

**2014 UPDATED
YOLO COUNTY CODE**

Title 8 LAND DEVELOPMENT

CHAPTER 9: REASONABLE ACCOMMODATIONS

Sec. 8-9.101 Purpose

The purpose of this Chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter "Acts") in the application of zoning laws and other land use regulations, policies, and procedures.

Sec. 8-9.102 Applicability

- (a) A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other County requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a "person with a disability" is any person who has a physical, developmental, 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.
- (c) A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
- (d) A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

Sec. 8-9.103 Procedure

- (a) A request for reasonable accommodation shall be submitted on an application form provided by the Planning, Public Works and Environmental Services Department or in the form of a letter to the Director of the Planning, Public Works and Environmental Services Department, 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 use of the property;
 - (4) The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;

- (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) If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (a) of this Section for concurrent review with the application for discretionary approval.
- (c) A request for reasonable accommodation shall be reviewed by the Director of the Planning, Public Works and Environmental Services Department or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within 45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
- (d) A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

Sec. 8-9.104 Approval 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:

- (a) Whether the housing in the request will be used by a person with a disability under the Acts;
- (b) Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;
- (c) Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the County;
- (d) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning;
- (e) Potential impact on surrounding uses;
- (f) Physical attributes of the property and structures; and
- (g) Other reasonable accommodations that may provide an equivalent level of benefit.

Sec. 8-9.105 Conditions of approval

In granting a request for reasonable accommodation, the Director of the Planning, Public Works and Environmental Services Department or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

Sec. 8-9.106 Appeals

Any person dissatisfied with any action of the Director, or the Planning Commission, pertaining to this Chapter may appeal to the Planning Commission, or Board of Supervisors, within 10 days after written notice of the Director's or Planning Commission's decision is sent to the applicant, according to the provisions contained in Chapter 2, Sec. 8-2.225.