

Chapter 17.**
Requests for Reasonable Accommodation Under the Fair Housing Acts

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17.**.010 Content. This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

17.**.020 Applicability.

- A. A request for reasonable accommodation may be made by any person with a disability, or by an entity acting on behalf of a person or persons with disabilities, to provide or secure equal access to housing, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities. As defined in the Acts, a person with a disability is one having 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 having a record of such impairment. This section 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 with equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by Section **17.**.030**.

17.**.030 Application requirements.

- A. Application. Requests for reasonable accommodation shall be submitted in writing in the form of a letter to the Director, and shall contain the following information:
1. The name, address, and telephone number of the individual(s) requesting reasonable accommodation (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities);
 2. The street address and assessor's parcel number of the property for which the request is being made;
 3. Name and address of the property owner(s);
 4. The current actual use of the property;
 5. The basis for the claim that the individual (or group of individuals, if application is made by an entity acting on behalf of a person or persons with disabilities) is considered disabled under the Acts;

6. Description of the requested accommodation and the zoning law, provision, regulation or policy for which reasonable accommodation is being sought and any supporting information, such as site plans;
 7. Reason that the requested accommodation may be necessary for the individual(s), or group of individuals, with the disability to have equal opportunity to housing.
- B. Concurrent Review. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval, then the applicant may file the request concurrently with the application for discretionary approval.
- C. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

17.**.040 Review authority and procedure.

- A. Reviewed by the Director. Requests for reasonable accommodation shall be reviewed by the Director, or his/her designee, if no other discretionary approval is required. The Director or his/her designee shall make a written determination within forty-five (45) calendar days of the request and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section **17.**.050**.
- B. If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the forty-five (45) day period to issue a decision is stayed until the applicant responds to the request.
- C. Concurrent 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. The applicable review authority shall make a written determination and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with Section **17.**.050** as part of its action(s) regarding the discretionary land use application.

17.**.050 Findings and conditions of approval.

- A. Findings. The written decisions to grant, grant with modifications, or deny a request for reasonable accommodation will be consistent with the Acts and shall require the following findings of approval:
1. The housing that is the subject of the request will be used by an individual or a group of individuals considered disabled under the Acts, and the accommodation requested is necessary to make specific housing available to the individual or group of individuals with (a) disability(ies) under the Acts;
 2. Alternative reasonable accommodations that are within existing parameters (e.g., zoning district regulations) that would provide an equivalent level of benefit are not available or suitable for a particular case;

3. The requested reasonable accommodation will not impose an undue financial or administrative burden on the County;
 4. The requested reasonable accommodation is consistent with the County General Plan land use designation of the property that is the subject of the reasonable accommodation request, and with the applicable zoning district;
 5. The requested reasonable accommodation does not substantially affect the physical attributes of the property;
 6. The requested reasonable accommodation will not adversely impact surrounding land uses.
- B. Conditions of Approval. In granting a request for reasonable accommodation, the Director or other reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required in Subsection (A) of this section.
- C. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

17.**.060 Appeal of determination. A determination by the reviewing authority to grant, grant with modifications, or deny a request for reasonable accommodation may be appealed pursuant to Section 17.52.090 of this code.