

## Procedure for a Reasonable Accommodation for a Group Home

A group home may be permitted in any zoning district that allows **single family homes** if the Planning Director determines that allowing it is reasonable and necessary according to the Fair Housing Act, the American with Disabilities Act, and current case law interpreting the request. The process for obtaining a reasonable accommodation is as follows:

- ✦ An applicant submits an application to the Planning and Zoning Office on the form provided.
- ✦ The Planning Director (or his/her designee) reviews the application to determine if it is reasonable and necessary.
  - In determining whether a reasonable accommodation is warranted, the following issues shall be considered:
    - 1) Whether the request was made by or on behalf of a person with a disability;
    - 2) Whether there is a disability-related need for the accommodation;
    - 3) Whether the proposed group home for people with a disability would cause a fundamental change in the City's zoning;
    - 4) Whether the proposed facility would cause any undue financial or administrative burden on the City or it would fundamentally alter the nature of the City's operations;
    - 5) Any other factor bearing on the "reasonableness" of the accommodation under the federal Fair Housing Act.
  - In determining whether a request for a reasonable accommodation is necessary, the Planning Director shall consider the following:
    - 1) The economics of the group home's operation;
    - 2) The need for residential opportunities for handicapped persons, or
    - 3) Any other factor bearing on the "necessity" of the accommodation under the federal Fair Housing Act.
  - To the extent permitted by law, the Planning Director may request additional information necessary to evaluate the request for an accommodation;

- ❖ The Planning Director (or his/her designee) renders a decision in writing within 10 business days after receipt of the application. The written decision shall state with specificity the reasons for the denial. If no decision is made within 10 business days, the application shall be deemed to be approved.
  - If the request is approved, the decision of the Planning Director (or his/her designee) shall be considered final and no further action shall be required.
  - If the request is denied, the applicant may appeal the denial in writing to the Director of Planning and Urban Development within five (5) business days of receipt of the denial. The Planning Director will forward all information obtained in connection with the request to the Director of Planning and Urban Development, and the applicant may provide any additional information to support the request for reasonable accommodation. The Director of Planning and Urban Development shall review the request and any additional material provided and render a final decision on the appeal within 30 business days from the date of the appeal.
  
- ❖ The Planning and Zoning Office will maintain a file on all requests for a Reasonable Accommodation for a Group Home.