

ZONING CODE

*405 Attachment 1*

**Reasonable Accommodations Policy  
[Ord. No. 813, 8-16-2021]**

**Exhibit A  
Reasonable Accommodations Policy  
of the City of Green Park, Missouri**

**Section 1: Purpose.**

A. This Reasonable Accommodations Policy and Procedure ("Policy") implements the policy of the City of Green Park on requests for reasonable accommodation in its rules, policies, and procedures for persons with disabilities as required by the Fair Housing Act, as amended, 42 U.S.C. § 3604(f)(3)(B) and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132. The policy of the City of Green Park is to comply fully with the provisions of the Fair Housing Act and Title II of the Americans with Disabilities Act.

Any person with disabilities and eligible under the Fair Housing Act or Title II of the Americans with Disabilities Act may request a reasonable accommodation with respect to the various land use or zoning laws, rules, policies, practices and/or procedures of the City as provided by the Fair Housing Act and Title II of the Americans with Disabilities Act pursuant to the procedures set out in this Policy.

Nothing in this Policy requires persons with disabilities or operators of group homes for persons with disabilities acting or operating in accordance with applicable zoning, licensing or land use laws or practices to seek reasonable accommodation under this Policy.

**Section 2: Definitions.**

For the purposes of this Policy, certain terms and words are hereby defined as follows:

ACTS — Collectively, the FHA and the ADA.

ADA — Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq., and its implementing regulations, 28 CFR Part 35.

APPLICANT — An individual, group or entity making a request for reasonable accommodation pursuant to this Policy.

CITY — The City of Green Park, Missouri.

CODE — The Municipal Code of Ordinances of the City of Green Park, Missouri.

DISABLED PERSON — Any person who is "handicapped" within the meaning of 42 U.S.C. § 3602(h) or a "qualified individual with a disability" within the meaning of 42 U.S.C. § 12131(2).

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DWELLING — A "dwelling" as defined in 42 U.S.C. § 3602(b).

FHA — The Fair Housing Act, Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., as may be amended.

### **Section 3: Notice to the Public of Availability of Accommodation Process.**

The City shall display a notice at the counter in City Hall or at another prominent and appropriate place advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Policy.

### **Section 4: Requesting Reasonable Accommodation.**

To make specific housing available to one or more individuals with disabilities, the applicant may request a reasonable accommodation relating to the various land use, park/public space use or zoning rules, policies, practices and/or procedure of the City applicable to such housing.

A. A request by an applicant for reasonable accommodation relating to land use, park/public space or zoning rules, policies, practices and/or procedures shall be made orally or in writing on a reasonable accommodation request form provided by the City. The form shall contain:

1. The current zoning or other use restriction for the property at issue;
2. The name, phone number and address of the owner of the fee interest of the property (if other than the applicant);
3. The nature of the disability that requires the reasonable accommodation. In the event that the specific individuals who are expected to reside at the property are not known to the applicant in advance of making the application, the applicant shall not be precluded from filing the application but shall submit details describing the range of disabilities that prospective residents are expected to have to qualify for the housing. The applicant shall notify the City Clerk, in the event the residents at the location are not within the range of disabilities described. The City shall then determine if an amended application and subsequent determination of reasonable accommodation is appropriate;
4. The specific type of accommodation requested by the applicant. To the extent practicable, this portion should include information concerning the impact of the reasonable accommodation on the adjoining properties and area, the number of people who are expected to be availing themselves of the reasonable accommodation, the estimated number of people in an average week who will be necessary to provide services to the person(s) with disabilities at the property on an on-going basis, whether or not this type of reasonable accommodation is required to obtain a license from any State or County authority to operate, and any other information the applicant thinks would assist in determining the reasonableness of the accommodation;
5. The applicant should also note, if known, whether this accommodation requires any additional licensure from the City (e.g., business license); and

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6. Whether the accommodation requested may be necessary to afford one (1) or more disabled persons equal opportunity to use and enjoy a specific dwelling or property.

The City will assist the applicant with furnishing all information necessary to the City for processing the reasonable accommodation request, including that information which the City deems necessary to complete a reasonable accommodation request form. Upon the City's receipt of the necessary information to process the applicant's request for reasonable accommodation, the City shall use the information to complete a reasonable accommodation request form.

