

17.220.030 Application requirements.

A. A request for reasonable accommodation shall be filed on the application form provided by the Planning Department. If necessary to ensure accessibility, the applicant may request an alternative format. The applicant may be the person with the disability or his or her representative. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits. The application shall be signed by the owner of the property and shall provide the following information:

1. Applicant's name and contact information;
2. Property address;
3. Current use of the property;
4. Basis for the claim that the individual is considered disabled under Fair Housing Laws;
5. The zoning code provision, regulation or policy from which reasonable accommodation is being requested;
6. Explanation why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
7. Plans showing the details of the proposal.

B. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval under this title (including, but not limited to, a Conditional Use Permit, Variance, or Zoning Amendment), the application for reasonable accommodation shall be submitted and reviewed at the same time as the related applications. (Ord. 679 2-19-19)

REASONABLE ACCOMMODATION REQUESTS FOR SERVICE ANIMALS

May I request to have a service animal live with me as a reasonable accommodation in housing?

An individual may request a reasonable accommodation to have a service animal if the individual is disabled, as defined by the FHA, and the animal performs work, assistance, tasks, or other services for the benefit of the individual, or if it provides emotional support that alleviates one or more of the identified symptoms or effects of the individual's disability.



Requesting a Reasonable Accommodation in the City of Desert Hot Springs



Service animals can be part of a reasonable accommodation in housing and be companions for disabled residents.

The purpose of this brochure is to provide the procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests. (Ord. 679 2-19-19)



What is a “reasonable accommodation” in housing?

The Federal Fair Housing Act (FHA) is a federal law and the California Fair Employment and Housing Act prohibit discrimination in housing. One of the many protections is the right of individuals with disabilities to request a reasonable accommodation in the rules, policies, practices, or services of a housing provider. Whenever a person submits a request that a rule, policy, practice, or service be changed or modified in some way in order to afford a person with a disability an equal opportunity to use and enjoy a dwelling, such a request is a reasonable accommodation request.

What types of reasonable accommodations can be requested?

The fair housing rules and the California Fair Employment and Housing Act regulations provide three examples in which a reasonable accommodation would need to be granted to an individual with a disability: (1) a tenant who is blind and requires the use of a seeing-eye dog at a property that prohibits pets; 2) a tenant with a mobility impairment who requires a parking space be reserved for them near their dwelling; and (3) a tenant with a mental disability, who is afraid to leave her residence, to be allowed to pay their rent by mail even though the housing provider requires that the rent must be paid in person at the rental office.



The courts have identified numerous other situations in which a reasonable accommodation should have been granted, including:

- A housing provider’s refusal to waive a no-pets policy to allow tenant to have a service animal
- A housing provider that refused to waive a guest fee for a live-in home health aide for a tenant with a disability
- A housing provider that refused to immediately assign a parking space in the property’s parking garage without having to be put on the waiting list
- A municipality’s refusal to waive zoning minimum setback requirements to permit the construction of a driveway in the front yard of a resident with a disability
- A housing provider’s refusal to allow a tenant with a disability to transfer from an upper-level apartment to a lower level apartment



- A municipality’s refusal to grant a resident with a disability additional time to abate the public nuisance at her property
- A municipality’s refusal to allow a resident with a disability’s caregivers to reside in an outbuilding in violation of the one-single-family-home-per-lot zoning requirement
- A municipality’s refusal to grant a variance to allow placement of a group home to be used by a group of residents with disabilities who live as a “single family” in an area zoned for single family use
- A municipality’s refusal to grant a variance to the zoning ordinance that requires spacing between group homes
- A municipality’s refusal to grant a variance to allow the construction of a nursing home in an area zoned primarily for residential uses

Accessible Parking Only Sign

It is important to understand that this list does not include all types of reasonable accommodations that must be granted and each request must be considered on a case-by-case basis to determine if granting the request may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. Chapter 17.220 of the City of Desert Hot Springs Zoning Code References Reasonable Accommodations and the link is provided below:

<http://www.qcode.us/codes/deserthotsprings/>