation for persons with disabilities seeking fair access to housing in the application of its zoning laws. The purpose of this chapter is to provide a process for making a request for reasonable accommodation.

(Ord. 26248.)

20.160.020 Application.

A. Any person who requires reasonable accommodation, because of a disability, in the application of a zoning law which may be acting as a barrier to fair housing opportunities may do so on a form to be provided by the director.

B. If the project for which the request is being made also requires some other planning permit or approval, then the applicant shall file the request together with the application for such permit or approval.

(Ord. 26248.)

20.160.030 Required information.

The applicant shall provide the following information:

1. 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 zoning code provision, regulation or policy from which accommodation is being requested;
5. The bases for the claim that the individual is considered disabled under the Fair Housing Act and why the accommodation is necessary to make the specific housing available to the individual.

(Ord. 26248.)

20.160.040 Notice of request for accommodation.

Written notice of a request for reasonable accommodation shall be given as follows:

1. In the event that there is no approval sought other than the request for reasonable accommodation, the notice shall be mailed to the owners of record of all properties which are immediately adjacent to the property which is the subject of the request.
2. In the event that the request is being made in conjunction with some other process, the notice shall be transmitted along with the notice of the other proceeding.

(Ord. 26248.)

20.160.050 Grounds for accommodation.

In making a determination regarding the reasonableness of a requested accommodation, the following factors shall be considered:

1. Special need created by the disability;
2. Potential benefit that can be accomplished by the requested modification;
3. Potential impact on surrounding uses;
4. Physical attributes of the property and structures;

5. Alternative accommodations which may provide an equivalent level of benefit;

6. In the case of a determination involving a one-family dwelling, whether the household would be considered a single housekeeping unit if it were not using special services that are required because of the disabilities of the residents;

7. Whether the requested accommodation would impose an undue financial or administrative burden on the city; and

8. Whether the requested accommodation would require a fundamental alteration in the nature of a program.

(Ord. 26248.)

20.160.060 Notice of proposed decision.

A. Notice of the proposed decision shall be made in the same manner as provided above.

B. Within ten days of the date the notice is mailed, any person may make a request for a director's hearing upon a proposed decision.

C. If no request for hearing is received the proposed decision shall become a final director's decision.

(Ord. 26248.)

20.160.070 Director's hearing.

The director shall conduct a hearing on the request for reasonable accommodation at which all reasonable evidence and credible testimony shall be considered.

(Ord. 26248.)

20.160.080 Notice of director's decision.

A. Within thirty days after the hearing, the director shall issue a decision granting the request, including any reasonable conditions, or denying the request.

B. The notice of decision shall contain the director's factual findings, conclusions and reasons for the decision.

C. The notice of decision shall be made in the same manner as set forth in the previous section.

(Ord. 26248.)

20.160.090 Appeal to planning commission.

A. Within thirty days after the notice of director's decision, any person may appeal in writing to the planning commission.

B. All appeals shall contain a statement of the grounds for the appeal.

(Ord. 26455.)