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CITY OF DESERT HOT SPRINGS
REASONABLE ACCOMMODATION POLICY: BROCHURE & APPLICATION

The City Council adopted a Reasonable Accommodation Policy on February 19, 2019. The brochure describes the procedures that disabled residents of Desert Hot Springs or their representatives may use to apply for a reasonable accommodation.

You may request a reasonable accommodation to rules, policies, practices and procedures for the siting, development and use of housing, including housing related services or facilities, if you meet all of the following:

- You have a disability or the housing is for people with disabilities;
- You may need a reasonable accommodation to existing rules and regulations to have equal opportunity to housing and;
- Your request for accommodation would not create an undue burden on the City of Desert Hot Springs.

The Reasonable Accommodation Policy adopted by the City Council defines an individual with a disability as any of the following: (1) a person who has a physical or mental impairment that limits one of more major life activities; or (2) a person who is regarded as having such an impairment, or a person with a record of such an impairment; or (3) a person with a "disability" as otherwise defined in the Federal Americans with Disabilities Act or the California Fair Employment and Housing Act.

If you believe that you satisfy the above criteria and are entitled to a reasonable accommodation, you may complete the attached Fair Housing Accommodation Request form. If you need assistance in filling out the application, either the Planning Department or Building Department will assist you.



CITY OF DESERT HOT SPRINGS

FAIR HOUSING ACCOMMODATION REQUEST

EXPLANATION OF RIGHTS UNDER THE FAIR HOUSING AMENDMENTS ACT OF 1988

Before completing the request for a reasonable accommodation, below, please read the following information about who is protected by the Fair Housing Amendments Act and what accommodation may be available under the law. This is not a comprehensive explanation of your rights under the Fair Housing Amendments Act.

Do the protections of the Fair Housing Amendments Act apply to me?

An individual with a disability includes any of the following: (1) a person who has a physical or mental impairment that limits one or more major life activities; or (2) a person who is regarded as having such an impairment, or a person with a record of such an impairment; or (3) a person with a "disability" as otherwise defined in the Federal Americans with Disabilities Act or the California Fair Employment and Housing Act. The Fair Housing Amendments Act does not protect an individual currently using illegal substances, unless that person has a separate disability.

What kind of accommodation may I request under the Fair Housing Amendments Act?

If you have a disability or the housing is for people with disabilities, the Fair Housing Amendments Act requires 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.

How do I request reasonable accommodation from the City?

To make a request for reasonable accommodation, answer the questions on the attached one-page request form, sign and date the form and return it to the Planning or Building Department. If you need help in answering the questions on the request form, you may ask for assistance from the Department. Your accommodation request will be reviewed by the Planning Department or Building Department who will issue a written decision on your request within thirty (30) days of the date of the request. If the Planning Department or Building Department does not issue a written decision within 30 days, your request will automatically be granted. If the one of the Departments needs additional information consistent with the Fair Housing Amendments Act to consider your request, the 30-day time period will stop running until you respond to the request.

What if my request for reasonable accommodation is denied?

If your request for accommodation is denied, you may appeal the adverse decision by filing a Notice of Appeal with the City Manager within fifteen (15) business days of the decision. You may request reasonable accommodation in the procedure by which an appeal may be conducted. Nothing in this accommodation request procedure limits your right to any other available state or federal remedy.



**CITY OF DESERT HOT SPRINGS
APPLICATION FOR REQUEST FOR REASONABLE ACCOMMODATION**

NOTE: If you need help in completing this request form, please contact the person at the Planning Division or Building Division counter for assistance.

1. Name of Applicant:

Telephone Number:

2. Address:

3. Address of Housing at Which Accommodation is requested:

4. Describe the accommodation you are requesting and the specific regulation(s) and/or procedure(s) from which accommodation is sought:

5. Give the reason that the reasonable accommodation may be necessary for you or the individuals with disabilities seeking the accommodation. You do not need to tell us the name or extent of your disability or that of the individuals seeking the housing:

6. If we have questions about your request for reasonable accommodation and you would like us to contact someone assisting you with this request, instead of you, please give us that person's name, address, and telephone number:

7. Signature of Applicant:

Date:

YOU MAY ATTACH ANY ADDITIONAL INFORMATION THAT YOU THINK SUPPORTS YOUR REQUEST FOR A REASONABLE ACCOMMODATION.



