

CITY OF BOYNTON BEACH
REASONABLE ACCOMMODATION POLICY

Point of Contact:

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Reasonable Accommodation (RA) Defined:

It is the policy of the City of Boynton Beach, pursuant to the Fair Housing Act (FHA); Title II of Americans with Disabilities Act (ADA); Section 504 of the Rehabilitation Act (Section 504), as applicable; and any applicable local or State regulations, as may be amended from time to time, to provide individuals with disabilities reasonable accommodations in the City's administration of its programs, services, and activities, including, but not limited to zoning, land use, permitting and licensing regulations, requirements and review and approval practices, to ensure access to housing and related services equal to the access that is provided to those without disabilities. A reasonable accommodation is defined as a change, adjustment, modification, exception, alteration or adaptation in a policy, procedure, practice, program, service, activity, or facility that may be necessary for a qualified individual with a disability to have an equal opportunity to: 1) Use and enjoy a dwelling, including public and common use areas of a development; 2) Participate in, and benefit from, a program (housing or non-housing), service, or activity; or 3) to avoid discrimination against an individual with a disability.

The City commits to granting reasonable accommodations unless the accommodation would result in a fundamental alteration of the program or in an undue financial and administrative burden, considering all resources available. In such a case, the City will offer another accommodation that would not result in a fundamental alteration or an undue financial and administrative burden and that would be effective in meeting the disability-related needs of the individual. However, the individual is not required to accept the alternative accommodation that is offered. Should a particular accommodation result in a fundamental alteration or an undue financial and administrative burden, and the alternative accommodation not be accepted by the individual with the disability, the City will continue to work with the individual with a disability to identify an accommodation that is acceptable and is neither a fundamental alteration or undue financial and administrative burden as is described in "Explanation of the Reasonable Accommodation Process" Section 3(b).

For more information please see the Joint Statements of HUD and the Department of Justice regarding 1) *Reasonable Accommodation under the Fair Housing Act*, and 2) *State and Local Land Use Laws and Practices and the Application of the Fair Housing Act*.

As one example, reasonable accommodations in the zoning and land use context means providing individuals with disabilities, or developers of housing for individuals with disabilities, flexibility in the application of land use, zoning and building regulations, policies, practices and procedures, or even

waiving certain requirements, when it is necessary to eliminate barriers or otherwise ensure equal access to such housing opportunities.

The City commits to reviewing pending amendments to local ordinances and regulations to ensure that any potential conflicts with the requirements of this Policy are avoided.

Reasonable Accommodation Awareness

Notification of the Public :

The point of contact for this Policy will ensure that notices informing the public of the RA Policy and Process are available or circulated as follows:

- Posted where the public files for all applications processed by the Development Department;
- Included with application materials processed for all types of group homes as regulated by the City's Zoning Regulations including building permit and business tax receipt applications, and responses to (both approving and denying) requests for Zoning Verification; and
- On the City's Website, and clearly visible, in an accessible format, where the above-referenced applications are listed and made available for downloading.

Explanation of The Reasonable Accommodation Process in detail :

The process for requesting and receiving reasonable accommodations should be straightforward and not burdensome.

1. All persons seeking a reasonable accommodation must be provided with a copy of the City's Reasonable Accommodation Policy and a Request for Reasonable Accommodation Form ("Request Form"), or upon the individual's request, the Request Form must be provided in an accessible format based on the individual's request. Please note that the Reasonable Accommodation Request form is not required for use by individual making reasonable accommodation requests, but may be useful.

2. Any qualified individual with a disability may request a reasonable accommodation, as defined above, to the City's policies, procedures, practices, programs, services, activities, or facilities. Reasonable accommodation requests may be made orally or in writing at any time and may be made to any City staff. If a City staff person receives a reasonable accommodation request, the staff person will forward the request to the ADA coordinator.

3. Upon receiving this request, the City Official responsible for making determinations on reasonable accommodation requests will promptly notify the applicant that the request has been received and is under review. If a person's disability is obvious or otherwise already known, and if the need for the requested accommodation is also readily apparent or known, then no additional information can be sought about the requester's disability or the disability-related need for the accommodation and the City will expedite the approval. Otherwise, the City will have up to 30 calendar days to review the request and make a determination, including if necessary, the request for additional information..

3(a). If an individual's disability or the need for a requested accommodation is not readily apparent or otherwise known to the City, the City may request additional information or, when necessary, documentation. If additional information or documentation is needed to evaluate a requested reasonable accommodation, the City will seek the information through a written request to the individual making the request using the "Request for Additional Information to Process Reasonable Accommodation Request" form. The City will only require the minimal information necessary to determine if the accommodation sought would serve an individual's disability-related need. Such requests for information or verification will be narrowly tailored. Information and verification requests, and the information received in response, will be held confidentially by the City and will only be disclosed to staff with a need to know.

3(b). The interactive process is also intended to facilitate the consideration of alternative effective accommodations necessary to meet the disability-related needs of the individual with a disability. If the City establishes that the request would cause a fundamental alteration of the City's operations and/or the City's zoning scheme, or impose an undue administrative and financial burden on the City, then the City will engage in an interactive process with the requester to establish other accommodations that could be granted in order to meet the individual's disability-related needs.

4. The City of Boynton Beach will grant or deny the request within no more than 30 calendar days after receiving all information and documentation from the requesting individual. The City will not make a determination until all information has been received. All decisions to grant or deny reasonable accommodations will be communicated in writing using the City's template letters for approval or denial ("Letter Approving Request for Reasonable Accommodations" or "Letter Denying Request for Reasonable Accommodations"), or if required, in an alternative, accessible format. Should the City require additional time to make a determination, the City will provide the requester the reasons for the delay within the timeframe the City otherwise would have had to make a determination.

5. If the request is approved, the City will immediately implement the accommodation.

5(a). If the approved request cannot be honored at the time of the approval, the City will notify the individual with an estimated time frame for when the request can be implemented. The City will also provide interim accommodations as described in the "Letter Approving Request for Reasonable Accommodations," until such time that the request can be fully effectuated.

6. In the event a reasonable accommodation request is denied, individuals have a right to appeal and must do so in writing using the "Application to Appeal Denial of Request for Reasonable Accommodation" form within 30 calendar days of receipt of the letter memorializing the denial. Assistance in completion of the Appeal form will be provided by City Officials if needed. The City of Boynton Beach will honor extensions where there is good cause, including when an individual requests additional time as a reasonable accommodation. Individuals who appeal the denial of their reasonable accommodation request will be provided a hearing with a Special Magistrate. Following the hearing, the Special Magistrate will either uphold the denial or require the City to grant the reasonable accommodation request.

Standard form documents to be used in the RA process: See attached letters

- Reasonable Accommodation Request Form (optional for use by individuals making reasonable accommodation requests)
- Approval Letters
- Denial Letters
- Request for Additional Information Letters
- Implementation letters
- Application to Appeal Denial of Reasonable Accommodation