

Appendices

Appendix I

Summary Enforcement Activities

**A Summary of the Fair Housing Enforcement Activities
of Mental Health Advocacy Services, Inc., and
Protection & Advocacy, Inc., in the California Land
Use and Zoning Campaign.**

The California Land Use and Zoning Campaign was a statewide effort to address barriers to housing opportunities for people with disabilities due to unlawful land use practices such as discriminatory zoning decisions, licensing requirements, and restrictive covenants. Federal and state courts and legislatures have recognized that discriminatory land use and zoning practices violate fair housing and anti-discrimination laws. Under contract to the Fair Housing Congress of Southern California, Mental Health Advocacy Services, Inc. (MHAS), and Protection & Advocacy, Inc. (PAI), provided legal representation to individuals and housing providers in federal and state courts, and before local government and administrative bodies. MHAS and PAI project attorneys also shared information and provided legal advice to fair housing organizations, local government officials, housing developers, disability rights advocates, consumers, and social service providers throughout California concerning land use practices and fair housing issues.

Fair housing enforcement activities included efforts to educate local government officials through opinion letters and testimony before administrative bodies, and litigation of selected cases in which project staff represented plaintiffs who challenged discriminatory land use and zoning policies and practices. Invariably, the enforcement activities were in response to a community's efforts to limit or obstruct the development of housing for people with disabilities.

Litigation

During the two-year Campaign, project staff filed three lawsuits. Each case came about because of neighborhood opposition to housing for people with disabilities.

The Conditional Use Permit Requirement.

The first case that the attorneys filed demonstrates the hurdles a housing provider may encounter when a jurisdiction requires a conditional use permit for group homes serving six or more people. In Committee For A Quiet Clay Street v. City and County of San Francisco, No. 970461 (San Francisco Super. Ct.), the project represented the Mental Health Association of San Francisco as amicus curiae in a state court lawsuit filed by neighbors to block the opening of a residential treatment program for people with mental disabilities in the Pacific Heights neighborhood of San Francisco. Progress Foundation had made an application for a conditional use

permit to open a 16 person facility in a twelve-bedroom residence. Neighbors who opposed the facility, mounted a fear-based campaign, using negative stereotypes about people with mental disabilities, to arouse community opposition to the project and to pressure City decisionmakers to deny Progress Foundation's request.

Following a number of contentious public hearings, the City granted Progress a conditional use permit to open the facility. The neighborhood group then filed a lawsuit to overturn the City's decision. Project staff wrote a brief in which they argued that state law preempted the City's authority to prohibit or regulate mental health facilities in residential zones where hospitals or nursing homes were permitted, and that federal and state fair housing laws protected people with disabilities from being denied the right to live in group housing in residential neighborhoods. The court ruled in favor of the City and Progress, refusing to deny or revoke the conditional use permit.

Funding Procedures.

The second case filed concerned discrimination in the approval process for a publicly funded project. In Family Alliance For The Mentally Ill (FAMI) v. City of Fresno, No. CV-F-96-5349 (E.D. Cal.), the attorneys filed a complaint on behalf of two non-profit housing providers and two disabled individuals in federal court, that alleged the City of Fresno violated federal and state fair housing laws by wrongfully denying funding to rehabilitate a multi-unit apartment complex to be used as a low-income supported housing for people with mental disabilities. FAMI applied twice for \$175,000 in funding under two separate federally funded housing programs administered by the City of Fresno. Their first application was not processed in a timely fashion and was ultimately denied by City housing officials, due to pressure from a city councilmember who opposed housing for low-income people with mental disabilities in his district. A second application was rejected by the City Council following a public hearing. Prior to the hearing, the same city councilmember had sent out discriminatory public notices encouraging his constituents to work with him to defeat the project, and held a public meeting at which he made discriminatory statements about people with disabilities.

Plaintiffs alleged that the City of Fresno and its councilmembers violated the law by denying funding to FAMI, because of animus towards people with mental disabilities. Following months of discovery and lengthy settlement discussions, a successful resolution of the case was reached and all the parties signed a Consent Order. Under the terms of the Consent Order, the City of Fresno provided FAMI with \$445,000 to rehabilitate the property, paid the individual

plaintiff \$5,000 for civil rights violations, and agreed to fair housing training for its employees. Staff will continue to monitor the City's implementation of and compliance with the settlement.

Restrictive Covenants.

Finally, the third case litigated illustrates how neighbors attempt to employ restrictive covenants to keep homes for people with disabilities out of residential subdivisions. In Ancheta v. Westborough Homeowners Improvement Association, No. 398488 (San Mateo Super. Ct.), the project intervened in a lawsuit, on behalf of potential residents of a South San Francisco group home for four developmentally disabled children, brought by providers against a homeowners group. The homeowners denied the providers permission to construct a wheelchair ramp and to operate the group home, because they alleged that the home was being used for a commercial purpose that was prohibited in their residential subdivision by covenants incorporated in all of the property deeds. Further, the homeowners alleged that a group home would drive down their property values and would disrupt their quiet residential setting. Despite their stated position, the homeowners group had in the past allowed group homes for the elderly to operate unhindered and had permitted members to rent their homes.

The intervenors alleged that the homeowners' action was motivated by prejudice against people with disabilities. This case is currently in the discovery phase, but staff anticipate filing a motion for summary adjudication, requesting a ruling from the court that the homeowners have violated state and federal fair housing laws.

Advocacy Before Administrative Bodies

As noted above, a housing provider may encounter a number of hurdles in its path to developing housing for people with disabilities when a jurisdiction requires a conditional use permit for the siting and operation of a group home serving six or more people. Project staff assisted a number of providers enmeshed in the conditional use permit application process.

The Conditional Use Permit Requirement and Restrictive Conditions.

In Santa Barbara County, project staff aided the Mental Health Association in its efforts to assure approval of a permit for the Telecare Corporation to open a group home for ten residents with mental disabilities, Telecare Conditional Use Permit, Case No. 96-CP-033. County planning department officials prepared a report for a scheduled public hearing,

in which they recommended that the use permit be approved with conditions; however, two of the conditions were discriminatory. First, they recommended that the provider notify neighbors about the nature of the home and the residents who would live there, and, second, they recommended that gates be installed at exits from the property because of the nature of the residents' disabilities. Project staff wrote a letter, to be included in the record of the hearing before the Zoning Administrator, and gave testimony in support of the provider/applicants' right to open the home and described how both federal and state fair housing laws prohibited the imposition of the two conditions. Following the close of the public hearing, the Zoning Administrator announced his decision in which he agreed with our position; he deleted the two conditions and granted the use permit.

Moratoria and Other Restrictions on the Location of Group Homes.

Jurisdictions sometimes enact restrictions or prohibitions against particular types of housing development through their land use and zoning regulations. Project staff analyzed and provided written comments opposing a proposed ordinance in the City of Santa Barbara that would have placed limits on the siting of group homes in residential neighborhoods. Staff gave testimony before the San Francisco planning commission at a public hearing concerning the imposition of a moratorium on group homes. In a case involving an application for a conditional use permit for a mental health residential treatment program in the City of Azusa, staff wrote a letter to the mayor and city council outlining how the denial of the permit, due to the enactment of a moratorium on the issuance of permits for group homes serving people with disabilities, would violate federal and state laws; a permit was subsequently issued.

The attorneys also represented a non-profit housing provider for people with mental disabilities, on an appeal of the denial of an application for a conditional use permit by the City of Pasadena because of a moratorium on the siting of group homes for seven or more people, Homes For Life Foundation (HFL) Conditional Use Permit, Case #3198. HFL sought to increase the number of residents at its group home in that City from six to nine. There were to be no other changes in the use or to the structure itself. California law requires cities to treat homes for six or fewer people with mental disabilities as a residential use of property and such homes must be a permitted use in all residential zones. The City's zoning ordinance required an operator of a home with seven or more residents to obtain a conditional use permit, and the City's general plan prohibited homes for seven or more residents from locating in the Northwest Plan Area, the section of the City in which the home was located.

Following a denial of the permit by a zoning hearing officer based upon the moratorium, staff filed an appeal to the Board of Zoning Appeals. They argued that the hearing officer's decision was discriminatory and unlawful, because HFL sought solely to expand an existing use to provide housing for three additional people with mental disabilities, and the hearing officer had failed to grant HFL a reasonable accommodation from the moratorium. The Board reversed the hearing officer's decision and granted the permit.

Negotiations With Government Entities

Project staff also had success in eliminating the discriminatory application of the conditional use permit requirement for housing for people with disabilities.

The Conditional Use Permit Process and Expansion of Existing Uses.

In a case that was similar to the HFL conditional use permit application in Pasadena, staff represented HFL in negotiations with the City of Norwalk regarding the application of that City's conditional use permit process to the provider's efforts to increase the number of residents at its group home there from six to eight. A conference with officials from the City's planning department was held. Following the meeting, a letter was sent to the officials setting forth detailed arguments describing how federal and state fair housing and anti-discrimination laws made it illegal for the City to require the provider to obtain a conditional use permit simply because the home would have more than six residents. Subsequently, the City agreed with the project staff's position and allowed the provider to house additional residents without obtaining a permit.