B. The City will provide the assistance necessary to an applicant in making a request for reasonable accommodation. The City will provide the assistance necessary to any applicant wishing to appeal a denial of a request for reasonable accommodation to ensure the process is accessible to the applicant. The applicant is entitled to be represented at all stages of the proceedings identified in this Policy by a person designated by the applicant.

C. Should the information provided by the applicant to the City include medical information or records of the applicant, including records indicating the medical condition, diagnosis or medical history of the applicant, the applicant may, at the time of submitting such medical information, request that the City to the extent allowed by law, treat such medical information as confidential information of the applicant.

D. The City shall provide written notice to the applicant, and any person designated by the applicant to represent the applicant in the application proceeding, of any request received by the City for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the City. The City will cooperate with the applicant, to the extent allowed by law, in actions initiated by the applicant to oppose the disclosure of such medical information or documentation.

### **Section 5: Jurisdiction.**

A. City Administrator/Designee. The City Administrator, or his/her designee ("City Administrator"), shall have the authority to consider and act on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the City Clerk, it will be referred to the City Administrator for review and consideration. The City Administrator shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may: (1) grant the accommodation request, or (2) deny the request, in accordance with Federal law. Any such denial shall be in writing and shall state the grounds therefor. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation in the appeals process. The notice of determination shall be sent to the applicant by certified mail, return receipt requested, and by regular mail.

B. If reasonably necessary to reach a determination on the request for reasonable accommodation, the City Administrator may, prior to the end of said thirty-day period, request additional information from the applicant, specifying in detail what information is required. The applicant shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the

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thirty-day period to issue a written determination shall be stayed. The City Administrator shall issue a written determination within thirty (30) days after receipt of the additional information. If the applicant fails to provide the requested additional information within said fifteen-day period, the City Administrator shall issue a written determination within thirty (30) days after expiration of said fifteen-day period.

### **Section 6: Findings for Reasonable Accommodation.**

A. The following findings, while not exhaustive of all considerations and findings that may be relevant, must be made before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record relating to such approval or denial:

1. Whether the accommodation requested may be necessary to afford one (1) or more persons with disabilities equal opportunity to use and enjoy a specific dwelling;
2. Whether the requested accommodation would require a fundamental alteration to the City's Zoning Code, Comprehensive Plan or policies regarding access and use of public property; and
3. Whether the requested accommodation would impose undue financial or administrative burdens on the City.

B. A request for a reasonable accommodation shall not be denied for reasons which violate the provisions of the Acts. This Policy does not obligate the City to grant any accommodation request unless required by the provisions of the Acts or applicable Missouri State law.

### **Section 7: Appeals.**

A. Within thirty (30) days after the date the City mails a written adverse determination, under Section 5, to the applicant, the applicant requesting reasonable accommodation may appeal the adverse determination.

B. All appeals shall contain a statement of the grounds for the appeal.

C. If an individual applicant needs assistance in appealing a determination, the City will provide the assistance necessary to ensure that the appeal process is accessible to the applicant. All applicants are entitled to be represented at all stages of the appeal proceeding by a person designated by the applicant.

D. Appeals shall be to the Board of Adjustment who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than forty-five (45) days after an appeal has been filed. All determinations on appeal shall address and be based upon the findings identified in Section 6 and shall be consistent with the Acts.

E. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

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### **Section 8: Fee.**

The City shall not impose any additional fees or costs in connection with a request for reasonable accommodation under the provisions of this Policy; nor shall it impose any additional fees for an appeal of a denial of such request by the City Administrator other than the filing fee established for all appeals to the Board of Adjustment established in Section 400.050. Nothing in this Policy obligates the City to pay an applicant's attorneys' fees.

### **Section 9: Stay of Enforcement.**

While an application for reasonable accommodation or appeal of a denial of said application is pending before the City, the City will not enforce the subject zoning ordinance against the applicant.

### **Section 10: Record-Keeping.**

The City shall maintain records of all oral and written requests submitted under the provisions of this Policy, and the City's responses thereto, as required by State law.