

## ARTICLE 70

### SEC. 21-70 REASONABLE ACCOMMODATION

**70.1 Purpose:** It is the policy of the County of Lake, pursuant to the Federal Fair Housing Amendments Act of 1988 and California Fair Employment and Housing Act, Gov. Code Section 12901 et.seq, to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing. The purpose of this Article is to provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the various land use, zoning or building laws, rules, policies, practices and/or procedures of the County.

#### 70.2 Definitions:

- (a) Acts: The Fair Housing Amendments Act of 1988 and California Fair Employment and Housing Act.
- (b) Applicant: An individual making a request for reasonable accommodation pursuant to this article.
- (c) Department: The Community Development Department of the County of Lake.
- (d) Disabled Person: Any person who has a physical or mental impairment that 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. People who are currently using illegal substances are not covered under the Act or this Article unless they have a separate disability.

#### 70.3 Requests for reasonable accommodation:

- (a) In order to make specific housing available to an individual with a disability, a disabled person and/or their authorized representative may request reasonable accommodation relating to the various land use, zoning, or building laws, rules, policies, practices and/or procedures of the County.
- (b) A request for reasonable accommodation in laws, rules, policies, practices and/or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing.
- (c) If an individual needs assistance in making the request for reasonable accommodation, or appealing a determination regarding reasonable accommodation, the Department will endeavor to provide the assistance necessary to ensure that the process is accessible to the applicant or representative. The applicant shall be entitled to be represented at all stages of the proceeding by a person designated by the applicant.

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

**70.4 Required Information:**

- (a) All requests for reasonable accommodation shall include the following information:
  1. Applicant's name, address and telephone number;
  2. Assessor's Parcel Number and physical address of the property for which the request is being made;
  3. The current actual use of the property;
  4. The code provision, regulation or policy from which accommodation is being requested;
  5. The basis for the claim that the individual is considered disabled under the state and federal fair housing acts and why the accommodation is necessary to make the specific housing available to the individual.
  6. Plans showing the details of the proposed use to be made of the land or building, and any other pertinent supporting documentation as required by the Community Development Department.

**70.5 Notice of Request for Reasonable Accommodation:**

- (a) Not less than ten (10) calendar days prior to the proposed approval of a request for reasonable accommodation, written notice of a request for reasonable accommodation shall be given as follows:
  1. Written notice shall be given by mail or delivery by the Community Development Department to all owners shown on the last equalized assessment roll as owning real property as follows:
    - (i) If the real property which is the subject of the request is five (5) acres or less in size, notice shall be given to owners of all real property within three hundred (300) feet of the real property which is the subject of the request.
    - (ii) If the real property which is the subject of the request is more than five (5) acres in size, notice shall be given to owners of all real property within seven hundred (700) feet of the real property which is the subject of the request.

2. The written notice shall declare that the requested reasonable accommodation may be approved and that written comments should be filed within ten (10) calendar days of the date of the mailing.

**70.6 Jurisdiction:**

- (a) The Community Development Director, or his/her designee, shall have the authority to consider and act on request for reasonable accommodation. The Community Development Director shall designate the Chief Building Official to act on his/her behalf for requests that involve reasonable accommodations to the Building Codes. When a request for reasonable accommodation is filed with the Department, it will be referred to the Community Development Director or Building Official for review and consideration. The Director or Building Official shall issue a written decision within thirty (30) days of the date of receipt of a completed application and may (1) approve the accommodation request, (2) approve the accommodation request subject to specified nondiscriminatory conditions, or (3) deny the request. All written decisions shall give notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The notice of decision shall be sent to the applicant or any other person requesting notice by certified mail, return receipt requested.
- (b) If necessary to reach a determination on the request for reasonable accommodation, the Community Development Director or Building Official may request further information from the applicant consistent with this Article, specifying in detail what information is required. In the event a request for further information is made, the thirty-(30) day period to issue a written determination shall be stayed until the applicant responds to the request.
- (c) Accommodation approval shall not have any force and effect until applicant acknowledges receipt thereof and agrees in writing to each and every term and condition thereof.

**70.7 Grounds for accommodation:**

- (a) In making a determination regarding the reasonableness of a requested accommodation, the following factors shall be considered :
  1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual protected 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 County.

4. Whether the requested accommodation will require a fundamental alteration to the zoning, or building laws, policies and/or procedures of the County.
5. Physical attributes of the property and structures.
6. Alternative reasonable accommodations which may provide an equivalent level of benefit.

**70.8 Appeals:**

- (a) Within thirty (30) days of the date the Community Development Director or Building Official issues a written decision, the applicant requesting the accommodation may appeal an adverse determination or any conditions or limitations imposed in the written determination.
- (b) Any other interested person not satisfied with the decision of the Community Development Director, shall file an appeal within seven (7) calendar days of the date on which the decision being appealed was rendered.
- (c) All appeals shall contain a statement of the grounds for the appeal.
- (d) Effect of filing an appeal: The permittee may continue to act in reliance on any issued permit; however, further reliance after receipt of notice of an appeal, is done at permittee's own risk pending the outcome of the appeal.
- (e) Appeals shall be to the Board of Supervisors who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed. Following the filing of an appeal, the Board of Supervisors shall hold a public hearing on the matter scheduled and noticed as required in Section 57.3. All determinations on an appeal shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

**(Added by Ord. 2670, 12/25/2003)**