Drafting Zoning Code Amendments.

For more than a year, project staff advised a coalition of human services providers in Pasadena on fair housing rights and on what amendments needed to be made to their city's zoning ordinance in order to eliminate land use discrimination. The Planning Commission completed a series of public meetings at which amendments, that staff helped the Coalition draft, were debated. Ultimately, the City Council voted to approve amendments to the zoning code which eliminated many distinctions in the permit process between housing for non-disabled people and housing for people with disabilities.

Opinion Letters

As part of the ongoing effort to provide information and advice to consumers, fair housing organizations, housing developers, and social service providers throughout California concerning land use and fair housing issues, the project attorneys wrote a number of opinion letters to individuals and organizations who brought what they thought to be discriminatory practices to the project staff's attention. For example, staff provided a sober living home operator with a description of federal and state fair housing laws which protect and promote the rights of individuals in recovery from substance abuse to live in residential communities, analyzed a city's zoning ordinance and practices in light of those laws, and offered advice on strategies that he could undertake to enforce his fair housing rights. In another letter, staff provided a substance abuse treatment center operator with a description of federal and state fair housing laws and explained how those laws effected the ability of neighbors to exercise their First Amendment rights. Finally, a letter of support was written to an agency providing residential treatment for dual-diagnosed adults, which included legal analyses justifying their request for a permit to expand residential services at an existing site.

Appendix II

Audit Tool

LAND USE FAIR HOUSING

AUDIT TOOL

Developed by:

Fair Housing Congress of Southern California
Protection & Advocacy, Inc.
Mental Health Advocacy Services

Name of Jurisdiction: _____

Date(s) of Audit: _____

Auditor's Name: _____

DOCUMENTS COLLECTED/REVIEWED
(Not all documents are necessary for each audit)

Consolidated Plan/Comprehensive Housing Affordability Strategy (CHAS)
(Prior to 1/1/95, a "Consolidated Plan" was called a "CHAS".)

Zoning Code

Comprehensive (General) Plan
 Housing Element
 Land Use Element

Zoning Administrator's Interpretation (ZAI)

Any other project-related documents recommended by interviewees

Document name and general description: _____

I. CONDITIONAL USE PERMIT (CUP)

	<p align="center">Indicators of Potential Fair Housing Violations</p>	<p align="center">Indicator Source (Key Informant, Citation in Zoning Document)</p>
<p>● No CUP provided at all for group or supported housing for people with disabilities</p>		<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Additional Sources: _____</p>
<p>● CUP specifically required for group housing for people with disabilities and not other types of housing</p> <p align="center"> <input type="checkbox"/> 6 bed <input type="checkbox"/> 7+ <input type="checkbox"/> 10+ <input type="checkbox"/> 15+ </p>		<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<p>● CUP required for certain types of group housing which could include people with disabilities</p> <p align="center"> <input type="checkbox"/> 6 bed <input type="checkbox"/> 7+ <input type="checkbox"/> 10+ <input type="checkbox"/> 15+ </p>		<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>

II. RESTRICTIVE DEFINITION OF "FAMILY"

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Restrictive definition of "family" excludes group housing for people with disabilities (e.g. numbers, related individuals) 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<ul style="list-style-type: none"> ● Residential location limited or prohibited if group does not meet definition of "family" 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>

III. PUBLIC NOTICE AND HEARINGS

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Public notice or notification to neighbors required prior to siting of group housing for people with disabilities 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Permit Requirements/Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<ul style="list-style-type: none"> ● Public notice process/hearing used to justify denial of siting of housing for people with disabilities 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>

IV. FUNDING PROCEDURES FOR HOUSING FOR PEOPLE WITH DISABILITIES	
Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Public notice or notification to neighbors required prior to siting/approval of publicly funded projects, including housing 	<p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Permit Requirements/Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<ul style="list-style-type: none"> ● In competing for public funds, different application requirements are imposed upon providers of housing for people with disabilities from those that are imposed on providers of comparably sized housing for people without disabilities 	<p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>
<ul style="list-style-type: none"> ● The criteria for the awarding of public funds changes in response to community pressure 	<p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>

V. LIMITS ON SUPPORTIVE/SPECIAL NEEDS HOUSING

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Treatment of housing/facilities which provide supports and/or services differently than other housing of same size or type 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>

VI. REASONABLE ACCOMMODATIONS

<p align="center">Indicators of Potential Fair Housing Violations</p>	<p align="center">Indicator Source (Key Informant, Citation in Zoning Document)</p>
<p>● Specific provisions for providing reasonable accommodations to rules, policies or practices to permit housing for people with disabilities are not available</p>	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Housing Element §: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<p>● Actual denials of requests for reasonable accommodations to rules, policies or practices to permit housing for people with disabilities</p>	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>

VII. SPACING/OVER CONCENTRATION/DENSITY

<p align="center">Indicators of Potential Fair Housing Violations</p>	<p align="center">Indicator Source (Key Informant, Citation in Zoning Document)</p>
<ul style="list-style-type: none"> ● Places spacing (e.g., distance, minimal feet apart) requirements specifically on group housing for people with disabilities 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<ul style="list-style-type: none"> ● Places spacing requirements generally on group housing, some of which is available to people with disabilities 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Locality fails to grant waiver of state law 300 foot spacing requirements for group homes when requested 	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>
<ul style="list-style-type: none"> ● Places other limits on location of group housing based on controlling overcrowding (e.g. dispersal requirements) 	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>

VIII. MORATORIA

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Places moratorium on group homes for people with disabilities <ul style="list-style-type: none"> <input type="checkbox"/> 6 bed <input type="checkbox"/> 7+ <input type="checkbox"/> 10+ <input type="checkbox"/> 15+ 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Local Ordinance(s): _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<ul style="list-style-type: none"> ● Places moratorium on housing with supports for people with disabilities 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Local Ordinance(s): _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Places moratorium on low income housing, or other housing, which may affect people with disabilities 	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Local Ordinance(s): _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>

IX. LICENSING ISSUES

<p align="center">Indicators of Potential Fair Housing Violations</p>	<p align="center">Indicator Source (Key Informant, Citation in Zoning Document)</p>
<p>● Overly restrictive licensing requirements which prohibit group housing for persons with disabilities from opening</p> <p align="center"> <input type="checkbox"/> 6 bed <input type="checkbox"/> 7+ <input type="checkbox"/> 10+ <input type="checkbox"/> 15+ </p>	<p align="center"> YES <input type="checkbox"/> NO <input type="checkbox"/> </p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<p>● Actual denials of requests for reasonable accommodations to rules, policies or practices to permit housing for people with disabilities</p>	<p align="center"> YES <input type="checkbox"/> NO <input type="checkbox"/> </p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>

X. FIRE MARSHALL

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Overly intrusive fire marshall requirements, not required of similar housing for non-disabled people, which prohibit housing for people with disabilities from opening 	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>
<ul style="list-style-type: none"> ● Actual denials of requests for reasonable accommodations to rules, policies or practices to permit housing for people with disabilities 	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>

XI. BUILDING PERMIT PROCESS

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none">● Actions by land use/zoning /planning departments denying building permits to housing for persons with disabilities (e.g. renovations, home modifications)	YES <input type="checkbox"/> NO <input type="checkbox"/> Key Informant Source(s): _____ Other Sources or Documentation: _____

XII. PRIVATE RESTRICTIVE COVENANTS

<p align="center">Indicators of Potential Fair Housing Violations</p>	<p align="center">Indicator Source (Key Informant, Citation in Zoning Document)</p>
<p>● Existence of private restrictive covenants used to prohibit group housing for people with disabilities (e.g. prohibit businesses or limited definitions of families)</p> <p align="center"> <input type="checkbox"/> 6 bed <input type="checkbox"/> 7+ <input type="checkbox"/> 10+ <input type="checkbox"/> 15+ </p>	<p align="center"> YES <input type="checkbox"/> NO <input type="checkbox"/> </p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>
<p>● Actual denials of requests for reasonable accommodations to rules, policies or practices to permit housing for people with disabilities</p>	<p align="center"> YES <input type="checkbox"/> NO <input type="checkbox"/> </p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>

XIII. SELF-EVALUATION/HOUSING ELEMENTS/CONSOLIDATED PLANS COVENANTS	
Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Failure to conduct self-evaluation of land use and zoning under ADA 	<p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>
<ul style="list-style-type: none"> ● Failure to implement ADA self-evaluation plan 	<p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Failure to meet housing element requirements re: fair housing 	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Housing Element §: _____ Other Documents: _____</p> <p>Key Informant Source(s): _____ Additional Sources: _____</p>
<ul style="list-style-type: none"> ● Failure to implement/follow housing elements plan 	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Housing Element §: _____ Other Documents: _____</p> <p>Key Informant Source(s): _____ Additional Sources: _____</p>