CITY OF DESERT HOT SPRINGS
NOTICE OF DECISION ON
FAIR HOUSING ACCOMMODATION REQUEST

1. Date of Application: _____

2. Date of Decision: _____

3. The request for a Fair Housing Accommodation is:

_____ Granted _____ Denied (See Notice below re: right to appeal decision)

4. The reasons for this decision are as follows:

5. The facts relied on in making this decision:

Signature of Designee: _____

Date: _____

NOTICE: Any decision of the Director or designee may be appealed by the applicant to the Planning Commission. The appeal shall be made in writing and filed with the Director within 15 days following the final decision. The appeal shall clearly state the reasons for the appeal. Where the request for accommodation is in conjunction with an application for another approval, permit or entitlement under this title, the appeal procedures for such other approval, permit or entitlement shall control.



CITY OF DESERT HOT SPRINGS

**APPEAL OF DENIAL OF
FAIR HOUSING ACCOMMODATION REQUEST**

NOTICE: PLEASE ATTACH TO THIS APPEAL FORM (1) A COPY OF YOUR FAIR HOUSING ACCOMMODATION REQUEST ALONG WITH ANY ATTACHMENTS SUBMITTED WITH THE REQUEST AND (2) THE NOTICE OF THE DECISION DENYING YOUR ACCOMMODATION REQUEST.

1. Date of Adverse Decision: _____

2. Date Appeal Filed: _____

3. State why you think the denial of your request for accommodation was wrongly decided:

4. Provide any new information, facts or documents that support your request for accommodation:

Signature: _____

Date: _____



CERTIFICATION OF STATUS AS AN INDIVIDUAL WITH A DISABILITY

In federal civil rights laws the definition of disability includes: "...with respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment; or being regarded as having such an impairment..." "...physical or mental impairment includes: (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive, digestive; genito-urinary; hemic and lymphatic; skin, and endocrine; or (2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. "...The term 'physical or mental impairment' includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairment, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism."

As a medical/social service professional with a knowledge necessary to make such a determination, I certify that _____ (name of individual) qualifies as an individual with a disability as defined above. (IMPORTANT: Do NOT reveal the specific NATURE OR SEVERITY of the individual's disability)

Name and Professional Title

Signature

Date



Who Is a Person with a Disability?

Federal nondiscrimination laws define a person with a disability to include any (1) individual with a physical or mental impairment that substantially limits one or more major life activities; (2) individual with a record of such impairment; or (3) individual who is regarded as having such an impairment.

In general, a physical or mental impairment includes, but is not limited to, examples of conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV), developmental disabilities, mental illness, drug addiction, and alcoholism.

Some impairments are readily observable, while others may be invisible. Observable impairments may include, but are not limited to, blindness or low vision, deafness or being hard of hearing, mobility limitations, and other types of impairments with observable symptoms or effects, such as intellectual impairments (including some types of autism), neurological impairments (e.g., stroke, Parkinson's disease, cerebral palsy, epilepsy, or brain injury), mental illness, or other diseases or conditions that affect major life activities or bodily functions.

The term "major life activities" includes those activities that are important to daily life. Major life activities include, for example, walking, speaking, hearing, seeing, breathing, working, learning, performing manual tasks, and caring for oneself. There are other major life activities that are not on this list.

Major life activities also include the operation of major bodily activities, such as the functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive systems.

Under regulations implementing the ADA Amendments Act of 2008 some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability. Such impairments are "predictably assessed" as disabilities by the very nature of the impairment as substantially limiting a major life activity or major bodily function. Examples include deafness, blindness, intellectual disabilities, partially or completely missing limbs or mobility impairments requiring the use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, muscular dystrophy, multiple sclerosis, Human Immunodeficiency Virus (HIV) infection, major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia. This does not mean that other conditions are not disabilities. It simply means that in virtually all cases these conditions will be covered as disabilities.

In general, the definition of "person with a disability" does not include current users of illegal controlled substances, but does provide protections for individuals with drug or alcohol addiction. Individuals would also be protected under Section 504 and the ADA if a purpose of the specific program or activity is to provide health or rehabilitation services to such individuals.