

ORDINANCE NO. 2656

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING TITLE 18 OF THE REDLANDS MUNICIPAL CODE TO PROVIDE REASONABLE ACCOMMODATIONS IN THE CITY'S RESIDENTIAL DEVELOPMENT STANDARDS FOR THE BENEFIT OF PERSONS WITH DISABILITIES

Whereas, the Federal Fair Housing Act of 1988 and the California Fair Employment and Housing Act impose a duty on cities to make reasonable accommodations in their residential development standards for the benefit of persons with disabilities to ensure that such persons have an equal opportunity to use and enjoy dwellings they occupy or intend to occupy; and

Whereas, the City Council of the City of Redlands desires to adopt a process pursuant to which persons with disabilities may apply to the City for reasonable accommodations to the City's residential development standards in order that they may have an equal opportunity to use and enjoy dwellings they occupy or intend to occupy;

The City Council of the City of Redlands does ordain as follows:

Section 1. Chapter 18.06, entitled "Fair Housing Reasonable Accommodations for Persons with Disabilities," is hereby added to the Redlands Municipal Code to read as follows:

"Chapter 18.06

Fair Housing Reasonable Accommodations for Persons with Disabilities

Section:

18.06.010	Purpose.
18.06.020	Definitions.
18.06.030	Application.
18.06.040	Filing and Appeal Fees.
18.06.050	Public Notice.
18.06.060	Approval: Referral.
18.06.070	Findings.
18.06.080	Notice of Decision.
18.06.090	Appeal.

18.06.010 Purpose.

It is the purpose of this Chapter, in compliance with the Fair Housing laws, to provide a procedure to evaluate requests for reasonable accommodation related to specific applications of the zoning law in order to ensure that no person is discriminated

against because of race, color, religion, sex, sexual orientation, familial status, marital status, disability, national origin, source of income, or ancestry, as required by Federal and/or State law, by being denied an equal opportunity to use and enjoy their dwelling and to authorize the application of exceptions to the City's zoning law and land development standards, if warranted.

18.06.020 Definitions.

The following words and phrases, whenever used in this Chapter, shall have the following meanings:

- A. "Applicant" means the person, business, or organization which has applied to the City for a permit for a project on the subject property and which is making a request for reasonable accommodation pursuant to this Chapter;
- B. "Fair Housing laws" means section 42 United States Code section 3604(f)(3)(B) and California Government Code sections 12927(C)(1) and 12955(l), as those provisions now exist and as they may be amended from time to time;
- C. "Dwelling Occupant" means the person who will occupy the subject property and who is protected under the Fair Housing laws; and
- D. Person with "Disability or Handicap" means any person who has a physical or mental impairment that substantially limits one or more major life activities, or any person having a record of such an impairment, but such term does not include current, illegal use of, or an addiction to, a controlled substance.

18.06.030 Application.

- A. Any person with a disability may submit an application for reasonable accommodation to the City's residential development standards by submitting an application to the City's Community Development Director, or his or her designee, on a form provided by the City.
- B. The following information shall be provided in the application:
 - 1. The applicant's name, mailing address and daytime phone number(s) (and/or representatives) if so applicable;
 - 2. Notarized written consent of the owner of the subject property if the applicant is not the owner;
 - 3. The address of the property for which the request is being made;
 - 4. A map showing County of San Bernardino Assessor's Parcel Numbers for all properties within a three hundred (300) foot radius of the subject property;

5. The specific zoning code, law, regulation, procedure or policy of the City from which relief is sought;
6. An explanation of why the specified zoning code, law, regulation, procedure or policy is preventing, or will prevent, the applicant's use and enjoyment of the subject property;
7. The nature of the accommodation requested;
8. A site plan or illustrative drawing showing the proposed accommodation; and
9. The basis for the claim that the Fair Housing laws consider the applicant as protected (applicant should submit a letter from a medical doctor, handicap license, or other similar supportive evidence).

18.06.040 Filing and Appeal Fees.

A filing fee or an appeal fee, as applicable and in the amounts established by City Council resolution, shall be paid at the time of the filing of an application or at the time of filing an appeal pursuant to this Chapter.

C. If an applicant requires assistance in completing the application, the City shall provide reasonable assistance to ensure that the application process is accessible to the applicant.