XIV. TERMS AND CONDITIONS/OTHER RESTRICTIONS	
Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Social or other restrictions on people with disabilities in group housing which do not apply to non-disabled people (e.g., curfews, restricted use of outside property area) 	<p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>
<ul style="list-style-type: none"> ● Non-profit/charitable providers of housing are subject to different procedures than for profit providers 	<p style="text-align: center;">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Key Informant Source(s): _____</p> <p>Other Sources or Documentation: _____</p>

XV. OCCUPANCY STANDARDS

Indicators of Potential Fair Housing Violations	Indicator Source (Key Informant, Citation in Zoning Document)
<ul style="list-style-type: none"> ● Occupancy standards are more restrictive than HDC requirements (i.e., 1991 federal standards) 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>
<ul style="list-style-type: none"> ● Occupancy/size limits apply to unrelated adults but not to families (which impacts on group housing for people with disabilities) 	<p align="center">YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>Zoning Code §: _____</p> <p>Other Documents: _____</p> <p>Key Informant Source(s): _____</p> <p>Additional Sources: _____</p>

Appendix III
Jurisdictions Audited

JURISDICTIONS AUDITED

L.A./SOUTHERN	CENTRAL VALLEY	BAY AREA	NORTHERN
Alhambra Anaheim Baldwin Park Bellflower Beverly Hills Burbank Carson Corona Costa Mesa Culver City Cypress El Monte Fountain Valley Fullerton Gardena Garden Grove Glendale Hemet Huntington Beach Indio Inglewood Irvine Lake Forest Lancaster Los Angeles Monrovia Montebello Monterey Park Newport Beach Orange Oxnard Palmdale Palm Springs Pico Rivera Redondo Beach Riverside Rosemead San Diego Santa Clarita Simi Valley Temple City Tustin Torrance West Covina Whittier	Bakersfield Bishop Fresno Inyo County Merced Modesto Mono County Stockton Visalia	Alameda Albany Cupertino Emeryville Hillsborough Marin County Menlo Park Monterey Mountain View Novato Piedmont Salinas San Bruno San Francisco San Jose San Leandro San Rafael Santa Clara County Santa Cruz Sonoma Vacaville Vallejo	Amador County Davis Fort Bragg Kings Beach Oroville Red Bluff Redding Sacramento Santa Rosa Sebastopol Ukiah Weaverville Yreka

Appendix IV
Training Materials

Training Outline - Auditors

- I. Introductions (10 Minutes)
- II. Overview (10 Minutes)
 1. The Land Use and Zoning Campaign
 2. Program for training
- III. Disability Issues and Rights (20 minutes)
 1. Define terms
 - a. What do we mean by person with disability?
 - b. What types of facilities are implicated?
 2. Deinstitutionalization and housing in the community
- IV. Land Use (45 minutes)
 1. What is zoning?
 - a. Definitions
 - b. Brief history
 - c. Defining terms
 - d. Sample ordinances to review:
zones, districts, example of permit uses, schedules,
building permits, etc.
 2. What is a restrictive covenant?
 3. What is the relationship to funding projects?
 4. Health and safety issues
- V. Fair Housing Rights of People with Disabilities (35 minutes)
 1. General overview of fair housing law
 - a. Fair Housing Act
 - b. California Fair Employment and Housing Act
 - c. Unruh Act
 2. Unique fair housing issues facing persons with disabilities
 - a. Fair Housing Amendments Act
 - b. AB 2244
 - c. ADA; Rehabilitation Act; Reasonable Accommodation
 3. Examples from caselaw interpretations of the FHAA as applied to zoning and land use

BREAK - (15 minutes)

**VI. Utilization of Key Information Questionnaire and Audit Tool
(45 minutes)**

- 1. Review Questionnaire and Procedures**
- 2. Review Key Informant Resource List**
- 3. Review Audit Tool**

VII. Questions and Discussion (45 minutes)

Zoning Code Training Materials

20.04.100 Boarding or lodging house.

"Boarding" or "lodging house" means a dwelling or part thereof where meals and/or lodging are provided, for compensation, for five or more persons not transients.

20.04.110 Building.

"Building" means any structure having a roof supported by columns or walls.

20.04.120 Building, height of.

"Height of building" means the vertical distance from the average contact ground level at the front wall of the building to the highest point of a building, excluding chimneys and other building accessories as specified in Chapter 20.62.

20.04.130 City Council.

"City Council" means the city council of the City of Merced.

20.04.140 District.

"District" means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. Where certain uses are required to be a specified distance from any R district, as provided in this title, the term "any R district" includes any district or portion thereof designated for future residential uses in the Merced General Plan.

20.04.150 Dwelling.

"Dwelling" means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or mobile home.

20.04.160 Dwelling group.

"Dwelling group" means a group of two or more detached single, duplex, or multiple dwellings located on a parcel of land in one ownership.

20.04.170 Dwelling, multiple-family.

"Multiple-family dwelling" means a building or portion thereof designed for or used by three or more families with separate housekeeping facilities for each.

20.04.180 Dwelling, single-family.

"Single-family dwelling" means a building designed for or used exclusively for residence purposes by one family.

Zoning Code Training Materials

20.04.190 Dwelling, two-family or duplex.

"Two-family dwelling" or "duplex" means a building designed for or used exclusively by two families with separate housekeeping facilities for each.

20.04.200 Family.

"Family" means one or more persons occupying a single housekeeping unit and using common cooking facilities; provided, that unless all members are related by blood or marriage, no such family shall contain over five persons.

20.04.210 Lot.

"Lot" means, for zoning purposes, as covered by this title, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as required in this title. Such lots shall have frontage on public street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- D. A parcel of land described by metes and bounds, provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

Notwithstanding the above, where a shopping center, multiple-use building, or one tenant, business or enterprise and any accessory use(s) occupies two (2) or more contiguous lots, said lots shall be considered as one lot for purposes of signing limitations.

20.04.220 Lot area.

"Lot area" means the computed area contained within the lot lines.

20.04.230 Lot, corner.

"Corner lot" means a lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, where such streets or parts of the same street form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street right-of-way lines or the extension of the lines to a point, is the corner.

20.04.240 Lot coverage.

"Lot coverage" means the area of a lot occupied by buildings, structures, and required parking areas unobstructed from the ground upward. Lot coverage shall not include fences, walls, hedges, swimming pools or uncovered patios.

20.04.250 Lot depth.

"Lot depth" means the mean horizontal distance between the front and the rear lot lines.

Zoning Code Training Materials

F. Accessory buildings and uses customarily appurtenant to a permitted use, such as a garage or off-street parking area;

G. One unlighted sign not to exceed one square foot containing only the name and title or occupation of the occupant; and one unlighted sign, not to exceed four square feet, advertising the premises for sale, lease or rent located not nearer than ten feet to adjoining premises nor nearer than five feet to a street line.

20.10.040 Conditional uses.

The conditional uses are:

A. Public and quasipublic buildings and uses of a recreational, educational, religious, cultural or public service type; not including corporation yards, storage, or repair yards, warehouses, and similar uses;

B. Formal gateways;

C. Cemeteries;

D. Public utility uses, substations, and communication equipment buildings.

E. Two units (duplex or two single-family dwellings) on an R-1-6 lot, providing the following conditions are met:

1. The lot is 8,000 square feet or greater;

2. The lot is a corner lot having distinct frontages (not on alley) on two intersecting streets;

3. Lot coverage does not exceed 40 percent;

4. At least two parking spaces are provided for each unit constructed after the conditional use permit is granted;

5. Driveways are a minimum of 20 feet in length; and

6. The lot does not have frontage along a designated collector or higher order street as defined in the General Plan.

20.10.050 Height regulations.

No principal or accessory building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height except as provided in Section 20.62.020.

20.10.060 Area, lot and yard requirements.

The following minimum requirements shall be observed, except where increased for conditional uses or modified in this title. The minimum requirements shall be those of the following that correspond with the district classification designated on the zoning map:

Appendix V

Government Interview Forms

8/25/95

KEY INFORMANT QUESTIONNAIRE - GOVERNMENT OFFICIAL

- 1.) Name:
- 2.) Title:
- 3.) Address:
- 4.) Telephone:
- 5.) What is your position in the planning or development process?
- 6.) What are your job responsibilities?
- 7.) Does this city/county have a redevelopment agency? (If "no" go to Q. 13. If "yes" ask Q. 8.)
- 8.) Has the agency made use of partnerships with private housing developers combining various sources of money? (If "yes" ask for examples.)
- 9.) How many units of affordable housing have been created through the redevelopment agency in the past five years?
- 10.) How many of those units were targeted for people with disabilities?
- 11.) What are the programs and funding sources that the city/county has used to support housing and services for people with mental and developmental disabilities?
- 12.) What programs does the city/county operate that target people with disabilities?
- 13.) What programs do nonprofits operate that target people with disabilities?

14.) What types of housing are there in the city/county for people with disabilities who need supportive services on site?

