

Ordinance No. 1395

Adding Fridley City Code, Chapter 34, Reasonable Accommodation

The City of Fridley does ordain, after review, examination and staff recommendation that Chapter 34, Reasonable Accommodation, be adopted and added to the Fridley City Code as follows:

Fridley City Code Chapter 34 Reasonable Accommodation

34.01 Purpose

It is the policy of the City of Fridley (City), pursuant to the Federal Fair Housing Amendments Act of 1988 to provide reasonable accommodation in the application of zoning and other regulations for qualified persons with disabilities seeking fair and equal access to housing. Reasonable Accommodation means providing a qualified person with flexibility in the application of land use, zoning and other regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to fair housing opportunities. The purpose of this article is to establish a process for making and acting upon requests for reasonable accommodation.

34.02 Definitions

Accommodation Specialist: staff, appointed by the City Manager, or their designee to coordinate and administer the Reasonable Accommodation process outlined in Fridley City Code Chapter 34.

Disability: any one or a combination of those disabilities which are recognized under applicable federal law.

Qualified Person: any individual with a disability, their representative, or a developer or provider of housing for an individual with a disability.

Reasonable Accommodation: process by which the City may provide an individual with a disability flexibility in the application of land use, zoning, or other regulations that serve as a barrier to housing.

34.03 Initiation of Reasonable Accommodation Request

Any person who requests reasonable accommodation in the form of modification in the application of a zoning or other regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents, may do so on an application form provided by the City's Accommodation Specialist. The application shall include a detailed explanation of why the accommodation is reasonably necessary to make the specific housing available to the

person(s), with a disability, including information establishing that the application is being made by a qualified person, for themselves or on behalf of a person disabled under applicable laws, as well as other information required by the Accommodation Specialist to make the determination. If the project for which the request is being made also requires an additional land use review or approval, the applicant shall file the request concurrently with the land use review.

34.04 Accommodation Specialist; Required Findings

The Accommodation Specialist, in consultation with the appropriate City staff, shall have the authority to consider and act on requests for reasonable accommodation. The Accommodation Specialist shall issue a written decision in which the request is approved, approved subject to conditions, or denied. In making the decision as to whether an accommodation is reasonable, the following factors shall be considered:

- (a) Special need created by the disability;
- (b) Potential benefit that can be accomplished by the requested accommodation;
- (c) Need for the requested accommodation, including alternatives that may provide an equivalent level of benefit;
- (d) Physical attributes of and any proposed changes to the subject property and structures;
- (e) Potential impact on surrounding uses;
- (f) Whether the requested accommodation would constitute a fundamental alteration of the zoning regulations, policies, or procedures of the City, and/or nature of the area in which the accommodation is being requested;
- (g) Whether the requested accommodation would impose an undue financial or administrative burden on the City;
- (h) Whether the requested accommodation is likely to have any negative impacts on the health, safety, or general welfare of members of the community, and
- (i) Any other factor that may be determined to have a bearing on the request.

Any approval issued under this section may include such reasonable conditions that the Accommodation Specialist deems necessary to mitigate any adverse impacts that the granting of such reasonable accommodation may produce or amplify.

34.05 Notice of Decision

The written decision of the Accommodation Specialist shall be mailed to the applicant within five business days of such decision being made. All written decisions shall give notice of the right to appeal a decision of the Accommodation Specialist pursuant to Section 34.08. The decision of the Accommodation Specialist shall constitute the final decision of the City, unless appealed according to the procedures and within the time limits provided in Section 34.08. Only the aggrieved applicant of the written reasonable accommodation determination has a right to appeal the decision.

A reasonable accommodation approved under this section shall become effective on the first calendar day following expiration of the right to appeal.

34.06 Applicability

Any approved request shall constitute a limited license which shall allow the property owner or occupant to continue to rely upon such accommodation only so long as they own or occupy the property. Approval of a reasonable accommodation does not constitute a property right, does not run with the land, and does not provide future owners or occupants any rights to rely upon such accommodation approvals. Only the person who applied for such reasonable accommodation, and who is specifically named in the City's approval of such accommodation, shall be entitled to the benefits and protections thereof. The holder of an approved reasonable accommodation license hereunder shall, on or before January 1st of each year, provide the City with an updated affirmation that the reasonable accommodation is still necessary. In the event that the Accommodation Specialist has reasonable cause to believe that factors have changed, the Accommodation Specialist may request additional information from the license holder. Failure to annually reaffirm the need for the reasonable accommodation, or failure to provide information reasonably requested by the Accommodation Specialist, shall result in automatic termination of the reasonable accommodation upon written notice of the Accommodation Specialist.

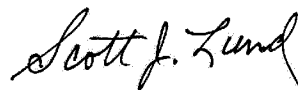
34.07 Conditions and Guarantees

Prior to the issuance of any permits relative to an approved reasonable accommodation request, the Accommodation Specialist may require the applicant to record a covenant acknowledging and agreeing to comply with the terms and conditions established in the determination.

34.08 Appeals

Any decision reached by the Accommodation Specialist pursuant to Section 34.05 shall be subject to appeal to the City Council by those persons with a right to appeal as provided herein. All appeals shall be initiated by submitting a notice of appeal, in writing, to the Accommodation Specialist within 30 days of the date upon which the decision was made. Upon notice of appeal, the City Manager or their designee shall present such appeal to the Fridley City Council for action within 30 days. The Accommodation Specialist shall also serve notice of such appeal on all parties entitled to receive notice of a decision issued under Section 34.05. Following a hearing on such appeal, the Fridley City Council shall issue its findings, in writing, within 30 days.

Passed and adopted by the City Council of the City of Fridley on this 23rd day of August, 2021.



Scott J. Lund - Mayor



Daniel Tienter - City Clerk

Public Hearing: August 9, 2021

First Reading: August 9, 2021

Second Reading: August 23, 2021

Publication: August 27, 2021