



Community Development Department Planning Division

REQUEST FOR REASONABLE ACCOMMODATION

PURPOSE: The Federal Fair Housing Amendments Act of 1988 (“Act”) and California’s Fair Employment and Housing Act (FEHA) prohibit discrimination against individuals with disabilities and require that cities and counties take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities. 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. In order to make specific housing available to an individual with a disability, any person may request 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. The request for reasonable accommodation applies to all zoning districts including overlay districts and all adopted local area and specific plans, and to Building and Construction regulations.

ELIGIBILITY: You may request a reasonable accommodation to rules, policies, practices and procedures for the siting, development and use of housing, including housing related services or facilities, if you meet all of the following:

- You have a disability or the housing is for people with disabilities;
- You may need a reasonable accommodation to existing rules and regulations to have equal opportunity to housing;
- Your request for accommodation would not be an undue burden on the city.

PRE-APPLICATION REVIEW: You may request a pre-application review of your project by City staff. By meeting with staff early in the review process, many issues can be resolved which would otherwise cause later delays. Information on pre-application review can be obtained from any Planning staff member.

APPLICATION: If you believe that you satisfy all of the above “Eligibility” criteria and are entitled to a reasonable accommodation under federal and state fair housing laws, you may obtain an application form from the front desk. If you need assistance in applying for a reasonable accommodation, department staff will assist you.

ENVIRONMENTAL REVIEW: Most reasonable accommodation applications are categorically exempt from review under the California Environmental Quality Act (CEQA). This exemption does not apply if the application could result in a change in land use or residential density, or involves areas with an average slope greater than 20%. You will be informed if such review is required. Please refer to the separate "Environmental Review" handout concerning additional submittal requirements.

ACTION: Once an application is determined to be complete, reasonable accommodation requests are reviewed by the community development director or their designee. A decision on a request for reasonable accommodation to grant, grant with modification, or deny a request for reasonable accommodation will be provided in writing in accordance with required findings.

The written decision of the community development director or their designee shall be final unless appealed within 10 business days of the date of action. If an individual(s) needs assistance in filing an appeal on an adverse decision, the city will provide assistance to ensure that the appeals process is accessible. 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

REQUIRED FINDINGS: In order to approve a reasonable accommodation request, the approving authority must make all the following findings:

- a) The housing which is the subject of the request for reasonable accommodation will be used for an individual(s) with a disability protected under the Act.

- b) The request for reasonable accommodation is necessary to make specific housing available to an individual(s) with a disability protected under the Act.
- c) The requested reasonable accommodation does not impose an undue financial or administrative burden on the city.
- d) The requested accommodation will not require a fundamental alteration of the zoning and building laws, policies and/or procedures of the city.
- e) There are no other reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the city's applicable rules, standards and practices.
- f) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

SUBMITTAL REQUIREMENTS: To file a reasonable accommodation, the following items must be submitted:

1. A Planning Application Form
2. A Project Summary Sheet
3. Basis and Evidence for Claim under the Act, that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, including the effects on the person's limitations as it relates to the request, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, handicapped license, or other appropriate evidence;
4. A written statement describing the requested accommodation, and the rule, policy, practice and/or procedure of the city for which the request for accommodation is being made
5. Title Report (may be waived for additions to existing buildings)
6. A Environmental Checklist
7. Five (5) copies of site plans and/or floor plans (See Submittal Standards handout).
9. Photographs (1 set printed, 1 set electronic)

RELATED FORMS AND INFORMATION:

- Benicia Municipal Code Chapter 17.132 Reasonable Accommodation
- Planning Application Form
- Reasonable Accommodation Application Checklist
- Project Summary Sheet
- Submittal Standards
- Environmental Review Information
- Environmental Checklist