15.) Has your city/county been involved in assisting with the development of housing for people with disabilities? (If "no" go to Q. 18. If "yes" ask Q. 16)

16.) What role did your city/county play?

17.) Can you describe your experiences?

18.) Are providers of housing for people with disabilities notified of and invited to apply for public funding? (If "yes" how?)

19.) Are there established, written criteria for awarding of public funds for this type of housing? (If "yes" what are the criteria?)

20.) Are different application requirements imposed upon providers of housing for people with disabilities than providers of comparably sized housing for the non-disabled? (If "yes" what are the different requirements?)

21.) Does the fact that proposed housing for people with disabilities might include a service component make a difference in the funding application process? (If "yes" how?)

22.) Is there an established process for appealing a denial of public funding? (If "yes" what is the process?)

23.) After funding is approved for a provider of housing for people with disabilities, but before it is distributed, can additional requirements be placed upon the recipient because of neighbors concerns? (If "yes" what kinds of requirements and is there a procedure for requiring this?)

24.) Does the city/county's definition of "family" exclude the possibility of unrelated adults living together?

25.) Are there limits on the number of unrelated adults who may reside together in a dwelling in a residential neighborhood? (If "yes" what are those limits?)

26.) Does the city/county have occupancy standards which apply only to unrelated adults and not to families? (If "yes" what are those standards?)

27.) If a non-profit developer wanted to establish group housing for 7 or more unrelated disabled adults in a single family zone, where each adult would have his or her own room but all the adults would share kitchen and bathroom facilities, would a conditional use permit be required?

28.) If a non-profit developer wanted to establish group housing for disabled adults in a multi-family zone, where social services would be provided on site (such as case management, individual or group therapy, job counseling, ect.) would a conditional use permit be required? (If "no" go to Q. 31. If "yes" ask Q. 29.)

29.) Would a conditional use permit be required if no supportive services were offered on site?

30.) Would a conditional use permit be required if the same size and type of structure was housing for people without disabilities?

31.) Is a public notice or notification to neighbors, other than one required by the conditional use permit provisions of the ordinance, required prior to siting of group housing for people with disabilities?

32.) Does the city/county place spacing or dispersal requirements on any types of housing for people with disabilities? (If "no" go to Q. 35. If "yes" ask Q. 33.)

33.) What types of housing?

34.) What kinds of requirements?

35.) Does the city/county have licensing requirements for housing for people with disabilities that

are in addition to land use requirements? (If "yes" what are those requirements?)

36.) Does the city/county have fire marshall requirements that are specific to housing for people with disabilities and not for similar housing for non-disabled people? (If "yes" what are those requirements?)

37.) Are there any other building or safety requirements that are specific to housing for people with disabilities and not for similar housing for non-disabled people? (If "yes" what are those requirements?)

38.) Are you aware of instances where building permits for renovation or home modification have been denied to individuals or groups creating housing for people with disabilities? (If "yes" can you describe those instances?)

39.) Are you aware of instances in which this city/county's planning staff have imposed requirements on developers of housing for people with disabilities that are not in the zoning code? (If "yes" can you describe those instances?)

40.) Have there been moratoria or limitations on siting of housing for people with disabilities in this city/county? (If "yes" are they still in effect?)

41.) Has this city/county met its obligations to conduct self-evaluations of its land use and zoning code under (a) the ADA, and (b) state law?

42.) Are you aware of social or other restrictions, such as curfews and restricted use of outside property, placed on residents of housing for people with disabilities? (If "yes" can you describe the instances and the types of restrictions?)

43.) Are there specific provisions for providing reasonable accommodations to rules, policies, or practices to allow for housing for people with disabilities? (If "yes" where?)

44.) Are you aware of situations in which requests for reasonable accommodations in rules, policies, or practices to allow for housing for people with disabilities were denied? (If "yes" can you describe those instances?)

45.) Have you attended a public hearing regarding the establishment of housing for people with disabilities? (If "no" go to Q. 47. If "yes" ask Q. 46.)

46.) Can you describe what happened at the public hearing in terms of public comment in favor of or in opposition to the project?

47.) Are you aware of organized homeowners groups in this area that oppose community based housing for people with disabilities? (If "no" go to Q. 49. If "yes" ask Q. 48.)

48.) What has your city/county done in response to this opposition?

49.) Are you aware of instances in which legal action has been taken to enforce a restrictive covenant to block the opening of, or close down, group housing in a residential subdivision? (If "no" go to Q. 51. If "yes" ask Q. 50.)

50.) Can you describe the circumstances and provide us with the name and address of a contact person?

51.) Is there a group or coalition of agencies in this city/county that is concerned about or working on fair housing issues?

52.) Is there someone in the community who could offer us further information on land use practices?

53.) Are there other individuals in the community who you would recommend that we speak to about the siting of housing for people with disabilities?

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Appendix VI
Key Informant Interviews

INTERVIEW PROCEDURES FOR KEY INFORMANT QUESTIONNAIRE

I. Before the full interview:

- Call key informant or government official to schedule interview (in person or by phone)
- Introduce yourself

Briefly describe the Land Use and Zoning Campaign. (Ask about willingness to attend training on Fair Housing and Land Use Laws.)

- Be clear regarding time required for interview. (45 minutes to 1 hour)
- Review local zoning documents. (If not provided, would most likely be available in Planning Department or the local public library.)
- Be prepared to write down to the best degree possible only information provided by the interviewee. Do not add or subtract based upon your own knowledge.
- Read this entire document and review the Questionnaire.

II. Questionnaire Interview (in person or by phone)

INTRODUCTION

Reintroduce yourself

Describe the goals and purpose of the Land Use and Zoning Campaign

Briefly describe the format of the questionnaire: Because of a need for consistency within questioning; you should read the questions as written.

Purpose of interviewing individual: Eliciting information regarding individual's knowledge of or experiences with city/county housing policies and practices, and obtaining additional contacts.

INTERVIEW PROCEDURES FOR KEY INFORMANT QUESTIONNAIRE
(CON'D.)

Questions 1 - 5

May be able to obtain this information in scheduling phone call.)

Questions 6 - 8

These questions seek to ensure that the individual being interviewed has some level of knowledge and/or experience regarding the client community.

As used in Question 8, by "people with disabilities" the law means, people with (1) a physical or mental impairment which substantially limits one or more major life activities, (2) a record of having such impairment, or (3) being regarded as having such impairment, but such term does not include current, illegal use of or addiction to a controlled substance".

Questions 9

This question seeks to ascertain the level of knowledge the individual has regarding housing for people with disabilities within their city/county.

Prompt the interviewee to provide as much information as possible regarding the different forms of housing available for people with disabilities. As s/he answers the questions, check off appropriate boxes regarding housing.

As used in this questionnaire, "Supportive/special needs housing" is housing where residents live in individual units and which includes a planned service component that facilitates the independence of the residents, and the services component could include the following: case management; individual or group counseling; job counseling; and supervision or assistance in activities of daily living.

As used in this questionnaire, "group housing" is a shared living arrangement for unrelated disabled adults set up to create a family/home like environment, where supportive services may or may not be provided and where residents participate cooperatively in the management of the home. Group housing includes licensed community/residential care facilities and unlicensed group homes.

INTERVIEW PROCEDURES FOR KEY INFORMANT QUESTIONNAIRE
(CON'D.)

If you checked the supportive special needs housing box, then start at Question 11.

If you did not check the supportive special needs housing box, then start at Question 10.

Question 16 and 17

If you checked the group housing box in Question 9, then start at Question 17.

If you did not check the group housing box in Question 9 then start at Question 16.

Question 22 - 24

If the answer to Question 22 is "no," then go to Question 25.

Question 25

A restrictive covenant is a provision in a deed limiting the use of the property and prohibiting certain uses.

If the answer to 25 is "no," then go to Question 27.

Question 27

Nimby

Question 28

If the answer is "no," then go to Question 52.

If the answer is "yes," then go to Question 29.

Question 31

If the answer is "yes," ascertain the type of permits required and proceed.

If the answer is "no," go to Question 37.

Question 32 - 35

If the answer to Question 32 is "no," then go to Question 35.

**INTERVIEW PROCEDURES FOR KEY INFORMANT QUESTIONNAIRE
(CON'D.)**

If the answer to Question 32 is "yes," then ask Question 33 and 34 then continue at Question 36.

Question 40 - 43

If the answer to Question 40 is "yes," then go to Question 44.

If the answer to Question 40 is "no," then ask Question 41.

Questions 45 - 51

If the answer to Question 45 is "no," then go to Question 53.

If the answer to Question 45 is "yes," then ask Questions 46 through 51.

Question 52

If the interviewee has been able to provide information regarding the previous two sections, then skip Question 52 and go to Question 53.

If the answer to 52 is "no," then go to Question 73.

Question 56 - 57

For Question 56, you may ask the following hypothetical:

If a non-profit developer wanted to establish group housing for disabled adults in a multi-family zone, where social services would be provided on site (such as case management, job counseling, individual therapy, ect.) would a conditional use permit be required?

