



## CITY OF OAKLAND

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031

Zoning Information: 510-238-3911

[www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

# REQUEST FOR REASONABLE ACCOMMODATIONS

## Fair Housing Protections for Individuals with Disabilities

Herein you will find information on the City of Oakland's Reasonable Accommodations policy and procedure. The intent of the Reasonable Accommodations policy is to provide flexibility in the application of the Planning Code for individuals with a disability, when flexibility is necessary to eliminate barriers to housing opportunities. See Oakland Planning Code Chapter 17.131 for the complete ordinance.

### FREQUENTLY ASKED QUESTIONS

#### WHO QUALIFIES AS A PERSON WITH A DISABILITY?

A person with a disability is anyone with 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. 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. Persons with disabilities are protected under the Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act.

#### WHAT IS A "REASONABLE ACCOMMODATION"?

Federal and state fair housing laws require that the City provide you with reasonable accommodation in rules, policies, practices and procedures that may be necessary for people with disabilities to have equal opportunity to use and enjoy a dwelling. More specifically, the City must provide you with reasonable accommodation in decisions and procedures regulating the siting, funding, development or use of housing, including housing related services or facilities.

Reasonable accommodations that will be granted by the City of Oakland are those that do not impose an undue financial or administrative burden on the City, or fundamentally alter the City of Oakland's Planning Code. Whether a request may impose an undue financial or administrative burden will be determined on a case-by-case basis. A request for accommodation will be found to fundamentally alter the City of Oakland's zoning policies and regulations if the requested accommodation is so far reaching that it would undermine the basic purpose of the Ordinance.

Examples of reasonable accommodations include:

- wheelchair ramps located in the setbacks of residential property;
- exceptions to the height limits to allow a tower for an elevator to enable a person using a wheelchair to access all stories of a house;
- waiving parking requirements to convert a garage into a day use area for relatives living in the home who rely on wheelchairs (when no other room could be used as such);
- an operator of a community care facility applying to increase the number of participants at a special needs care facility (beyond the number permitted by the zoning district); and

- a special needs housing developer seeking to develop a multi-family building in a low density commercial zone, bordered by a residential district, because the property is in close proximity to the mental health services which will be used by the residents with disabilities.

### **HOW IS A REQUESTED ACCOMMODATION DEEMED “NECESSARY”?**

A request for reasonable accommodation is deemed necessary if the accommodation affords people with disabilities an equal opportunity to use and enjoy the dwelling. Determining whether an accommodation is necessary entails a “fact specific inquiry regarding each such request,” meaning that each request is evaluated based on the particular set of facts.

### **WHAT IF MY REQUEST FOR REASONABLE ACCOMMODATION IS DENIED?**

The City may deny requests for accommodations that would impose an undue financial or administrative burden on the City or fundamentally alter the nature of the City’s zoning program. Such determinations will be made on a case-by-case basis. Within 10 days of the date of the administrative decision, the applicant may file an appeal from such decision with the City Administrator. For details on the appeals process, see Chapter 17.131.070 of the Oakland Planning Code.

Sources:

*Fair Housing Reasonable Accommodation: A Guide to Assist Developers and Providers of Housing for People with Disabilities in California*, Mental Health Advocacy Services, Inc.

*Model Ordinance for Providing Reasonable Accommodation Under Federal and State Fair Housing Laws*, Mental Health Advocacy Services, Inc.



**GENERAL INFORMATION**

**WHAT TYPE OF BUILDING IS THE SUBJECT OF THE REQUEST FOR ACCOMMODATION:**

- Single family residential
- Duplex
- Apartment building
- Other, describe: \_\_\_\_\_

**CURRENT USE OR ACTIVITY ON THE PROPERTY** \_\_\_\_\_

**DESCRIPTION OF THE REQUESTED ACCOMMODATION. (PER SECTION 17.131.030 (B) OF THE PLANNING CODE, THE PLANNING DIRECTOR MAY REQUIRE ADDITIONAL INFORMATION TO EVALUATE THE REQUESTED ACCOMMODATION)**

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**DESCRIBE WHY THE REQUESTED ACCOMMODATION IS NECESSARY TO AFFORD PEOPLE WITH DISABILITIES AN EQUAL OPPORTUNITY TO USE AND ENJOY THE DWELLING.**

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**To be completed if Applicant is not the Property Owner:**

*I authorize the applicant indicated above to submit the application on my behalf.* \_\_\_\_\_

*Signature of Property Owner*