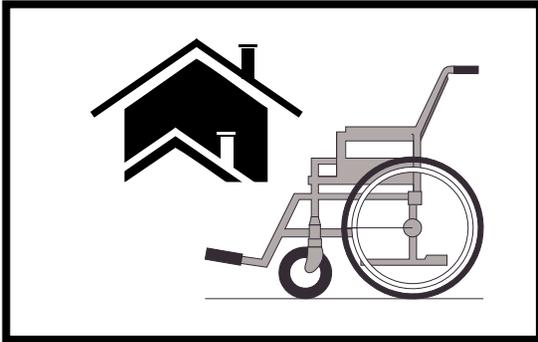


CHAPTER 62



Reasonable Accommodations

Sections

- 17.62.01 Purpose**
- 17.62.02 Applicability**
- 17.62.03 Application and Fee**
- 17.62.04 Action of Planning Director**
- 17.62.05 Appeal to the Planning Commission**

17.62.01 Purpose

It is the policy of the City of Woodlake, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter called “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

17.62.02 Applicability

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, flexibility in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities.

An individual with a disability is someone who has a physical or mental impairment that limits one or more major life activities; anyone who is regarded as having such impairment; or anyone with a record of such impairment.

A request for reasonable accommodation may be made by an individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning, or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

17.62.03 Application and Fee

Any eligible person as defined in Section 17.62.02 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures. An application for reasonable accommodation shall be made to the Planning Department on a form prescribed by the Department. A fee set by resolution of the City Council shall accompany the application.

Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

17.62.04 Action of Planning Director

The Planning Director shall prepare a report on the reasonable accommodation application. Reasonable accommodation applications shall be processed as an administrative matter. The Planning Director can approve, approve with conditions or deny the application based on the findings listed below. Following a decision by the Planning Director, an administrative agreement, consistent with Chapter 17.63 Administrative Agreements, shall be prepared that outlines the findings and conditions of the decision. The decision shall be made within 30 days of receiving the application. The written decision of the Planning Director shall be final unless appealed to the Planning Commission consistent with the requirements contained in Chapter 17.06 Appeals.

The Planning Director shall render a decision based on the following findings.

- A. The Woodlake Housing Element contains policies and action programs that remove governmental constraints to housing for individuals with disabilities, including local land use and zoning constraints.
- B. The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for

- making land use and zoning determinations concerning individuals with disabilities.
- C. A fair housing reasonable accommodation will ensure Woodlake's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.
 - D. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws.
 - E. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair share housing laws.
 - F. Whether the requested accommodation would impose an undue financial or administrative burden on the City of Woodlake.
 - G. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building codes.

17.62.05 Appeal to the Planning Commission

Upon an appeal of the Planning Director's decision, the Planning Commission shall take action by resolution on the reasonable accommodation application. The Commission shall consider the Planning Director's decision, the claims contained in the appeal, and the findings contained in Section 17.62.04 of this chapter. The Commission can approve, approve with modifications or deny the recommendation of the Planning Director. The decision of the Commission shall be final. The decision shall become effective three days following the date of the Commission's approval at which time the applicant may secure a building permit for the accommodation under consideration.