For Question 57, you may ask the following hypothetical:

If a non-profit developer wanted to establish group housing for 7 or more unrelated disabled adults in a single family zone, where each adult would have his or her own room, but all the adults would share the kitchen and bathroom facilities. Would a conditional use permit be required?

Question 60

If the answer to Question 60 is "yes," then ask Question 61.

**INTERVIEW PROCEDURES FOR KEY INFORMANT QUESTIONNAIRE
(CON'D.)**

If the answer to Question 60 is "no," then go to Question 63.

Question 69

The Americans with Disabilities Act includes a requirement that all public agencies prepare a Self-Evaluation and a Transition Plan. This requires all agencies to evaluate all policies, programs, services, activities and practices to ensure that they do not discriminate against persons with disabilities. If discriminatory impact is found, the agency must modify its programs, services, activities or practices "as soon as feasible" to be consistent with the ADA's requirements and goals.

Question 73 - 74

Please be certain to write down in the interviewee's words their responses and descriptions of events.

Question 71 - 72

Explaining reasonable accommodation:

If asked what reasonable accommodation means, reasonable accommodation are modifications or adjustments to the way things are customarily done, leading to equal opportunity, access, and or participation.

Example:

Question 73

If the answer to Question 73 is "no," then go to Question 75.

Note:

As soon as possible after the interview, please record any thoughts or comments you had regarding the interview, such as any additional comments interviewee made regarding the process, funding sources, or whether or not follow-up is necessary with others or in documents to ensure accuracy of information.

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8/25/95

KEY INFORMANT QUESTIONNAIRE

- 1.) Name of interviewee:
- 2.) Position in organization:
- 3.) Name of organization:
- 4.) Address:
- 5.) Telephone:
- 6.) What activities is your organization currently involved in?
- 7.) Does your organization serve or represent clients? (If "yes" who are your clients?)
- 8.) Does your organization serve people with disabilities? (If "yes" in what ways?)
- 9.) Can you describe the different forms of housing for people with disabilities that currently exist in this city/county? Supportive/special needs housing Group housing
- 10.) Is there supportive/special needs housing in this city/county? (If "no" go to Q. 12. If "yes" ask Q. 11.)
- 11.) Can you provide me with the name and address of a contact person at one or more facilities?
- 12.) Are you aware of individuals or groups that want to establish supportive housing in this city/county? (If "no" go to Q. 14. If "yes" ask Q. 13.)

- 13.) Can you provide me with the name and address of a contact person?
- 14.) What efforts have been made to create supportive housing?
- 15.) What difficulties have been encountered in creating supportive housing?
- 16.) Is there group housing in this city/county? (If "no" go to Q. 18. If "yes" ask Q. 17.)
- 17.) Can you provide me with the name and address of a contact person at one or more facilities?
- 18.) Are you aware of any individuals or groups that want to establish group housing in this city/county? (If "no" go to Q. 20. If "yes" ask Q. 19.)
- 19.) Can you provide me with the name and address of a contact person?
- 20.) What efforts have been made to create group housing in this city/county?
- 21.) What difficulties have been encountered in creating group housing in this city/county?
- 22.) Are you aware of individuals or groups that have had difficulty in purchasing homes for the purpose of establishing group housing? (If "no" go to Q. 25. If "yes" ask Q. 23.)
- 23.) Can you describe what happened?
- 24.) Can you provide me with the name and address of a contact person?
- 25.) Are you aware of instances in which legal action has been taken to enforce a restrictive covenant to block the opening of, or close down, group housing in a residential subdivision? (If "no" go to Q. 27. If "yes" ask Q. 26.)

26.) Can you describe the circumstances and provide me with the name and address of a contact person?

27.) Are you aware of organized homeowners groups in this city/county that oppose community based housing for people with disabilities?

28.) Has your organization been involved in creating housing for people with disabilities? (If "no" go to Q. 52. If "yes" ask Q. 29.)

29.) What role did your organization play?

30.) Please describe the process you went through and your experiences?

31.) What permits were required to create the facility? (If "none" go to Q. 37. Otherwise ask Q. 32.)

32.) Was there a procedure that you had to follow in order to get the permit(s)? (If "no" go to Q. 35. If "yes" ask Q. 33.)

33.) Was the procedure in writing?

34.) What was the procedure?

35.) If there was no procedure which you had to follow, how did you know what to do to obtain the permit(s)?

36.) During the process were you advised orally or in writing of additional requirements that you were not originally informed of?

37.) Was it necessary to notify neighbors of your plans?

- 38.) Was a public hearing necessary? (If "yes" why?)
- 39.) Can you describe what happened at the public hearing in terms of public comment in favor of or in opposition to the project?
- 40.) Were you granted the permit(s)? (If "yes" go to Q. 44. If "no" ask Q. 41.)
- 41.) What were the reasons given?
- 42.) Why do you think the permit was not granted if different from the stated reasons?
- 43.) Were any restrictions placed on the operation of the facility? (If "yes" please describe them.)
- 44.) Would your experience have been the same if you had been creating a similar type of housing for people without disabilities?
- 45.) Has your organization applied for public funding in order to create housing for people with disabilities? (If "no" go to Q. 53. If "yes" ask Q. 46.)
- 46.) What was your experience?
- 47.) Are providers of housing for people with disabilities notified of and invited to apply for public funding? (If "yes" how?)
- 48.) Are there established criteria for awarding of public funds, or do criteria and procedures change during the funding application process?
- 49.) Are different requirements imposed upon providers of housing for people with disabilities than providers of comparable nonservice related housing? (If "yes" what are those requirements?)
- 50.) Is there an established process for appealing a denial of public funding? (If "yes" what is the

process?)

51.) Are you aware of any instances where after funding was approved but before it was distributed, additional requirements were placed upon the recipient because of neighbors? (If "yes" what kinds of requirements and how?)

(If you asked Q. 51, skip Q. 52, and go to Q. 53.)

52.) In general, are you familiar with the land use practices in this city/county? By land use practices, we mean do you know how the local zoning code is set out, what licensing requirements there are, and whether or not restrictive covenants are enforced? (If "no" go to Q. 73. If "yes" ask Q. 53.)

53.) Does this city/county's definition of "family" exclude the possibility of unrelated adults living together?

54.) Are there limits on the number of unrelated adults who may reside together in a dwelling in a residential neighborhood? (If "yes" what are those limits?)

55.) Does the city/county have occupancy standards which apply only to unrelated adults and not to families? (If "yes" what are those standards?)

56.) Is a conditional use permit required for types of group housing which could include housing for people with disabilities?

57.) Is a conditional use permit required for group housing for people with disabilities and not for housing of comparable size and type for people without disabilities?

58.) Are housing developments for people with disabilities which include supportive services treated differently in the permit process than other housing of a similar size or type without supportive services?

59.) Is a public notice or notification to neighbors, other than one required by the conditional use permit provisions of the ordinance, required prior to siting of group housing for people with disabilities?

60.) Does the city/county place spacing or dispersal requirements on any types of housing for people with disabilities? (If "no" go to Q. 63. If "yes" ask Q. 61.)

61.) What types of housing?

62.) What kinds of requirements?

63.) Does the city/county have licensing requirements which effectively prohibit housing for people with disabilities from opening? (If "yes" what are those requirements?)

64.) Does the city/county have fire marshal requirements that are specific to housing for people with disabilities and not for similar housing for non-disabled people? (If "yes" what are those requirements?)

65.) Are there other building or safety requirements that are specific to housing for people with disabilities and not for similar housing for non-disabled people? (If "yes" what are those requirements?)

66.) Are you aware of instances where building permits for renovation or home modification have been denied to individuals or groups creating housing for people with disabilities? (If "yes" can you describe those instances?)

67.) Are you aware of instances in which the city/county's planning staff have imposed requirements on developers of housing for people with disabilities that are not in the zoning code? (If "yes" can you describe those instances?)

68.) Have there been moratoria or limitations on siting of housing for people with disabilities in this city/county? (If "yes" are they still in effect?)

69.) Do you know if the city/county has met its obligations to conduct self-evaluations of its land use and zoning code under (a) the ADA, and (b) state law?

70.) Are you aware of social or other restrictions, such as curfews and restricted use of outside property, placed on residents of housing for people with disabilities? (If "yes" can you describe the instances and the types of restrictions?)

71.) Are there specific provisions for providing reasonable accommodations to land use and zoning rules, policies, or practices to allow for housing for people with disabilities? (If "yes" where?)

72.) Are you aware of situations in which requests for reasonable accommodations in rules, policies, or practices to allow for housing for people with disabilities were denied? (If "yes" can you describe those instances?)

73.) Have you attended a public hearing regarding the establishment of housing for people with disabilities? (If "no" go to Q. 75. If "yes" ask Q. 74.)

74.) Can you describe what happened at the public hearing in terms of public comment in favor of or in opposition to the project?

