



**City of Tehachapi**  
**Development Services Department**  
**117 South Robinson Street**  
**Tehachapi, CA 93561**  
**(661) 822-2200**  
**[www.tehachapicityhall.com](http://www.tehachapicityhall.com)**

## **REASONABLE ACCOMMODATIONS IN HOUSING DEVELOPMENT FOR DISABLED OR HANDICAPPED INDIVIDUALS APPLICATION & PROCEDURES**

This application is required when a reasonable accommodations in housing development for disabled or handicapped individuals is requested. The reasonable accommodations procedure is provided pursuant to Fair Housing Laws<sup>1</sup>, to provide individuals with disabilities reasonable accommodations in the application of the City's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose of this application is to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted based upon sufficient evidence, from the various City laws, rules, policies, practices and/or procedures of the City, including land use and zoning regulations.

<b>Application Fee</b>	<b>\$783.00</b>
<b>Technology Fee</b>	<b>\$46.98</b>
<b>Long Range Planning Fee</b>	<b>\$58.72</b>
<b>Total</b>	<b>\$888.70</b>

### **REASONABLE ACCOMMODATIONS INFORMATION AND PROCEDURES:**

#### **The Acts**

Chapter 9.50 provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures.

#### **Adjustment to Physical Design Standards**

A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

#### **Eligible Applicants**

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law (i.e., development standard) or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. This Chapter is intended to apply to those persons who are defined as disabled under the Acts.

**Eligible Request**

1. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, 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.
2. A request for Reasonable Accommodation shall comply with Section 9.50.030 (Application Requirements), below.

**Director**

A request for Reasonable Accommodation shall be reviewed, and a decision shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.

**Filing**

An application for a Reasonable Accommodation shall be filed and processed in compliance with Chapter 9.10 (Application Processing Procedures).

**Required Data**

The application shall include the information and materials specified in the Department handout for Reasonable Accommodation applications, together with the required fee.

**Filing with Other Land Use Applications**

If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Use Permit, Site Plan and Design Review, etc.), the applicant shall file the information required by Subsection A., above, together with the materials required for the other discretionary approval.

**Responsibility of the Applicant**

It is the responsibility of the applicant to provide evidence in support of the findings required by Findings and Decision.

**Other Review Authority**

A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application (e.g., Use Permit) shall be reviewed (and approved or denied) by the authority reviewing the discretionary land use application.

**Director's Review**

The Director shall make a written decision and either approve, approve with modifications, or deny a request for Reasonable Accommodation in compliance with Findings and Decision.

**Other Review Authority**

1. The written decision on whether to approve or deny the request for Reasonable Accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review.
2. The decision to approve or deny the request for Reasonable Accommodation shall be made in compliance with Findings and Decision.

**Findings** The written decision to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts shall be based on consideration of all of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual defined as 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;
5. Whether there are alternatives to the requested waiver or exception that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public;
6. Physical attributes of the property and structures; and
7. Other Reasonable Accommodations that may provide an equivalent level of benefit.

**Conditions of Approval** In approving a request for Reasonable Accommodation, the review authority may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection A. (Findings).

### **Rescission**

1. An approval or conditional approval of an application made in compliance with Chapter 9.10 may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the individual defined as disabled under the Acts vacates the subject site, etc.), unless allowed to remain in compliance with Subsection B., below.
2. If rescinded or is subject to automatic expiration, the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property in compliance with discontinuance 2.

### **Discontinuance**

1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.
2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the review authority first determines that:
  - a) The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Zoning Code; or
  - b) The accommodation is to be used by another qualifying individual with a disability.
3. The review authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities.
4. Failure to provide the documentation within 30 days of the date of a request by the review authority shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.
5. Discontinuance shall require that the improvement made in compliance with the originally approved Reasonable Accommodation shall be removed from the subject property.



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## **REASONABLE ACCOMMODATIONS APPLICATION**

Reasonable Accommodations Project/Location Address: \_\_\_\_\_

\_\_\_\_\_ Zoning: \_\_\_\_\_

A.P.N .: \_\_\_\_\_ Tract & Lot No.: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Mailing Address: \_\_\_\_\_

Applicant Representative: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Representative Mailing Address: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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### **SUBMITTAL REQUIREMENTS:**

(All items must be included at the time of submittal.)

**WRITTEN STATEMENT:** A written statement indicating the reason(s) for requesting a reasonable accommodation(s). The written statement shall provide a description of how the property will be used by the disabled individual(s).

**FAIR HOUSING LAWS CLAIM:** The basis for the claim that the Fair Housing Laws apply to the individual(s) and evidence satisfactory to the City support the claim, which may include a letter from a medical doctor or other licensed health care professional, a handicapped license, or other appropriate evidence which establishes that the individual(s) needing the reasonable accommodation is disabled/handicapped pursuant to the Fair Housing Laws.

PROPERTY VERIFICATION: Verification by the applicant that the property is the primary residence of the person(s) for whom reasonable accommodation(s) is requested (i.e. Title Report, Recorded Grant Deed, or Quit Claim Deed).

VICINITY MAP: One (1) copy of a Vicinity Map reduced to 8 ½ x 11.

PLOT/SITE PLAN: If the reasonable accommodation(s) request is for a modification to the project site/property, then five (5) copies of a Plot/Site Plan shall be provided, which shall be drawn to scale (i.e. ¼" or ⅛" = 1'-0" or 1' = 10') and illustrate the proposed reasonable accommodation(s) modification.

FLOOR PLAN: If the reasonable accommodation(s) request is for a modification to the interior of the home, then five (5) copies of a Floor Plan shall be provided, which shall be drawn to scale (i.e. ¼" or ⅛" = 1'-0") and illustrate the proposed reasonable accommodation(s) modification.

PHOTOGRAPHS: Photographs of the proposed project site/property/interior floor plan to be modified.