18.06.050 Notice to Adjacent Properties.

- A. Notice of the filing of an application for reasonable accommodation shall be mailed to the owners of record of all properties within three hundred (300) feet of the property which is the subject of the application.
- B. The Notice shall set forth the address of the subject property, the specific zoning code, law, regulation, procedure or policy from which relief is being requested, and the nature of the accommodation requested. The Notice shall also inform surrounding property owners that they may contact the City's Community Development Director, or his or her designee, in order to request written notice of any decisions made, or hearings scheduled, regarding the application.
- C. Any property owner making a request for such written notice shall be deemed an "interested person" for purposes of this Chapter.

18.06.060 Determination on Application; Approval.

The request for reasonable accommodation shall be considered by the Community Development Director, who may deny, approve or conditionally approve the request. The Community Development Director may also refer the request for reasonable accommodation, in his or her sole discretion, to the City committee responsible for

granting minor exception permits pursuant to Section 18.168.060 of this Code. Such referrals, if made, shall occur within fifteen (15) days after the Community Development Director's receipt of a complete application. The committee shall act in the capacity of the Community Development Director in such cases, as authorized by, and in accordance with the requirements of this Chapter and section 18.168.060 of this Code.

18.06.070 Findings.

The following findings shall be made, and the Community Development Director, or the committee acting in the capacity of the Community Development Director if applicable, shall approve an application upon a showing of all of the following:

- A. The person who will use the subject property is protected under the Fair Housing laws;
- B. The requested exception to the zoning code, law, regulation, procedure or policy is necessary to make specific housing available to persons occupying the subject property;
- C. The requested accommodation will not impose an undue financial or administrative burden on the City; and
- D. The requested accommodation will not require a fundamental alteration of the City's zoning or building laws, policies and/or procedures.

18.06.080 Notice of Decision.

Within thirty (30) days after acceptance of a complete application for reasonable accommodation the Community Development Director or, if referred to the committee established pursuant to section 18.168.060 of this Code, within ten (10) days after such committee's decision, the Community Development Director shall provide the applicant with written notification of the decision regarding the request, including any reasonable conditions.

18.06.090 Appeal.

Within ten (10) days of the date of any decision made pursuant to section 18.06.080 of this Chapter, any person aggrieved or affected by a decision of the Community Development Director, or the committee established by section 18.168.060 of this Code, in granting or denying a request for reasonable accommodation may appeal the decision to the City Council. The City Council may, if determined to be in the public interest to do so, appeal any decision rendered pursuant to this Chapter at its next regularly scheduled meeting following such decision. Notice of the City Council hearing on the appeal should be made in accordance with section 18.06.050 of this Chapter. If a decision denying a reasonable accommodation is reversed, or a decision granting a reasonable accommodation is modified, the City Council shall make the required findings as prescribed in section 18.06.070 of this Chapter."

Section 2. Section 18.168.060 of the Redlands Municipal Code relating to Minor Exception Permits is hereby amended to read as follows:

“18.168.060 Minor Exception Permits and Requests for Reasonable Accommodations

- A. Minor Exceptions pertaining to garden or retaining wall heights, solar collector or storage tank installations, grading standards, parking a detached camper, trailer or water craft in the front yard drive-way and protective swimming pool fencing may be granted by a committee composed of the City's Community Development, or his or her designee, and two members of the City's Planning Commission, as appointed by the members of the Planning Commission.
- B. The committee described in this section shall have the authority to review and approve requests for reasonable accommodations in accordance with the provisions of Chapter 18.06 of this Code.”

Section 3. If any section, subsection, subdivision, sentence, clause, or phrase in this Ordinance, or, any part thereof, is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have adopted each such subsection irrespective of the fact that one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

Section 4. Certification. The City Clerk shall certify to the adoption of this Ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in this City.



Mayor of the City of Redlands

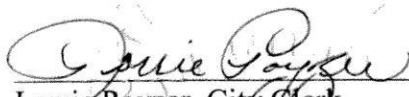
ATTEST:



City Clerk

I, Lorrie Poyzer, City Clerk of the City of Redlands, hereby certify that the forgoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 3rd day of April, 2007 by the following vote:

AYES: Councilmembers Gilbreath, Gil, Gallagher, Aguilar; Mayor Harrison
NOES: None
ABSENT: None
ABSTAIN: None



Lorrie Poyzer, City Clerk