75.) Is there a group or coalition of agencies in this city/county that is concerned about or working on fair housing issues?

76.) Who else in the community could offer us further information on land use practices?

77.) Who else in the community would you recommend that we speak to about possible discriminatory land use practices?

Q. # **Answers Cont.**

Interviewer's Comments:

Appendix VII
Database Coding Sheet

AUDIT TOOL CODING SHEET

1. Jurisdiction _____ (Population _____)

2. Name of government official(s) interviewed, job title(s)

3. Categories of others interviewed - # _____ developers # _____ advocates # _____ service providers # _____ real estate

CUP specifically required for group housing for people with disabilities and not other types of housing. Yes, 6 beds 7+ beds 10+ beds No Unknown

Comments:

CUP required for certain types of group housing which could include people with disabilities. Yes, 6 beds 7+ beds 10+ beds No Unknown

Comments:

4. CUP used in discriminatory manner to block or close group housing for people with disabilities. Yes

Comments:

5. The definition of "family" includes numerical limits on unrelated people. Yes, the limit is _____, No Unknown

Comments:

6. The definition of "family" is enforced. Yes No Unknown

Comments:

7. Limits on unrelated adults living in residential neighborhoods which could be used to block group housing for people with disabilities. Yes.

Comments:

8. Public notice to neighbors, other than the one required by the CUP provisions of the ordinance, is required prior to siting of group homes for people with disabilities. Yes other No Unknown

Comments:

9. Public notice process/hearing used to justify denial of siting of housing for people with disabilities. Yes

Comments:

10. Public notice to neighbors required prior to siting/approval of publicly funded projects, including housing. Yes

Comments:

11. In competing for public funds, different application requirements are imposed upon providers of housing for people with disabilities from those that are imposed upon providers of comparably sized housing for people without disabilities. Yes

Comments:

12. The criteria for awarding public funds changes in response to community pressure.
 Yes

Comments:

13. Different treatment of housing/facilities which provide supports and/or services from other housing of same size or type. Yes

Comments:

14. The jurisdiction has policies for providing reasonable accommodations to rules, policies or practices to permit housing for people with disabilities.
 Yes, written Yes, unwritten No Unknown

Comments:

15. Actual denials of requests for reasonable accommodations to rules, policies or practices to permit housing for people with disabilities. Yes

Comments:

16. Places spacing requirements specifically on group housing for people with disabilities.
 Yes, follows state law. Yes, follows local law. No Unknown

Comments:

17. Places spacing requirements generally on group housing, some of which is available to people with disabilities. Yes

Comments:

18. Locality fails to grant waiver of state law 300 foot spacing requirements for group homes when requested. Yes

Comments:

19. Places moratorium on low income housing, or other housing, which may affect people with disabilities. Yes

Comments:

20. Places moratorium on group homes for people with disabilities. Yes

Comments:

21. Overly restrictive licensing requirements which prohibit group housing for people with disabilities from opening. Yes

Comments:

22. Actual denials of requests for reasonable accommodations to rules, policies or practices to permit housing for people with disabilities. Yes

Comments:

23. Overly intrusive fire marshal requirements, not required of similar housing for non-disabled people, which prohibit housing for people with disabilities from opening. Yes

Comments:

24. Actual denials of requests for reasonable accommodations to rules, policies or practices to permit housing for people with disabilities. Yes

Comments:

25. Actions by land use/zoning planning departments denying building permits to housing for people with disabilities (e.g. renovations, home modifications).
 Yes No Unknown

Comments:

26. Existence of private restrictive covenants used to prohibit group housing for people with disabilities. Yes

Comments:

27. Actual denials of requests for reasonable accommodations to rules, policies or practices to permit housing for people with disabilities. Yes

Comments:

28. The jurisdiction has met its obligation to conduct self-evaluation of land use and zoning under the ADA. Yes No Unknown

Comments:

29. The jurisdiction has met its housing element requirements as to fair housing.
 Yes

Comments:

30. Social or other restrictions on people with disabilities in group housing which do not apply to non-disabled people (e.g., curfews, restricted use of outside property area). Yes

Comments:

31. The occupancy standards are more restrictive than the state Uniform Housing Code requirements Yes No Unknown.

Comments:

32. Occupancy/size limits apply to unrelated adults but not to families (which impacts on group housing for people with disabilities). Yes

Comments:

Appendix VIII

Sample Letter & Response



FAIR HOUSING CONGRESS OF SOUTHERN CALIFORNIA

3731 Wilshire Boulevard, Suite 635, Los Angeles, California 90010
Phone (213) 365-7184 • Fax (213) 365-7187

February 11, 1997

NATALIE PROFANT
Executive Director

Re: Land Use and Zoning Audit

BOARD OF DIRECTORS

ROBERT JOHNSON
President

CHANCELA AL MANSOUR
Vice President Secretary

GEORGE BROWN
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COUNCIL PRESIDENTS

YOLANDE ADELSON
Westside

JOE COLLETTI
San Gabriel Valley

DR. ROBERT WAKAMATSU
San Fernando Valley

MARGO MORALES
Long Beach - South Bay

Dear Planning Director:

The Fair Housing Congress of Southern California received a two year grant from the Department of Housing and Urban Development (HUD) to assess through audits the compliance of local jurisdictions in California with the Fair Housing Amendments Act of 1988. The Act brings people with disabilities under the protection of federal fair housing laws, prohibiting discrimination in virtually every housing transaction.

The audits specifically sought to identify potential land use and zoning policies and practices that prevent people with disabilities from obtaining housing of choice. The development of group homes was of particular interest to us as this is often the most affordable and supportive setting for people with disabilities. The audit process consisted of interviews with local government staff, social service providers, advocates for people with disabilities and housing developers, and a review of key planning documents by the auditor.

The information obtained from the approximately 90 jurisdictions audited, including yours, will be included in a report which will be sent to HUD at the end of this month. We would like you to review two pieces of information about your jurisdiction's land use and zoning practices for accuracy. The first is a computer print-out from our database which contains the information obtained from the government staff interview(s) conducted in your jurisdiction in the last year and an auditor's review of your jurisdiction's zoning code and other relevant planning documents. The second is a list identifying your jurisdiction's potential land use and zoning barriers to housing for people with disabilities. It is a summary of the database information.

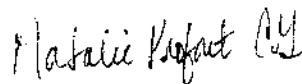
Please review the print-out and the attached list of potential barriers to housing for people with disabilities and let us know in writing by February 28th, 1997 whether any of the information is inaccurate. Please include a copy of any zoning code section you are relying on in making a correction. If we do not hear from you by February 21st, we will assume the information we have about your jurisdiction is correct and it will be included in a report to HUD and may be circulated statewide.

Accuracy as to your jurisdiction's land use and zoning policies and practices is very important as we intend to use the information as a basis for rating compliance and non-compliance with the Fair Housing Act.

In a further effort to obtain the most accurate information about your jurisdiction's practices, we are requesting that you designate someone in your department who will be available to speak with us to verify information about your jurisdiction's land use and zoning practices. Please provide us with the name and telephone number of that person as soon as possible. We are sending a copy of this letter to the person(s) who participated in the audit interview and provided the information about your jurisdiction's policies and practices.

Thank you in advance for your assistance. Please do not hesitate to contact me if you have any questions concerning the above.

Very truly yours,



Natalie Profant
Executive Director

Fair Housing Congress of Southern California

Land Use and Zoning Campaign

Land Use Audit Response

Jurisdiction (City or County): _____

Please provide the name, title, phone number and address of the official who reviewed and commented on the enclosed audit profile.

Name: _____

Mailing Address: _____

Phone Number: () _____ Fax: () _____

Are you interested in technical assistance or training on land use, zoning and Fair Housing issues? Yes () No ()

Contact Person

Please provide the following information for the person in your department best able to verify information about your jurisdiction's land use and zoning practices

Name: _____

Phone Number: () _____

PLEASE FAX OR MAIL BY FRIDAY, FEBRUARY 28TH

Attention: Chantal Gaines at the Fair Housing Congress
3731 Wilshire Blvd Suite 635, Los Angeles, CA 90010.
Phone: (213) 365-7184 Fax: (213) 365-7187

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Appendix IX
Definitions of Family
and Zoning Code Citations

SALINAS ZONING CODE

Article I - General Provisions

Division 2 - Definitions

single-family dwelling for the sole occupancy of up to 2 adult persons one of whom is 62 years of age or over as provided for in accordance with Section 65852.1 et seq of the California Government Code.

C. **Single-family**. A residential building containing one dwelling unit on one lot. Single-family may include one "second dwelling".

D. **Unit**: One room, or a suite of two or more connected rooms, designed for use by one family for living or sleeping purposes, and having only one kitchen or kitchenette.

48. **Eating and drinking establishments**: Businesses serving prepared food or beverages for consumption on or off the premises.

49. **Entertainment, live**: A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar is live entertainment. Live entertainment does not include the term "adult entertainment facility" or "adult entertainment establishment".

