

Exhibit A

Title 17. Zoning regulations

Chapter 17.10 **REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES**

17.10.010 – Intent and purpose.

- A. Intent. The intent of this Chapter is to provide flexibility in the application of the Zoning regulations for individuals with a disability, when flexibility is necessary to eliminate barriers to housing opportunities. This Chapter will facilitate compliance with federal and state fair housing laws, and promote housing opportunities for Fortuna residents.
- B. Purpose. The purpose of this Chapter is to establish a procedure for persons with disabilities seeking fair access to housing to make requests for reasonable accommodation in the application of Fortuna's zoning laws, rules, policies, practices and procedures pursuant to Section 3604(f)(3)(b) of Title 42 of the United States Code (the "Fair Housing Act") and Section 12955 et seq. of the California Government Code (the "California Fair Employment and Housing Act"), which prohibit local government from refusing to make reasonable accommodations in policies and practices when these accommodations are necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling.

17.10.020 – Applicability.

- A. A request for reasonable accommodation may be made by any person with a disability as defined herein, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. This Chapter is intended to apply to those persons who are defined as disabled under the Acts as defined herein.
- 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. A request for reasonable accommodation shall comply with Section 17.10.040 (Application Requirements).

17.10.030 – Definitions.

"Acts" means the "Fair Housing Act" (Section 3601 et seq. of Title 42 of the United States Code) and the "California Fair Employment and Housing Act" (Section 12955 et seq. of the California Government Code).

"Person with a Disability" is any person 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 who has a record of such impairment, as further defined and amended in the Fair Employment and Housing Act (FEHA) of California Government Code Section 12926(i)(1), (2), and (m)(1), (2). Federal and State fair housing laws do not protect an individual's current unlawful use of controlled

substances or other drugs, unless that individual has a separate disability.

"Request for Reasonable Accommodation" means a request to modify land use, zoning and building regulations, policies, practices, or procedures in order to give people with disabilities an equal opportunity to use and enjoy a dwelling.

17.10.040 – Application requirements.

- A. Application. A written request for reasonable accommodation shall be submitted to the Community Development Director and must include 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 actual use of the property;
 - 4. The basis for the claim that the individual is considered disabled under the Acts;
 - 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. Review with other land use or design review applications. If the project for which the request is being made also requires one or more unrelated discretionary approvals (including, but not limited to, design review, conditional use permit, variance or subdivision), then the application for reasonable accommodation shall whenever feasible be submitted with the application for said permit(s).

- C. An applicant may request City staff assistance to complete the request for reasonable accommodation.

17.10.050 – Application review and procedures.

- A. Authority. The Community Development Director shall have the authority to consider and act on requests for reasonable accommodation and shall make reasonable accommodations in rules, policies, practices, or services when those accommodations may be necessary to afford persons with disabilities equal opportunities to use and enjoy the dwelling.
 - 1. The Community Development Director shall issue a written determination no later than thirty (30) days after the receipt of a complete request for reasonable accommodation and may: (1) grant the accommodation request; (2) grant the accommodation request with specified nondiscriminatory conditions of approval; or (3) deny the request, pursuant to Section 17.10.050 (Findings and decision). All written determinations shall give notice of the right to appeal, if any, as specified in Section 17.010.070. The notice of determination shall be sent to the applicant by first class mail or in a format requested by the applicant.

2. Requests for reasonable accommodations that include unrelated discretionary approvals, shall be processed and considered separately from any discretionary elements of the same proposal. The Community Development Director, or their designee, shall act on the request for reasonable accommodation within a timely manner but no later than thirty (30) days of the date of a complete request pursuant to Section 17.10.040; however, if the request for a reasonable accommodation cannot be effectuated until a final decision is rendered on the related discretionary approvals, a "provisional approval" can be granted within the 30 day time frame allowing the reasonable accommodation request to be implemented, or modified as needed to obtain the same goal, at the time of the final discretionary approval, and shall become final at the same time. The applications for discretionary approval shall be separately considered and shall be subject to the procedures for consideration specified in the applicable Zoning regulations, depending on the type of application. The appropriate decision-making body shall act on all discretionary permits, but not the reasonable accommodation request.
- B. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

17.010.060 – Decision.

- A. The Community Development Director’s 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:
1. Whether the housing, which is the subject of the request, will be used by an individual disabled 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 City;
 4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning; and
 5. Other reasonable accommodations that may provide an equivalent level of benefit.
- B. Conditions of approval. In granting a request for reasonable accommodation, the Community Development Director may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Section 17.010.060(A). Conditions may be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation be removed once those structures or physical design features are unnecessary to provide access to the dwelling unit for the current occupants.

None of the findings of this Section are intended to supersede any other findings which might also be required for a discretionary permit that is reviewed concurrently with the request for

accommodation.

17.010.070 – Appeal of adverse decision.

- A. Within thirty (30) days of the date of the reviewing authority's written decision, an applicant may submit a written appeal of an adverse decision.
- B. An individual may request City staff assistance in filing an appeal of an adverse decision.
- C. All appeals shall include a statement of the grounds for the appeal. 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.
- D. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

17.010.080 – Notice of availability.

- A. Notice of the City of Fortuna's Reasonable Accommodations Policy and Procedures shall be displayed at public information counters in the City's planning and building offices.