50. **Equipment sales, services and rentals**: Sales, services or rental of equipment including, but not limited to, construction equipment and agricultural equipment.

51. **Family**: Any group of individuals living together based on personal relationships. Family does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries, nunneries, nor does it include such commercial group living arrangements as boardinghouses, lodgings and farm labor camps.

52. **Family day care homes**: See "Day care".

53. **Financial services**: A commercial land use involved with the exchange of money and services related to the financial system.

54. **Fitness center**: Facilities equipped and used for sports training and conditioning.

55. **Floor area, gross**: The total enclosed area of all floors of a building, measured to the outside face of the structural members and exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas.

Dwelling, Multifamily: A building containing two or more dwelling units.

Dwelling, Single-Family: A building containing one dwelling unit. All rooms within the dwelling shall be interconnected. (See Family)

Dwelling Unit: One or more rooms with a single kitchen, designed for occupancy by one family for living and sleeping purposes.

Dwelling Unit, Studio: A dwelling unit containing one habitable room.

Elderly Housing: Housing for a family in which the head of the household is 60 years old or older, or for a single person who is 60 years old or older.

Entertainment, Live: A musical, theatrical, dance, cabaret, or comedy act performed by one or more persons. Any form of dancing by patrons or guests at an eating and drinking establishment or bar is live entertainment.

Family: An individual or two or more persons living together in a dwelling unit as a single housekeeping unit.

Feature: Any natural or man-made object on a site in the "H" overlay district.

Floor Area, Gross: The total enclosed area of all floors of a building, measured to the outside face of the structural members and exterior walls, and including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and habitable basement or attic areas.

Floor Area Ratio (FAR): The gross floor area of the building(s), minus exclusions within the zone, on a lot divided by the area of the lot.

City of Vallejo

with or without personnel. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.130 Communications tower.

"Communications tower" means any structure which supports an antenna. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.131 Convenience market.

"Convenience market" means a market serving neighborhood needs, of approximately two thousand to three thousand square feet in size, open eighteen to twenty-four hours a day and offering a broader selection of goods than smaller grocery stores. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.135 Day care, child.

"Child day care" means nonmedical care to persons under eighteen years of age in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four hour basis. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.136 Day care, adult.

"Adult day care" means nonmedical care to persons eighteen years of age or older in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four hour basis. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.140 Designated ridgeline area.

"Designated ridgeline area" means a ridgeline area which has been designated as an important ridgeline area on a map included as an appendix to the hillside development guidelines and which is subject to restrictions as to its density of development. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.150 Dwelling, multiple.

"Multiple dwelling" means a building designed or used for three or more dwelling units. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.155 Dwelling, two-family.

"Two-family dwelling" means a building designed for two independent dwelling units. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.160 Dwelling unit.

"Dwelling unit" means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleep-

ing, cooking and eating. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.170 Family.

"Family" means any of the following:

A. One or more persons living together as a single housekeeping unit in a dwelling unit;

B. The occupants of a residential facility serving six or fewer persons and licensed by the director of the State Department of Social Services. For the purposes of this definition, "six or fewer persons" does not include the licensee, nor members of the licensee's family nor persons employed as facility staff. (Ord. 595 N.C.(2d) § 1, 1981; Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.180 Fast-food restaurant.

"Fast-food restaurant" means a restaurant where food, frozen desserts, and/or beverages intended for immediate consumption is available upon a short waiting time, and is packaged or presented in such a manner that it may be readily eaten off the premises as well as on the premises where it is sold; and where the facilities for on-premises consumption of the food items are insufficient for the volume of customers purchasing such items. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.185 Flag lot.

"Flag lot" means a lot whose sole access from a public street frontage is either over a private access driveway owned and maintained by the owner of said lot or over a private access easement. The shape of the lot resembles a flag with the driveway as the "flag pole" or stem. Other terms for flag lots are "dog-leg" or "pothandle" lots. (Ord. 1110 N.C.(2d) § 1, 1990.)

16.04.190 Floor area (for parking determination only).

"Floor area" (for parking determination only) means:

A. In the case of retail establishments, the space between exterior walls which is devoted to the display and selling of merchandise including space occupied by counters, fixture and storage cabinets and shelves;

B. In other cases, unless otherwise stated, the gross floor area. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

16.04.200 Freeway.

"Freeway" means a public right-of-way to which the owners of abutting lands have limited or restricted right of easement of access, and which is declared to be in compliance with the Streets and Highways Code of the state, and future amendments thereto. (Ord. 558 N.C.(2d) § 2 (part), 1980.)

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Appendix X

Reasonable Accommodation Policy of City of
Philadelphia

DEPARTMENT OF LICENSES AND INSPECTIONS

REGULATIONS GOVERNING REQUESTS FOR REASONABLE
ACCOMMODATIONS UNDER THE FAIR HOUSING ACT

I. Definitions

- A. Act. The Fair Housing Amendments Act.
- B. Code. The Philadelphia Code.
- C. Department. The Department of Licenses and Inspections.
- D. License or permit. A license or permit issued by the Department pursuant to any provision of the Code or a regulation promulgated pursuant thereto.

II. Information to be Made Available

- A. At all counters at which application is made for a license or permit, signs in the form set forth in Exhibit A shall be displayed advising applicants that information is available concerning their rights under the Act. An "Information Statement" in the form set forth in Exhibit B shall be made available at all such counters to advise applicants about the process to be followed to request an accommodation under the Act.
- B. All license or permit application forms shall contain information in the form set forth in Exhibit C, advising applicants of the availability of information about the Act.

III. Requesting A Reasonable Accommodation

- A. An applicant for a license or permit may elect to request a reasonable accommodation under the Act pursuant to the procedures set forth in these Regulations, in lieu of the process pursuant to which the license or permit is usually issued under the Code and applicable regulations.
- B. An applicant must elect to apply for a license or permit either under the procedures of these Regulations or under the usual procedures, and may not apply for the same license or permit under both procedures at the same time. However, if an applicant applies for more than one license or permit, the applicant may choose separately with respect to each such license or permit whether to apply under the usual procedures

or the procedures of these Regulations. A decision will be made separately on each such license or permit application, so that the grant of one application does not mean that all other applications will necessarily be granted.

- C. An applicant requesting a reasonable accommodation under the Act must file an Accommodation Request Form (Exhibit D) with the Department, together with the usual application required for the license or permit sought. Once such a form is filed, the procedures of these Regulations will be followed until the requested accommodation is granted or denied, and any appeals have been exhausted, or until the request is withdrawn pursuant to paragraph III(D). If the requested accommodation is finally denied, a person may then seek to obtain the license or permit pursuant to the usual procedures.
- D. The applicant may withdraw a request for accommodation by filing with the Department a Notice to Withdraw Accommodation Request (Exhibit E). The processing of an Accommodation Request Form shall be discontinued upon receipt of a Notice to Withdraw. The applicant may then choose to seek the license or permit under the usual procedures.
- E. If an applicant has applied for a license or permit under the usual procedures, the applicant may at any time while such application is pending choose to request a reasonable accommodation under the procedures set forth in these Regulations. To so choose, an applicant must file an Accommodation Request Form as set forth in paragraph III(C), and upon such filing the applicant's request for a license or permit under the usual procedures will be deemed withdrawn, and the procedures set forth in these Regulations will be followed.

IV. Department's Processing of Reasonable Accommodation Request

- A. Referral to Advisory Committees.
 - 1. When an Accommodation Request Form is filed with the Department, a copy shall be forwarded to the appropriate Departmental advisory committee ("Advisory Committee"). Requests relating to zoning shall be referred to the Zoning Technical Committee. Requests relating to building codes shall be referred to the Board of Building Standards.
 - 2. The Advisory Committee may request further information from the applicant as to whether the applicant is entitled

to the benefit of the Act and, if so, whether the requested accommodation is reasonable.

3. The Advisory Committee shall make a written recommendation to the Commissioner on the Accommodation Request within thirty (30) days of the date the Committee receives a copy of an Accommodation Request Form under paragraph IV(A)(1), or the date the Committee receives all further information it has requested under paragraph IV(A)(2), whichever date is later. Such recommendation shall address whether the requested accommodation should be granted, denied, or granted subject to conditions; how long a granted accommodation should remain effective; whether the requested accommodation should be granted with respect to the applicant or with respect to the property; and any other matters the Advisory Committee deems relevant.

B. Commissioner's Decision on Accommodation Request.

1. The Commissioner shall not be bound by the Advisory Committee's recommendation. The Commissioner may accept (in whole or in part) or reject the Advisory Committee's recommendations.
2. Within thirty (30) days after receipt of the Advisory Committee's recommendation, the Commissioner shall issue a written decision on the Accommodation Request. The Commissioner may grant or deny the request, or grant the request subject to specified conditions. The Commissioner's decision may also provide for how long a granted accommodation shall remain effective; whether the requested accommodation is granted with respect to the applicant or with respect to the property; and any other matters the Commissioner deems relevant. The Commissioner's written decision shall include notice of the right to appeal, and to request reasonable accommodations in the appeals process, as set forth in paragraph V.
3. If the Commissioner's decision is to grant the Request (in whole or in part) by the issuance of a license or permit, then the license or permit shall bear the legend "Issued As A Reasonable Accommodation Pursuant To The Fair Housing Act, Subject To The Following Conditions And Limitations:", with all conditions and limitations, if any, listed.

V. Appeals: Reasonable Accommodation Requests In the Appeals Process

A Right to an Appeal.

1. The applicant may appeal the Commissioner's decision to the appropriate City appeals board (either the Board of License and Inspection Review, or the Zoning Board of Adjustment, depending on the type of license or permit sought and the nature of the accommodation requested).
2. Other parties may appeal the Commissioner's decision to the extent and in the manner permitted by law.
3. Appeals to court from the decision of a City appeals board may be taken as provided by law.

B Reasonable Accommodations Requests in the Appeals Process.

1. An applicant or other party may request a reasonable accommodation in the procedure by which an appeal will be conducted. Such requests must be filed with the City board that will be hearing the appeal, in the manner and form required by that board. The City appeals board is the agency with jurisdiction to grant or deny such requests.



NOTICE OF ACCOMMODATION FOR RESIDENCES OF PEOPLE WITH DISABILITIES

*This is not a comprehensive explanation of your rights
under the Fair Housing Amendments Act.*

In accordance with the federal Fair Housing Amendments Act, the City of Philadelphia does not discriminate on the basis of disability with respect to policies on housing or license and permit issuance.

The definition of a person with a disability includes any person who has a physical or mental impairment that substantially limits one or more major life activity. The protection of the Fair Housing Amendments Act also extends to any person who has a record of such an impairment, or any person who is regarded as having such an impairment. It does not extend to people who are current illegal users of a controlled substance.

Examples of some types of residences that may be protected by the Fair Housing Amendments Act include:

- Community Residential Rehabilitation Centers
- Drug and Alcohol Rehabilitation Centers
- Community Living Arrangements
- Any Other Specially Situated Housing for People with Disabilities

If you own or operate, or propose to own or operate a residence for people with disabilities, you may choose to invoke the protection of the Fair Housing Amendments Act.

If you seek a reasonable accommodation from some or all of the applicable city codes or policies, please complete the standard PERMIT FORM, read and sign the FAIR HOUSING AMENDMENTS ACT INFORMATION STATEMENT, and complete the FAIR HOUSING ACCOMMODATION REQUEST FORM. Copies of these forms are available at the front desk.

FAIR HOUSING AMENDMENTS ACT INFORMATION STATEMENT

This is not a comprehensive explanation of your rights under the Fair Housing Amendments Act.

Applicants for residences of qualified individuals with disabilities covered by the Fair Housing Amendments Act may choose an alternate "Fair Housing Accommodation" procedure for requesting a permit or license in lieu of the usual process of seeking a variance from the applicable city code(s).

The "Fair Housing Accommodation" procedure is elective, not mandatory. Its purpose is to facilitate Fair Housing Act compliance by providing the opportunity for accommodation requests from applicable city codes. Accommodation requests may be made upon application or at any time during the application process, *however, the applicant may not proceed with an accommodation request and the usual permit process at the same time.* In the event that the accommodation process is unsuccessful or the request is withdrawn, the usual variance process can be instituted or re-instituted.

The Fair Housing Amendments Act provides for two types of reasonable modifications when issuing permits or licenses:

1. Code Modifications

The City of Philadelphia must permit reasonable modifications of existing premises if such modifications are necessary for a person with a disability to live in and use the premise. This may include allowing reasonable modifications of fire, building, zoning, housing or any other applicable codes.

2. Procedural Modifications

The City of Philadelphia must permit reasonable modifications of existing procedures if such modifications are necessary to give people with disabilities equal opportunity. This may include allowing modifications of public hearings held by the applicable Board(s).

To begin the process, complete and submit the attached Fair Housing Accommodation Request form along with the Permit Application ordinarily required for the issuance of the relevant permit to the Department of Licenses and Inspections. You may withdraw an accommodation request at any time during the process by filing a Notice to Withdraw with the Department of Licenses and Inspections.

"Fair Housing Accommodation Request" applications will be directed to the appropriate Advisory Committee. The Advisory Committee will obtain additional information, as necessary, from the applicant and make recommendations to the Commissioner of Licenses and Inspections. Upon review, the Commissioner will issue a response in writing to the request for an accommodation.

Any individual aggrieved by a decision of the Commissioner may appeal to the appropriate Board(s). The relevant Board(s) will have the authority to uphold or reverse the decision of the Commissioner. The applicant or other parties may request a reasonable accommodation in the procedure by which an appeal may be conducted. Such requests must be filed with the appropriate Board, which will grant or deny such requests. The final ruling of the Board may be appealed by the applicant or other parties through the state court system to the extent and in the manner provided by law.

I have read and understood the above information.

SIGNATURE

DATE



CITY OF PHILADELPHIA

FAIR HOUSING ACCOMMODATION REQUEST

NOTE: In accordance with the Federal Fair Housing Amendments Act, the City of Philadelphia does not discriminate on the basis of disability with respect to policies on housing or license and permit issuance. Permits need not be issued to individuals whose occupancy would constitute a direct threat to themselves or to the health and safety of others, or whose occupancy would result in substantial physical damage to the property of others.

INSTRUCTIONS: Applicants requesting Fair Housing Amendments Act accommodations to City of Philadelphia codes or procedures must complete the following information in full. Please print clearly or type all written answers; use additional paper if necessary. Provide copies of all relevant permit applications, refusals and building plans, as well as copies of any county, state or federal licenses required for the proposed use of the property.

1. NAME OF APPLICANT

TELEPHONE NUMBER

ADDRESS

LOCATION OF PROPERTY

2. Describe the proposed use of the building that would entitle the applicant to seek accommodation under the Fair Housing Act:

3. a. Check any code accommodations requested:

Fire

Building

Zoning

Housing

None

Other

b. Specify any requested code accommodation and describe why it is necessary:

13. Describe all professional services to be offered on the premises:

14. Proposed number of residents on the property:

ADULTS

CHILDREN

15. Proposed number of staff members on the property:

TOTAL STAFF

STAFF PER SHIFT

16. Will all occupants be capable of recognizing a fire alarm and evacuating without personal assistance in the event of an emergency?

Yes No

17. Describe any fire protection equipment and/or detection devices in place:

18. Have any neighborhood organizations been contacted regarding this property?

Yes No

19. If neighbors have immediate concerns regarding residents or the operation of the facility, who will be available on a daily basis to respond?

NAME

TELEPHONE NUMBER

20. To what corporate or private oversight agency do neighbors direct general concerns?

NAME OF AGENCY

TELEPHONE NUMBER

21. Attach copies of all relevant Licenses and Inspections permit applications, refusals and building plans.

22.

Signature of Applicant _____ Date _____



CITY OF PHILADELPHIA

Fair Housing Accommodation Request

For Official Use Only

To Be Completed By The Appropriate Departmental Advisory Committee

1. Recommendation(s) of the Advisory Committee:

Date: _____

2. The recommendation of the Advisory Committee on the request for a Fair Housing Accommodation is to:

Grant

Grant with Conditions

Deny

3. If the Advisory Committee recommends to Grant with Conditions, the following terms apply:

To Be Completed By The Commissioner of Licenses and Inspections

4. The request for a Fair Housing Accommodation is :

Granted

Granted with the Conditions
Noted Below:

Denied

5. Terms and Conditions of approval/refusal:

6. _____
Signature

Date

Bennet Levin, Commissioner of Licenses and Inspections

NOTICE: The applicant may appeal the Commissioner's decision to the Licenses and Inspections Review Board or the Zoning Board of Adjustment, depending on the type of license or permit sought and the nature of the accommodation requested. The applicant may request a reasonable accommodation in the procedure by which an appeal may be conducted. Such requests must be filed with the appropriate Board, which will grant or deny such requests. Other parties may appeal the Commissioner's decision and request reasonable accommodations to the extent and in the manner permitted by law.



City of Philadelphia

NOTICE TO WITHDRAW FAIR HOUSING ACCOMMODATION REQUEST

Note: Accommodation requests under the Fair Housing Act may be made or withdrawn at any time during the application process, however, *the applicant may not proceed with an accommodation request and the usual permit process at the same time.* The processing of Accommodation Request shall be discontinued upon receipt of this Notice to Withdraw form. Upon filing this form, the applicant may choose to seek the license or permit under the usual procedures.

NAME OF APPLICANT	TELEPHONE NUMBER
ADDRESS	ZIP CODE
LOCATION OF PROPERTY	
PERMIT APPLICATION NUMBER	

The above named applicant hereby withdraws the request for a Fair Housing Act accommodation made on _____
month/day/year

The applicant intends to pursue the usual application process: Yes No

SIGNATURE OF APPLICANT

DATE

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